

COMMUNITY -

www.ci.chowchilla.ca.us

chamberofcommerce@ci.chowchilla.ca.us

March 2011



NEW MEMBERS

HAMPTON INN & SUITES
3254 Airport Drive, Madera, 559-661-0910



REMEMBER - Please consider member businesses for your product and service needs. Thank you for your investment.

2010 Board of Directors

OFFICERS

- Larry Pistroesi, Sr., - *President*
Steves Chevrolet
- Shirlie Jones - *Vice President*
S A Jones Land Company Realtor
- David Bump - *Treasurer*
Schoettler Tire Company
- Vern Moss - *Past President*
Retired

DIRECTORS

- Lee Brock, *Brocks Locksmithing*
- Paula Christoffersen, *Paula Christoffersen Insurance Agency*
- Charlie Fall, *Aanonsen Sprinkler Co.*
- Dan Flanagan, *Roberta Flanagan Realtor Inc.*
- Jan Harrell, *Golden Acres Apartments*
- Ryan Jones, *inHouse Staffing LLC*
- Brent Rose, *Rose Flooring & Furniture*

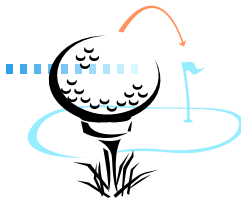
Board of Director Meetings
2nd Wed. of Month 12:00
Civic Center Plaza Public Meeting Room

Chowchilla District
Chamber of Commerce
Manager: Jacki Flanagan
559-665-5603 Fax: 559-665-0896
Monday - Friday
10:00 a.m. - 12:30 p.m.
1:30 - 3:00 p.m.

RIBBON CUTTING



CHOWCHILLA DISTRICT CHAMBER OF COMMERCE 31st ANNUAL GOLF TOURNAMENT



May 13, 2011
Pheasant Run Golf Course
Chowchilla, CA
1:00 p.m. Shotgun Start

Cart, Contests, Raffle, Team Prizes, Dinner & a first-class Course

For player or sponsorship information contact any
Chamber Director or Chamber office at 665-5603



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Tara D Davis, Agent Lic. # 0H00697

107 N Front Street Ste B
Chowchilla, CA 93610-2961
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tara.davis.rbu@statefarm.com
Fax 559-665-5526



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(559) 665-1313 • Fax 665-1339
Res. (559) 665-2985
Cell (559) 999-5070

MEMBERSHIP RENEWALS - Feb - Mar 2011:

The Chowchilla District Chamber of Commerce thanks the listed members for renewing their commitment to the Chowchilla community.

Arena RV Park
Avalon Healthcare of Chowchilla
Farnesi's Steakhouse
j.nicholbees
Jeanne Meyers, London Properties
Madera Disposal Systems

Marty Buttram Electric
Putters Bistro
Schoettler Tire, Inc.
Senator Tom Berryhill
Soroptimist International of Chow
The Shirt Shack




Support Chowchilla's businesses and Chamber members!

**BUY LOCAL - ASK BEFORE YOU SHOP OUTSIDE OUR AREA -
MANY BUSINESSES CARRY A LARGE VARIETY OF ITEMS OR CAN ORDER THEM**




Shirlie A. Jones
S A Jones Land Company Real Estate
336 W. Robertson Blvd.
Chowchilla, CA 93610
Office: (559) 665-1306
Fax: (559) 665-1304
Cell: (559) 283-1307
Email: sajonesland@sbcglobal.net
Broker/Owner
Realtor®
DRE License #: 00634616 **MIS**

Mark L. Davis
D.D.S.
1754 Robertson Blvd.
Chowchilla, CA 93610
(559) 665-3565

ABOUT CITY and COUNTY... (check City Calendar for details, www.ci.chowchilla.ca.us/calendar)

March:

