



WEST  
HILLS  
COMMUNITY  
COLLEGE  
DISTRICT

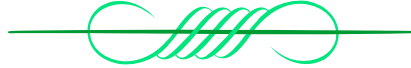
WEST HILLS COMMUNITY COLLEGE DISTRICT

Board of Trustees  
9900 Cody Street  
Coalinga, CA 93210  
(559) 934-2100

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MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD

June 23, 2009



**CALL TO ORDER / OPEN SESSION**

President McKean called the meeting of the Board of Trustees to order at 3:00 p.m.

Board members present:

Mark McKean, President  
Bill Henry, Vice President  
Nina Oxborrow, Clerk  
Jeff Levinson  
Edna Ivans  
Jack Minnite  
Steve Cantu

Administrators present:

Frank Gornick, Chancellor  
Ken Stoppenbrink, Vice Chancellor of Business Services  
Willard Lewallen, President, West Hills College Coalinga  
Don Warkentin, President, West Hills College Lemoore  
Jana Cox, Director of Human Resources  
Susan Whitener, Dean of Learning Resources and Web Services  
Dave Bolt, Vice President of Educational Services, West Hills College Lemoore  
Jill Stearns, Dean of Student Learning, West Hills College Coalinga  
Rick Post, Interim Executive Director of West Hills Community College Foundation  
Frances Squire, Director of Marketing  
Pedro Avila, Director of Institutional Effectiveness and Planning  
Richard Larson, Director of Farm of the Future, West Hills College Coalinga  
Carole Goldsmith, Director of Workforce Development/Title V/VTEA  
Marcel Hetu, Director of North District Center, Firebaugh  
Darlene Georgatos, Director of District Enrollment Services  
Dolores Smith, Director of Financial Aid

### **Introduction of Guests**

Ms. Frances Squire, Director of Marketing, introduced the following guests: Kevin Cobb, District Architect; Bob Duncan, Hospital Administrator; Terry Flanagan, CSEA; Angie Penaluzza, CSEA; Nancy Vogel, CSEA; Bill Skinner, City of Coalinga; Robert Barron, City of Coalinga; Gail Beal, Keenan & Associates.

### **Public Comments**

There were no public comments made at this time.

### **REPORTS FROM ORGANIZATIONS / COLLEGES / DISTRICT OFFICE**

Academic Senate Report – Ms. Anita Bart, Academic Senate President for West Hills College Coalinga, was not present to report at this time.

Ms. Stephanie Droker, Academic Senate President for West Hills College Lemoore, was not present to report at this time.

WHCFA Report – Ms. Marty Ennes, WHCFA President, reported that the Faculty Association held elections and she will continue to serve as President for the next two years. The only change in officers is Ms. Cyndi Blair-Hauki who is replacing Ms. Sarah Shepard as the Vice President for West Hills College Coalinga. Ms. Ennes thanked Ms. Shepard for her years of service to the Faculty Association. She reported that Ms. Shepard will continue serving on the negotiations team. Ms. Ennes reported that the Faculty Association continues to work on grievances and negotiations. They are hopeful that things will soon be quieting down and the faculty will begin preparations for the fall semester.

CSEA Report – Mr. Mark Millett, CSEA President, was not present to report at this time. In his absence, Ms. Nancy Vogel, CSEA Labor Representative, reported that CSEA is engaged in negotiations and will be holding another session at the end of July.

West Hills College Coalinga and North District Center, Firebaugh – Dr. Willard Lewallen, President, distributed an article from Vida en el Valle concerning college degrees. He also commented on the California Psychiatric Technician Licensing exam and the success of our students. In closing, Dr. Lewallen presented recent awards received by the CAMP program.

West Hills College Lemoore – Mr. Don Warkentin, President, commented on the rocket building class and the pizza festival which will be hosted by West Hills College Lemoore next year.

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Chancellor's Report – Dr. Frank Gornick, Chancellor, introduced Dr. Rick Post, Interim Executive Director of the West Hills Community College Foundation. Dr. Post reported on recent activities of the Foundation: The President's Scholars Program Golf Tournament netted \$83,000; Datatel Colleague Advancement will go live on July 1; the Foundation Board was provided with information on the Brown Act meeting notice issues and conflict of interest issues; the Foundation Board has also discussed their Bylaws which are outdated and not in compliance with the Brown Act; the Foundation Investment Committee has approved moving small constituent accounts from investment funds to money market and eliminating the 8% administrative fee on small constituent accounts; and the Foundation Board unanimously approved the transfer of title of the Firebaugh property to the District.

