



**MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD**

**March 6, 2012**



**CALL TO ORDER / OPEN SESSION**

President McKean called the meeting of the Board of Trustees to order at 10:00 am.

Board members present:

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

Board members absent:

Steve Cantu  
Gerald Butler, Student Trustee

Administrators present:

Frank Gornick, Chancellor  
Ken Stoppenbrink, Vice Chancellor of Business Services  
Carole Goldsmith, Vice Chancellor of Educational Services and Workforce Development  
Don Warkentin, President, West Hills College Lemoore  
Frances Squire, Executive Director, West Hills Community College Foundation  
Sylvia Dorsey-Robinson, Vice President of Student Services, West Hills College Lemoore  
Keith Stearns, Associate Vice Chancellor of Academic and Information Services/Registrar  
Richard Larson, Director of Farm of the Future, West Hills College Coalinga  
Kathy Watts, Director of Child Development Centers  
Cathy Barabe, Director of Grants  
Joel Ruble, Dean of Categorical Programs, West Hills College Lemoore  
Dave Bolt, Vice President of Educational Services, West Hills College Lemoore  
Jill Stearns, Vice President of Educational Services, West Hills College Coalinga  
Marcel Hetu, Director of North District Center, Firebaugh

**Introduction of Guests**

There were no guests introduced at this time.

**Public Comments**

There were no public comments made at this time.

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## **STUDY SESSION**

Presentation and Discussion of New Markets Tax Credit (NMTC) – Mr. Ken Stoppenbrink introduced Mr. TJ Cox of Central Valley NMTC Fund and Mr. Mark Levinson of Greenberg Traurig LLP. Mr. Cox provided a presentation to the Board of Trustees on the New Markets Tax Credit (NMTC) financing. Eligible costs are costs expended in construction/development looking back from 24 months of the closing date of a project. Assuming an April 15, 2012 closing date on the Multi Use Sports Complex project, the eligible costs will be \$18.5 million. The additional costs to be incurred are \$1.5 million with a total deal size of \$20 million. The NMTC financing on \$20 million will deliver approximately \$4.6 million back to the West Hills Community College District. There is no debt or other encumbrances on the Multi Use Sports Complex building; therefore, the NMTC capital can be returned to West Hills without limitations on the use of proceeds.

Mr. Cox outlined the financing steps and procedures:

- West Hills to create a wholly-owned special purchase entitle (SPE) to serve as the Qualified Active Low Income Business (QALICB).
- QALICB will purchase Multi Use Sports Complex (MUSC) building from West Hills for \$20 million, then lease the building back to West Hills College.
- Funds for purchase will come from West Hills College (\$14.4 million) and from Tax Credit Investor (NMTC) capital (\$5.6 million).
- In order to monetize the equity West Hills College has in the MUSC building, Tax Credit Investor will provide a one day loan for the \$14.4 million.
- Loans to be interest only (1% for west Hills College loan and 2.5% for NMTC loan), for a seven year term.
- At the end of year seven, the NMTC loan funded from the Tax Credit Investor Equity is “put” to affiliate of West Hills College and then may be forgiven by that affiliate.

Mr. Chris Addington, district architect, questioned when the funds will become available to West Hills College for re-use. Mr. Cox responded that they will be available at closing. Closing at the end of the deal is approximately 60-90 days and is handled by an escrow office. Trustee Henry questioned the type of escrow and Mr. Cox responded that it is a real estate deal and would be done by a title office. Mr. Addington suggested checking with the state Chancellor’s Office in a discreet manner to make sure there are no strings attached to the state money. Mr. Mark Levinson stated that they have not looked deeply into the issue at this time. There are a number of questions that need to be confirmed and this is one of them. Dr. Frank Gornick commented that he recently spoke to Mr. Fred Harris at the Chancellor’s Office and they have no problem with our participation in the NMTC program. Part of the issue is that there is only a select group of colleges that would qualify for this type of a deal. Mr. Harris was encouraging about using other types of method to fund our projects. The Community College Facility Coalition (CCFC) has suggested putting NMTC on the agenda again for this year for discussion. Mr. Marcel Hetu questioned insurance for the district and Mr. Cox responded that it is not necessary. The only risk would be if West Hills College decided

not to pay themselves. Mr. Addington questioned the downside of the program. Mr. Cox explained the risks. Mr. Addington questioned the tax ramifications and Mr. Cox commented on the interest payments, stating that QALICB (Qualified Active Low Income Community Business) is a tax exempt entity. President McKean questioned the restrictions on the dollars that West Hills College receives back and Mr. Cox responded that there are no restrictions.