- 23 -City Council Meeting, Civic Center Plaza, 7p
- 25 -City Offices Closed
- 26 -Community Volunteer Clean Up Day, Veterans Memorial Park 8:30a, for information call David at 665-3434
- 28 -City Council Meeting, Civic Center Plaza, 7p
- 30 -Madera EDC State of the County Luncheon, Madera Golf Course 11:00a, for tickets contact Lois at 675-7768
-Public Hearing - Rancho Calera Specific Plan Adoption, Civic Center Plaza, 7p, for information contact 665-8675, ext. 410
- 31 -District 2 Supervisor, David Rogers, Town Hall Meeting Chowchilla Library, 7p

April:

- 1 -City Offices closes - Furlough Day
- 2 -Chowchilla Lions Lioness 7th Annual K-9 Benefit Dinner, tickets Sgt. Stacey Mandrell Burns, 665-8600, ext.506 or Chowchilla News, 665-5751
- 6-10 -Chowchilla Western Stampede, Cattle Drive 10a; Stampede Roping Events, for information call 665-3728
- 7 -Staying Connected with your Teenage, Chowchilla Family

- 8 -Resource Center, 405 Trinity, register 662-1793
- 8 -City offices closed
- 11 -City Council Meeting, Civic Center Plaza, 7p
- 12 -Staying Connected with your Teenage, Chowchilla Family Resource Center, 405 Trinity, register 662-1793
- 15 -City Offices closed, Furlough Day
- 16 -Tenaya Guild Bruch and Fashion Show, Cornerstone Comm. Church, 9:30a, for tickets call Diana at 665-7970
- 18 -Airport Advisory Commission, Civic Center Plaza, 4p
- 19 -Parks & Recreation Commission Meeting, Civic Center Plaza, 7p
- 20 -Planning Commission Meeting, Civic Center Plaza, 7p
- 23 -36th Annual Easter Egg Hunt, Sports & Leisure Park, 10a
Co-sponsored by Soroptimist Int'l of Chow & City of Chowchilla

**Happy
Easter**





VALENTINE WINE EXPRESS A SUCCESS!!

Participants from around the area and mountains enjoyed a day filled with laughter, prizes, treats and mimosas, and great wine. The Valentine Wine Express left Farnesi's restaurant in Chowchilla to visit five wineries during the Wine Trail *Chocolate & Wine Festival* on February 12. The day was most enjoyable because the driving was left up to the fine skills of the Classic Charters' driver. Many of the participants completed the day with dinner at Farnesi's Steakhouse. Plan to join the Chamber for the 2012 Valentine Wine Express on February 11, 2012. Watch for details later in the year.

Message from the Manager:

As the Chowchilla City Council continues to project budgets into the future, residents of Chowchilla can do their part to help.

Let's aim to improve the economic health of our city by using the ideas set forth by Barbara Wold at bwold@ix.netcom.com, the Buy Local campaign, and many other community improvement companies:

1. **Shopping local creates jobs.** Shops in our town creates local employment and self-employment. These people in turn spend in the local economy.
2. **Local independent shops invest more in our community.** Local businesses are proportionally more generous in their support of local charities, schools, and community events. So supporting local shops means a financial contribution to our community.
3. **Local shops sell great products at affordable prices.** Some people get out of the habit of shopping locally and are then surprised by the range of products available. Just ask; most businesses will try to order the item you need.
4. **Shopping locally saves you time and money.** You travel less, saving on time and fuel.
5. **Shopping locally retains our community.** People don't like losing shops and services in small towns but don't equate this with how they spend their money.
6. **Shopping locally retains our distinctiveness.** Independent shops create distinctive shopping experiences and stock different products. Local businesses respond more quickly to the needs of local customers, stocking products to meet changing population needs.
7. **Shopping locally saves the environment.** Local shops often stock a high percentage of locally sourced goods that do not require long-distance transportation, helping to reduce our global footprint.
8. **Local shops are for everyone.** Most people can get to their local shops easily. This is especially important for the elderly, young people and others who rely on public transportation.
9. **Local shops value you more.** Evidence from numerous surveys show people receive better customer care and service locally. These businesses survive by their reputation and repeat business, which means you get a higher standard of service.
10. **Shopping local saves services.** Private and public sector services cluster around shops. As shops disappear so do hairdressers, banks, restaurants and other businesses.