Dr. Gornick stated that, based upon the lack of action in Sacramento this past week and the impending promise that we would have a budget, the District finds that an emergency situation exists based upon the following:

- Overall fiscal condition of the State
- Impact of the fiscal crisis on the District to date
- Pending program reduction
- No action by the Legislature
- Non-payment of apportionment and construction costs from the State

Dr. Gornick stated that although he is reluctant to make the recommendation, he must ask that the Board consider this fiscal emergency as these events will severely impair the health and safety of the college district. Dr. Gornick asked for the Board's agreement that an emergency situation exists.

Trustee Ivans questioned the effects of declaring an emergency situation in the district. Dr. Gornick stated that there is a clause in Article 3 of the CTA agreement and Article 2 of the CSEA agreement that allows for the Board to determine an emergency and take the appropriate actions over a period of time to be determined and reviewed periodically. This would allow the district to take care of our "fiscal house". Trustee Oxborrow questioned how the emergency situation works with regard to our reserve. Mr. Ken Stoppenbrink explained that there are a number of assumptions that create the proposed reserve as less than 5%. He explained that another month of funding payroll and not paying vendors will leave us with cash of \$4,300. The state is holding on our apportionment and this makes the situation bad.

On a motion by Trustee Ivans, seconded by Trustee Cantu, and carried unanimously, the Board agreed that an emergency situation exists within the district.

Dr. Gornick explained that the Brown Act requires a vote of 2/3 of the Board members present that there is a need to take immediate action and that the need for action came to the attention of the district subsequent to the agenda being posted. The agenda was

posted on Thursday, June 18 and met the posting requirements of 72 hours advance notice. Since that time, the Legislature failed to act on a budget and the district is facing a dire interruption of services. Dr. Gornick recommended that the Board of Trustees consider placing the following item on the agenda for consideration and possible action:

- Consideration of Resolution in the Matter of Declaring the Existence of an Emergency Pursuant to Article 3 of the West Hills College Faculty Association Collective Bargaining Agreement and Article 2 of the Classified School Employees Association, Chapter 429

The item was added to the agenda on a motion by Trustee Minnite, seconded by Trustee Levinson, and carried on the following roll call vote:

Trustee Cantu	Aye
Trustee Minnite	Aye
Trustee Henry	Aye
Trustee Ivans	Aye
Trustee Oxborrow	Aye
Trustee Levinson	Aye
President McKean	Aye

#### **CONSENT AGENDA**

The following consent agenda items were approved on a motion by Trustee Minnite, seconded by Trustee Ivans, and carried unanimously:

- CA-54**      Minutes - The minutes of the May 26, 2009 and June 4, 2009 Board of Trustees meetings were approved as submitted.
- CA-55**      Warrants - The warrants were approved as submitted.
- CA-56**      CalSTRS Service Credit Base Hours for Part Time Employees - The CalSTRS service credit hours were approved as submitted.
- CA-57**      Surplus Property - 97 bed frames from Gordon Hall at West Hills College Coalinga were declared as surplus.
- CA-58**      Adjunct Faculty Salary Schedule - The changes to the adjunct faculty salary schedule were approved as submitted.
- CA-59**      Adult/Student Temporary Salary Schedule - The changes to the adult/student temporary salary schedule were approved as submitted.

**CA-60**      Out of State Travel - The following request for out of state travel was approved:

- CAMP Program student leader to attend CAMP Conference in Washington, DC, July 12-16, 2009

**CA-61**      Personnel Transactions - The list of personnel transactions were approved as submitted.

**CHANCELLOR'S OFFICE**

**CO-63**      Resolution - Election - The resolution in the matter of the order of election and specifications of the election order was adopted on a motion by Trustee Minnite, seconded by Trustee Ivans, and carried unanimously.

**CO-64**      Resolution - Participation in Redevelopment Agency Bond for City of Coalinga - Mr. Bill Skinner addressed the Board of Trustees, stating that the City of Coalinga is asking voluntarily for the Board to consider participation in the 2009 Redevelopment Agency bond issuance. The city is leveraging its general obligation monies for Redevelopment Agency projects. Mr. Skinner explained that the Redevelopment Agency was formed in 1983 and relies on tax increment funding. This matter is being taken to the city council in July to authorize the projects and the money can only be used for capital projects.

Dr. Lewallen briefly commented on the use of the dollars, stating that it is a small amount. It was explained that it is the city's responsibility to repay the bond. Trustee Minnite questioned some of the projects the city has on board for this money. Mr. Skinner explained that the city council will have to determine the priority of the projects.

The resolution in the matter of participation in the Redevelopment Agency Bond for the City of Coalinga was adopted on a motion by Trustee Levinson, seconded by Trustee Oxborrow, and carried unanimously.

**CO-65**      Resolution - Authorization to Sign Grant Agreements - The resolution authorizing the Chancellor and College Presidents to sign grant agreements was adopted on a motion by Trustee Ivans, seconded by Trustee Minnite, and carried unanimously.