Discussion took place regarding having a similar board for QALICB. Trustee Oxborrow questioned the term sheet and approval. Discussion took place regarding structure and the complete financial model. President McKean questioned what the Board would be approving later on in the agenda. Mr. Cox stated that they would be approving the district's participation. Mr. Cox and Mr. Levinson will continue working on the project and approval of the other pieces would be forthcoming.

Discussion took place regarding legal fees and how much may have to be spent in order to get the \$4.6 million. Mr. Ken Stoppenbrink stated that the amount is the net to the district after all other expenses have been incurred. Mr. Cox confirmed this response. Discussion took place regarding additional time needed for the business office to process the information.

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

Academic Senate Report – Mr. Jeff Wanderer, Academic Senate President for West Hills College Coalinga, was unable to attend the meeting but provided a statement that he has nothing to report at this time.

Mr. Kurt Sterling, Academic Senate President for West Hills College Lemoore, was unable to attend the meeting at this time due to his teaching schedule.

WHCFA Report – Mr. Ken Sowden, WHCFA President, distributed the Faculty Association's sunshine memo containing their proposal for negotiations. He stated that it is an inclusive and exhaustive list and he does not know if the group will get to all of the items.

CSEA Report – Mr. John Ieronimo, CSEA President, stated that his group is still working on a proposal for negotiations. They will be meeting on March 14. Mr. Ieronimo commented on the layoff resolutions which are on the agenda, and stated that CSEA will also meet with the district on March 20 to discuss the effects of the layoff. He also reported that CSEA will be discussing a memorandum of understanding concerning spring break closure.

Student Trustee Report – Mr. Gerald Butler, Student Trustee, was not present to report at this time.

West Hills College Coalinga and North District Center, Firebaugh – In the absence of Dr. Willard Lewallen, President, Ms. Jill Stearns, Vice President of Educational Services, reported. She stated that Dr. Lewallen is attending an ACCCA meeting. She also discussed priority registration; Mark Arce being named as co-coach of the year;

and several athletic students receiving athletic and academic honors. The ag science facility project is currently at 70% completion. The Academic Senate has put forward the names of Mr. Jim Grant and Mr. Al Graves as NISOD nominees. The spring rodeo is scheduled for March 31 and April 1; and the community education program continues to grow with classes for dance, language literacy, and basketball. In closing, Ms. Stearns reported that the accreditation follow up report was submitted to the Accrediting Commission on February 28.

West Hills College Lemoore – Mr. Don Warkentin, President, reported on the Little Joe y la Familia concert. He also reported that the 80<sup>th</sup> Anniversary Gala tickets are on sale and there will be a variety of auction items. The event will have a cruise ship theme. Mr. Warkentin also reported that Mr. Bob Clement had his baseball jersey retired at Lemoore High School. He was a former player and coach for many years. A disabled veteran's event is being held with former student, Justin Bond. This event will be held in conjunction with the Lemoore Rotary.

Chancellor's Report – Dr. Frank Gornick, Chancellor, reported on the TAA/CCCT meeting in Washington, DC, stating that we are the lead agent on this grant. He and Dr. Carole Goldsmith made a number of contacts while there and they made an impression. Dr. Gornick also commented on the recent visit by Chancellor Jack Scott. Chancellor Scott continuously referenced West Hills College at the recent Board of Governor's meeting. He will be retiring effective September 1.

Dr. Gornick recognized Dr. Kathy Watts who just successfully defended her dissertation. He reported that good visits and meeting have been held with CSEA and CTA representatives. They have discussed the financial condition of the district and everyone is willing to do what needs to be done in order to move forward and make things as painless as possible for students and staff. Dr. Gornick reported that we may have to implement furloughs, but will continue to identify savings through grants. He stated that he will talk to the Board about using some of the reserves to move forward and take care of business. Dr. Gornick reported that notice has been received concerning the final gift from the Welborn family. A hearing will be held on March 29. This will be the largest cash gift the district has received to date.

