

December 9, 2003

WEST HILLS TRUSTEES ANSWER FACULTY UNION CHARGES

In an open letter to the community distributed Tuesday, December 9th, during a regularly scheduled meeting, the West Hills Community College District Board of Trustees answered charges made by members of the district's faculty association about the donation of land for West Hills College Lemoore.

Jerome M. Behrens, legal counsel to the district, prepared a history of the property acquisition at the request of the board.

The land was donated by Robert and Mardell Pedersen and the Trust of Lionel Semas and Lola Semas.

Kris Pedersen, Bob's daughter-in-law, attended the trustee's meeting and spoke on behalf of family members. She noted with great sadness that both her father-in-law and Lionel Semas have died in the last two years. She reiterated the family's support of the land donation, the college, its administration and the educational opportunities provided by West Hills.

The original agreement, Behrens told the board, called for an initial donation of 25 acres with the remaining 75 acres planned for donations at a later date. Behrens said that Bob Pedersen, representing the donors, "unequivocally stated their willingness to donate the 100 acres of property requested by the district."

Behrens told the board that it is customary for such donations to be phased. This provides tax benefits for the donor. Behrens also pointed out that as legal counsel it was his recommendation to include purchase option language that would protect the district and bind the heirs of the donor in case of an untimely death.

“In order to gain control over the entire 100 plus acre area, I recommended that the first agreement include language leaving the door open for further phased donations...I recommended option language so if one of the donors died, the heirs of the donor would be bound and the district would have the assurance that it would at least have an option to acquire the remaining 75 acres. This structure allowed the district to have title vested in 25 acres and allowed events to clarify themselves for a future agreement addressing a phased donation of the remaining property,” Behrens said.

“As we know, the option was never exercised in favor of a phased donation,” he said, noting that a second agreement was entered into that replaced the first agreement.

Behrens continued, “The second agreement described the donation in four phases. Phase I was the initial donation. Phase II has since been donated. Phase III is currently in escrow and Phase IV is scheduled to be completed in January, 2004.”

During the board of trustees meeting in which the letter was introduced into the public record, Chancellor Frank Gornick said that Robert Pedersen and his wife, Mardell, made clear their intentions to donate the land.

“It wasn’t in the best interests of the Pedersens or the district to acquire the entire parcel at one time,” Behrens noted, adding that city impact fees of \$13,000 an acre would have been levied on the entire parcel at a time when the district was not ready to use the land.

In response to a question by Trustee Mark McKean, Behrens told trustees that it is customary for the public agency receiving a gift of a land donation to pay accounting, attorney and other fees the donor may incur. He said in the Pedersen/Semas donation those fees amounted to slightly less than \$25,000.

“West Hills College Lemoore became a reality,” Gornick said, “because of the generosity of the Pedersen-Semas family and the voters of West Hills Community College District. It is unfortunate that our faculty association didn’t approach us for more information before airing charges that were unfounded, untrue and unsettling for all involved.”

“Our highest priority at West Hills is providing a top-quality education for our students,” Gornick said. “I hope our faculty members can refocus their energy on service to students and put these accusations to rest.”

“My door is always open to those who have questions about the dealings of our district,” Gornick concluded. “Our records are public and I am happy to answer questions that are posed.”

(For a complete copy of the letter by Jerome Behrens, visit http://www.westhillscollge.com/board_trustees/board_reports/board_reports.asp.)