**CO-66**      Resolution - Child Care Services - The resolution certifying approval of the general child care contract for the 2009-2010 fiscal year was adopted

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on a motion by Trustee Oxborrow, seconded by Trustee Levinson, and carried unanimously.

- CO-67**      Curriculum Committee Action Report – West Hills College Coalinga – Trustee Cantu questioned if we would need to hire new staff to cover the new courses. Dr. Lewallen responded that no new staff is needed. Trustee Minnite questioned if a declaration of emergency will affect the curriculum reports. Dr. Gornick stated it may affect the number of courses we offer.

The Curriculum Committee Action Report for West Hills College Coalinga was approved on a motion by Trustee Levinson, seconded by Trustee Minnite, and carried unanimously.

- CO-68**      Curriculum Committee Action Report – West Hills College Lemoore – The Curriculum Committee Action Report for West Hills College Lemoore was approved on a motion by Trustee Ivans, seconded by Trustee Minnite, and carried unanimously.

- CO-69**      Board Policy 6814, Fall Protection Program – Board Policy 6814, Fall Protection Program, was approved on a motion by Trustee Minnite, seconded by Trustee Cantu, and carried unanimously.

### **FISCAL SERVICES**

- FS-65**      Fiscal Services Report – Mr. Ken Stoppenbrink, Vice Chancellor of Business Services, provided the fiscal services report. He stated that we are 91.7% through the fiscal year. General fund revenues are at 85.2% and general fund expenditures are at 85.3%.

Trustee Minnite questioned being over budget on legal expenses and labor contracts. Mr. Stoppenbrink explained that we have had more litigation this year and both of the collective bargaining agreements have expired. The budget was based on the previous fiscal year. As activity increases, we must absorb the increase.

- FS-66**      2009-2010 Tentative Budget – Mr. Stoppenbrink stated that this is the worst he has seen the budget. President McKean questioned transfers out for CWS and SEOG. It was explained that this is for College Work Study and Supplemental Education Opportunity Grant. President McKean questioned Tamarack CDC. It was explained that Tamarack is the name of the elementary school; thus the name Tamarack Child Development Center.

Mr. Stoppenbrink provided a presentation on the tentative budget. He stated that the budget assumptions include no growth in FTES or reduction in FTES; no COLA; no student enrollment fee increase; no further reductions from the state; no step increases for CTA, CSEA or management employees; an ending balance of \$1,733,732; no deficit coefficient applied; PE classes will not have funding cut to non-credit rate; and the deficit of the State stabilizes and stops plummeting.

Mr. Stoppenbrink explained that the cost to give steps to all employees is \$628,000. The budget is focusing on a 5% reserve. Taking this into consideration, we are short \$209,884 to get to 5% if we do not allow steps. If we do allow for steps, we will be short \$838,000. Mr. Stoppenbrink stated that we are proceeding with negotiations with CTA and CSEA. The budget is balanced but does not meet the 5% reserve. Trustee Minnite questioned how many students we can serve based on the budget. Mr. Stoppenbrink responded that we can serve equal to or greater than the number we served in 2008-2009.

The 2009-2010 Tentative Budget was approved on a motion by Trustee Ivans, seconded by Trustee Minnite, and carried unanimously.

**FS-67**      District Appropriations Limit (Gann Limit) for 2009-2010 – The District Appropriations Limit (Gann Limit) for 2009-2010 was reviewed by the Board of Trustees. The document will be made available to the public for review 15 days prior to the adoption date which is scheduled for July 28, 2009.

**FS-68**      Contract – Online Management System – Trustee Cantu questioned if we have any other options with regard to the online management system. It was explained that the lowest bidder, ANGEL Learning, was bought out by Blackboard, Inc., the second lowest bidder. Ms. Susan Whitener commented that faculty, staff and students reviewed the products and the companies provided demonstrations. She explained that online management is a classroom online and it provides the basis for students to learn online. Trustee Henry asked for clarification on the process and summarized by stating that we asked for an online management system proposal and the best one was ANGEL; ANGEL was then bought out by Blackboard. Ms. Whitener confirmed this and stated that Blackboard intends to operate ANGEL separately. It has been determined that it is best to stay with Blackboard. Blackboard had its problems but it did the job and we are hoping that they are improved. Trustee Oxborrow questioned if we could do a shorter term than three years. Mr. Stoppenbrink stated that the term is in the RFP. Trustee Oxborrow suggested that it could be re-bid with different parameters.

Trustee Levinson made a motion to award the contract. Discussion took place concerning the contract being for two years or three years as the bid tabulation only lists year one and year two.

Dr. Gornick suggested that the item be tabled until the term of the contract could be determined. Trustee Levinson withdrew his motion. It was agreed to defer this item to the next meeting of the Board of Trustees.