### **CONSENT AGENDA**

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

- CA-38**      Minutes – The minutes of the February 3 & 4, 2012 and February 14, 2012 meetings of the Governing Board were approved as submitted.
- CA-39**      Warrants – The warrants were approved as submitted.
- CA-40**      Surplus Property – The list of property was declared as surplus.
- CA-41**      Out of State Travel – The following requests for out of state travel were approved as submitted:

- Approximately 25 culinary students to travel to Las Vegas, Nevada April 24-26, 2012 for testimonies, study and observation of culinary facilities and operations at Signature Resorts
- Approximately 17 rodeo students to travel to Las Vegas, Nevada April 27-28, 2012 for college rodeo at University of Nevada, Las Vegas
- Approximately 10 rodeo students to travel to Casper, Wyoming June 10-16, 2012 for College National Finals Rodeo

### **CHANCELLOR'S OFFICE**

- CO-35**      Request to Serve Alcoholic Beverages – The request to serve alcoholic beverages at West Hills College Lemoore on April 4, 2012 was approved on a motion by Trustee Ivans, seconded by Trustee Minnite, and carried unanimously. The event is sponsored by the West Hills Community College Foundation.
- CO-36**      SFID Bylaw Revisions – On a motion by Trustee Minnite, seconded by Trustee Oxborrow, and carried unanimously, the SFID Bylaw revisions for the following Citizens' Bond Oversight Committees were approved:
- SFID #1, Northern Area
  - SFID #2, Coalinga Area
  - SFID #3, Lemoore Area
- CO-37**      Curriculum Committee Action Report, West Hills College Coalinga – The Curriculum Committee Action Report for West Hills College Coalinga was approved on a motion by Trustee Minnite, seconded by Trustee Ivans, and carried unanimously.
- CO-38**      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 Levinson, seconded by Trustee Minnite, and carried unanimously.
- CO-39**      Athletic Program Review – Don Warkentin reported that the West Hills College Lemoore Program Review has been completed for the Central Valley Conference as part of the Commission on Athletics regulations. They conduct a periodic program review and there are nine standards to address and adhere to. The visit will occur on April 19 and the chair of the team will be Mr. Brent Calvin, current interim president at College of the Sequoias. A lot of time has been spent preparing the report and there have been a lot of accomplishments with the athletic program.

The Board of Trustees reviewed the West Hills College Lemoore Athletic Program Review for the Central Valley Conference. No action was required.

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## **FISCAL SERVICES**

- FS-38**      Fiscal Services Report – Mr. Stoppenbrink provided the fiscal services report. He reported that the district is 66.7% through the fiscal year. General fund revenues are at 57.9% and general fund expenditures are at 60.6%.
- FS-39**      Mid Year Budget Adjustments – The 2011-2012 mid year budget adjustments were approved on a motion by Trustee Levinson, seconded by Trustee Minnite, and carried unanimously.
- FS-40**      New Markets Tax Credit (NMTC) – The district’s participation in New Markets Tax Credit (NMTC) allocation and equity investment for financing was approved on a motion by Trustee Ivans, seconded by Trustee Minnite, and carried unanimously.

## **PERSONNEL SERVICES**

Dr. Gornick asked Ms. Cathy Barabe to provide a summary of what is occurring with grants. Ms. Barabe reported that four Department of Education grants are out for renewal at this time including CAMP and Upward Bound. We are waiting for news about the funding and are fairly certain that funding will occur. Ms. Barabe reported that other grants are being pursued including Title V. The TAA/CCCT grant will come into play next fiscal year to support some of the CTE classes. She reported that Washington is a little slow in distributing funds. Trustee Minnite questioned other grants and if funds are being reduced. Ms. Barabe responded that the other grants are consistent with the same funding. Mr. Stoppenbrink commented on halting the hiring of new employees and moving forward with layoffs as necessary.

President McKean stated that action on items PS-5, PS-6, PS-7, PS-8 and PS-9 would be taken on a single motion.

On a motion by Trustee Minnite, seconded by Trustee Levinson, and carried unanimously, the following resolutions were adopted.

- PS-5**      Resolution – Reduction of Classified Services, June 30, 2012 – The resolution in the matter of reduction of classified services, June 30, 2012 was adopted.
- PS-6**      Resolution – Reduction of Classified Services, August 31, 2012 – The resolution in the matter of reduction of classified services, August 31, 2012 was adopted.
- PS-7**      Resolution – Reduction of Management Services, June 30, 2012 – The resolution in the matter of reduction of management services, June 30, 2012 was adopted.