Begin today to pledge to **Think, Shop, Buy, Local** and commit to patronizing businesses near where we live and work. Local stores employ our neighbors, pay taxes that support our schools and improve our roads, and contribute to local non-profit groups.

Together we can strengthen relationships that improve our quality of life. So next time before you make a purchase, Think, Shop, Buy, Local. Internet sales take a very long time to return sales tax dollars to our community.

Jacki flanagan

David L. Rich, D.M.D.



1525 N. Schnoor, Suite 103
Madera, California 93637
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Facsimile 559.673.1136

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Chief of Security

Zaks Security One
1906 Howard Road
Madera, CA 93637

Office: 559-673-1010
Fax: 559-673-4898
Cell: 559-974-4600
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Employers' Ignorance of the Law Does Not Qualify as an Inadvertent Mistake

March 3, 2011

Employers are keenly aware that many Labor Code violations come with a penalty assessment, and very few violations leave much wiggle room for mistake or error. However, Labor Code Section 226.3, which imposes a penalty for failing to provide itemized wage statements, does provide employers a reprieve from the penalty if the Labor Commissioner determines that the noncompliance was "inadvertent." As with most statutory provisions, the Labor Code provides no guidance on what "inadvertent" means, leaving it up to the courts to decide what the term means.

This situation played out in a recent case where the court determined that the word "inadvertent" did not mean ignorance of the law, even if the ignorance was in good faith. *Heritage Residential Care, Inc. v. Division of Labor Standards Enforcement, et al.*, 192 Cal. App. 4th 75 (2011)

Heritage Residential Care, Inc. employed a number of individuals who, because they did not have social security numbers, were classified as independent contractors. Accordingly, these individuals were provided with a federal Form 1099 for tax purposes. They were not provided with itemized wage statements, as required by Labor Code Section 226 (a), because Heritage did not think it was necessary since they were independent contractors rather than employees. During a DLSE workplace inspection, Heritage was cited for failing to provide itemized wage statements to these individuals and assessed a penalty of \$250 for each employee that did not receive an itemized wage statement.

Heritage challenged the citation and during an Administrative Hearing stated it believed that because these individuals were independent contractors, there was no need to provide the wage statements. Based on Heritage's mistaken belief in the law, it claimed that the failure to provide the wage statements was an "inadvertent mistake" and asked for a reduction or an elimination of the penalty assessment. Heritage was unsuccessful at convincing the hearing officer that noncompliance was inadvertent. Heritage was again unsuccessful in the trial court and continued to fight the assessment on appeal.

Heritage brought the issue to the 6th U.S. District Court of Appeal, which was asked to determine the meaning of "inadvertent." Labor Code Section 226.3 allows the Labor Commissioner to "consider whether the violation was inadvertent, and in his or her discretion, may decide not to penalize an employer for a first violation when that violation was due to a clerical error or inadvertent mistake." Therefore, the issue was whether Heritage's reason for failing to provide the wage statements was considered an inadvertent mistake under the Labor Code.

Unable to rely on legislative history, the court looked to other resources to provide a reasonable definition. The court concluded that the term "inadvertent," as used in section 226.3, carries its ordinary meaning of "unintentional," accidental, or "not deliberate."

Once the Court formulated its definition, the facts of the case were applied and the court concluded that Heritage's conduct was not inadvertent. Heritage argued that it failed to provide itemized wage statements because it misunderstood the law. Heritage claimed it thought the purpose of itemized wage statements was to inform the employee on the amount of taxes withheld. Because its workers were classified as independent contractors and given 1099s, Heritage didn't see any reason for also providing an itemized wage statement. Heritage also claimed it was unaware that itemized wage statements are intended to also inform employees on the number of hours worked and how they were paid.

The court of appeal rejected Heritage's argument and concluded that based on the evidence, Heritage's failure to provide itemized wage statements were "an intentional act on its part." The court further stated that the employer's subjective belief and ignorance of the law could not serve as a basis for excusing an employer for noncompliance. The court concluded that Heritage's conduct – failing to provide itemized wage statements – was not deemed "inadvertent" for purposes of Labor Code Section 226.3.