**FS-69**      Resolution – Withdrawal from Schools Excess Liability Fund JPA – Mr. Stoppenbrink explained that separate notice is needed to withdraw from SELF. Trustee Oxborrow questioned why we did not know this until now. Mr. Stoppenbrink explained that the JPA had been paying the premiums to SELF all along and we did not know; otherwise we would have taken action originally. Trustee Henry questioned if there is a big price difference. Mr. Stoppenbrink responded that it is about a \$2,000 – \$3,000 difference. We will receive about \$83,000 from our current JPA to the new JPA.

The resolution in the matter of withdrawal from the Schools Excess Liability Fund JPA effective July 1, 2010 was adopted on a motion by Trustee Levinson, seconded by Trustee Ivans, and carried unanimously.

With regard to the emergency situation, Dr. Gornick stated that it is no one's fault. The resolution would help us by providing tools to deal with the fiscal situation. Ms. Ennes stated that the Faculty Association and CSEA have been working very hard to come up with ideas concerning the budget. The discussions are ongoing and negotiations have not been concluded. She stated that they would like to be able to continue those discussions.

#### **BOARD REPORTS / COMMENTS / REQUESTS AND ANNOUNCEMENTS**

President McKean announced that the next meeting of the Board of Trustees is scheduled for July 28, 2009.

#### **CLOSED SESSION**

The meeting was adjourned to closed session at 4:25 p.m.

- Discussion of Land Acquisition/Disposition of Property (as per Government Code Section 54956.8). Property: Coalinga, California; Firebaugh, California; Lemoore, California
- Public Employee Discipline/Dismissal/Release (as per Government Code Section 54957)



- Anticipated Litigation (as per Government Code Section 54956.9). Number of potential cases: 2
- Conference with Labor Negotiator (as per Government Code Section 54957.6). Agency negotiator: Chancellor; Vice Chancellor of Business Services; Director of Human Resources. Employee organization: CSEA; CTA. Unrepresented employees: Administrative; Management; Confidential.

**RECONVENE TO OPEN SESSION**

The meeting was reconvened to open session at 6:41 p.m.

President McKean announced that on a motion by Trustee Henry, seconded by Trustee Ivans, and carried on the following roll call vote, the Board of Trustees adopted resolution CS-5 in the matter of an early retirement plan:

Trustee Cantu	Aye
Trustee Minnite	Aye
Trustee Ivans	Aye
Trustee Henry	Aye
Trustee Oxborrow	Aye
Trustee Levinson	Aye
President McKean	Aye

President McKean also announced that on a motion by Trustee Levinson, seconded by Trustee Cantu, and carried on the following roll call vote, the Board of Trustees rejected a claim for damages received from Ms. Margaret Discont:

Trustee Cantu	Aye
Trustee Minnite	Aye
Trustee Ivans	Aye
Trustee Henry	Aye
Trustee Oxborrow	Aye
Trustee Levinson	Aye
President McKean	Aye

**ADJOURNMENT**

There being no further business before the Board of Trustees, the meeting was adjourned at 6:43 p.m.

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Nina Oxborrow  
Clerk of the Board of Trustees

## Personnel Transactions

### 1. New Hires – Certificated

Name	Title & Location	Schedule	Salary Placement	Funding	Effective Date	Additional Information
Rawn, Raymond	Ag Science & Technology Instructor West Hills College Coalinga	190-day contract	Range I Step 10	Grant	7/1/09	New position

### 2. Changes in Assignment

Name	Current Assignment	Change	Effective Date	Additional Information
Tamayo, Daniel	Director of Student Affairs and International Student Program Range 27, Step 7 (Classified Management position)	Director, International Student Services Range 31, Step 5 (Administrative position)	7/1/09	Change due to revised job description approved by Board of Trustees on May 26, 2009
Vega-Contreras, Olivia	Office Assistant II North District Center, Firebaugh Range 31, Step C 19 hrs/wk, 12 mo/yr	Advising Specialist, CAMP Program North District Center, Firebaugh Range 56, Step A 40 hrs/wk, 12 mo/yr	6/24/09	Grant funded position; replacement for Rosa Murillo

### 3. Leave of Absence

Name	Title & Location	Effective Date	Additional Information
Freitas, Aimee	Student Services Assistant West Hills College Lemoore	5/14/09 – 8/15/09	FMLA Request
Mativo, Kyalo	Ethnic Studies/Communications Instructor West Hills College Lemoore	7/1/09 – 6/30/10	Unpaid leave

### 4. Resignations / Retirements / Releases During Probation / Terminations

Name	Title & Location	Effective Date
Paxton, Wendy	Senior Secretary West Hills College Lemoore	6/5/09
Sosa, Rosalinda	Child Development Center Assistant Avenal Child Development Center	5/14/09