**PS-8**            Resolution – Reduction of Administrative Services, June 30, 2012 – The resolution in the matter of reduction of administrative services, June 30, 2012 was adopted.

**PS-9**            Resolution – Reduction of Administrative Services, August 31, 2012 – The resolution in the matter of reduction of administrative services, August 31, 2012 was adopted.

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

Trustee Minnite expressed his congratulations to Dr. Watts on her doctorate degree. He also thanked Ms. Barabe for her work with grants, and Dr. Goldsmith for her work on the TAA/CCCT grant. He expressed his congratulations to Mr. Clement. Mr. Clement recognized Mr. Warkentin for his run as Athletic Director at Lemoore High School and stated that he is woven into the honor as well. In closing, Trustee Minnite stated that he is proud of the district.

Trustee Ivans stated that she regrets having to take action on layoffs and hopes that funding can be received to keep everyone on staff. Trustee Ivans stated that she enjoyed Chancellor Scott's recent visit. She expressed her congratulations to all athletics and the wonderful job they are doing. She also congratulated Dr. Watts and expressed her thanks to everyone.

Trustee Henry expressed his regret at having to vote on layoffs. He thanked everyone for the work that they do.

Trustee Oxborrow expressed her congratulations for all of the accomplishments and thanked everyone for their hard work. She stated that we try to take care of each other and appreciates the focus.

Trustee Levinson echoed the comments made by his fellow Board members, expressing his congratulations to Mr. Clement and Dr. Watts. With regard to the funding issues, he stated that we have been creative in this economic situation.

President McKean expressed his congratulations to Coach Arce and to the athletes for their academic achievements.

President McKean announced that the next regular meeting of the Board of Trustees is scheduled for April 24, 2012.

### **CLOSED SESSION**

The meeting was adjourned to closed session at 11:40 am.

- Discussion of Land Acquisition/Disposition of Property (as per Government Code Section 54956.8). Property: Firebaugh, California; Lemoore, California

- Public Employee Discipline/Dismissal/Release (as per Government Code Section 54957)
- Conference with Labor Negotiator (as per Government Code section 54957.6. Agency negotiator: Chancellor; Vice Chancellor of Business Services. Employee organization: CTA; CSEA

### **ADJOURNMENT**

There being no further business before the Board of Trustees, the meeting was adjourned at 11:59 am.

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Nina Oxborrow  
Clerk of the Board of Trustees

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## Personnel Transactions

### 1. New Hires

Name	Title & Location	Schedule	Salary Placement	Funding	Effective Date	Additional Information
Gamino, Dora	Child Dev. Center Associate Teacher Classified West Hills College Lemoore	19 hrs/wk 11 mo/yr	Range 30 Step A	Grant	3/26/12	Replacement for Alison Graham
Moore, Melissa	Child Development Center Assistant Classified West Hills College Lemoore	19 hrs/wk 11 mo/yr	Range 23 Step A	Grant	3/26/12	Replacement for Maria Valadez de Ayala
Ramirez, Manuel	Custodian/Groundskeeper Classified West Hills College Lemoore	19 hrs/wk 12 mo/yr	Range 37 Step A	District	2/13/12	Replacement for Juan Berumen
Wainwright, Dawn	Child Dev. Center Associate Teacher Classified West Hills College Lemoore	19 hrs/wk 9 mo/yr	Range 30 Step A	Grant	3/12/12	

### 2. Changes in Assignment

Name	Current Assignment	Change	Effective Date	Additional Information
Eldridge-Horn, Sharon	Library Specialist Classified West Hills College Lemoore 16 hrs/wk, 12 mo/yr	Library Specialist Classified West Hills College Lemoore 19 hrs/wk, 12 mo/yr	3/1/12	

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

Name	Title & Location	Effective Date
Aceron, Susie	Advising Specialist West Hills College Lemoore	2/14/12
Balcazar, Fabian	Custodian/Groundskeeper West Hills College Lemoore	2/29/12
Wiseman, Suellen	Accounting Services Technician I District Office	2/29/12
Zavala, Zulema	Child Development Center Teacher West Hills College Lemoore	2/20/12