The court paid close attention to the employer's reasons for failing to provide itemized wage statements – a misunderstanding about the purpose and application of the Labor Code requirement. The court was unwilling to allow a misunderstanding of the law to constitute as an "inadvertent" mistake. As a result, the case highlights the fact that ignorance or lack of understanding of California's Labor Code will do nothing more than cost you money.

What You Should Do

- Ensure employees receive a written statement itemizing the hours worked and wages earned as required by Labor Code Sections 226 through 226.6.
- Comply with requirements of Section 7 of the wage orders and Sections 1174 and 1174.5 of the Labor Code.
- Take this quiz to understand the difference between classification as [independent contractor or employee](http://www.calbizcentral.com/HRC/Tools/Quizzes/Pages/independent-contractor.aspx) (http://www.calbizcentral.com/HRC/Tools/Quizzes/Pages/independent-contractor.aspx). Consult legal counsel if needed.
- Use the [Independent Contractor Wizard](http://www.calbizcentral.com/hrc/tools/pages/independentcontractorwizard.aspx) (http://www.calbizcentral.com/hrc/tools/pages/independentcontractorwizard.aspx) for guidance through properly classifying an employee as an independent contractor.

Highlights of Board of Directors Meeting

The monthly Chowchilla District Chamber of Commerce Board Meeting was held on February 9, 2011. Motion to approve the Consent Calendar was passed. Administrative Reports from the Board Treasurer and the Chamber Manager were given as well as Valentine Wine Express, Awards Dinner, and March General Meeting committee reports. A motion passed to send a letter to the City Council and City Administration stating the Board of Directors concerns regarding outsourcing purchases and services to businesses outside the City of Chowchilla. The motion regarding the Bank Account Signatories was amended to comply with the local banks requirements.

Additional information regarding the meeting minutes can be found on the Chamber's website at http://www.ci.chowchilla.ca.us/chamber/chamber_main.htm.

U.S. National Park Service Free Entrance Days in the National Parks

<http://www.nps.gov/findapark/feefreeparks.htm>



nps.gov

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EXPERIENCE YOUR AMERICA™

Free Entrance Days in the National Parks

America's Best Idea – the national parks – gets even better with several fee-free days at more than 100 national parks that **usually charge entrance fees.***

Mark your calendar for these fee-free days in 2011:

January 15-17
(Martin Luther King, Jr. Birthday weekend)

April 16-24
(National Park Week)

June 21
(First day of summer)

September 24
(Public Lands Day)

November 11-13
(Veterans Day weekend)

Making the fun even more affordable, many national park concessioners are joining the National Park Service in welcoming visitors with their own **special offers.**

Here's a tip – many of your 394 national parks NEVER charge an entrance fee. So start **Planning Your Visit!**

**Fee waiver includes: entrance fees, commercial tour fees, and transportation entrance fees. Other fees such as reservation, camping, tours, concession and fees collected by third parties are not included unless stated otherwise.*



NPS/DAN NG

Yosemite Falls is visible from numerous places around Yosemite Valley, especially around Yosemite Village and Yosemite Lodge. A one-mile loop trail leads to the base of Lower Yosemite Fall



COMMUNITY VOLUNTEER CITY-WIDE "LET'S GET READY FOR SPRING"

March 26, 2011

8:30 a.m.

Veterans Memorial Park, 6th Street side

For more information on how you can participate or help, contact David at davidapacificaginsurance.com or 664-3434



Chowchilla District Chamber of Commerce
145 W. Robertson Boulevard
P.O. Box 638
Chowchilla, CA 93610

SERVING CHOWCHILLA BUSINESSES SINCE 1965

*Chowchilla District Chamber of Commerce Mission Statement:
-The mission statement of the Chowchilla District Chamber of Commerce is to promote the economic, civic, commercial, industrial and educational welfare of the greater Chowchilla area to improve the quality of the community."*

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