



**MINUTES OF THE STUDY SESSION OF THE BOARD OF TRUSTEES**

**October 25, 2011**



**CALL TO ORDER / OPEN SESSION**

President McKean called the study session of the Board of Trustees to order at 1:02 pm and led the Board members and audience in the flag salute.

Board members present:

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

Board members absent:

Steve Cantu

Administrators present:

Frank Gornick, Chancellor  
Ken Stoppenbrink, Vice Chancellor of Business Services  
Don Warkentin, President, West Hills College Lemoore  
Willard Lewallen, President, West Hills College Coalinga  
Carole Goldsmith, Vice Chancellor of Educational Services and Workforce Development  
Sylvia Dorsey-Robinson, Vice President of Student Services, West Hills College Lemoore  
Jill Stearns, Vice President of Educational Services, West Hills College Coalinga  
James Preston, Interim Dean of Educational Services, West Hills College Lemoore  
Frances Squire, Executive Director of West Hills Community College Foundation  
Keith Stearns, Associate Vice Chancellor of Academic and Information Services  
Richard Larson, Director of Farm of the Future, West Hills College Coalinga

**Introduction of Guests**

There were no guests introduced at this time.

**Public Comments**

There were no public comments made at this time.

**STUDY SESSION**

Alcohol at College and District Events – Dr. Frank Gornick, Chancellor, explained that Mr. Joe Zampi, legal counsel, is present to discuss some of the procedures and liabilities involved with having alcohol at college and district events. Mr. Zampi explained that existing law prohibits the district and Board from engaging in the distribution and consumption of alcohol on district premises. Currently, the West Hills Community College Foundation has the ability to do this, but the district does not.

Under a new law which will be effective January 1, 2012, the district will be required to have a license from the State of California to serve alcohol. This type of license is typically temporary. The district will also have to give permission for the consumption of alcohol. This would include alcohol at concerts, theatrical events, dances, and other uses of district property. The district would also be responsible for making sure the participants are community members and must be non-students. How this will be determined will be difficult. Mr. Zampi stated that the liability of the Board will depend on what the Board is actually authorized to do. If authorized, the Board may have immunity; however, the Board can be liable if there is an injury that is foreseeable and if the person who causes the injury is operating outside the scope of their regular assignment. For example, drinking and playing softball as an employee. Another example would be someone who is under the influence of alcohol and is allowed to drive. If there is an accident, the Board may be liable. Mr. Zampi explained he and Mr. Ken Stoppenbrink, Vice Chancellor of Business Services, have been in discussion regarding this issue and have drafted a policy and procedure concerning this matter. The sample policy and procedure were distributed.

Mr. Don Warkentin, President, asked if these rules would supersede the rules of the West Hills Community College Foundation. Mr. Zampi stated that the policy would be drafted in concert with the civil code. Mr. Warkentin stated that the West Hills Community College Foundation has a policy and is allowed to serve alcohol. He questioned if the policy will override civil code. Mr. Zampi stated it will not and this will be the decision of the West Hills Community College Foundation.

Trustee Levinson questioned if the West Hills Community College Foundation could have elected to serve alcohol during the Laura Bush event. Mr. Zampi confirmed. Ms. Frances Squire, Executive Director of the West Hills College Foundation, also confirmed. Trustee Levinson explained that there would be another event in 2012 and asked if alcohol would be allowed. Mr. Stoppenbrink stated that the difference is within the facilities policy which states when alcohol is allowed to be on campus facilities. This is not a separate West Hills Community College Foundation policy. If the Board made the decision to move forward with the recommended policy, both policies will have to coincide with each other. Mr. Zampi explained one way to determine whether or not serving alcohol is allowed is to determine whose event it is. This is determined by who was granted the license. Dr. Gornick stated that the facilities use agreement is district policy but is administered at the college level. For example, the college president can override the fees even if it is a West Hills Community College Foundation event. Dr. Gornick further commented that he is concerned with the approval of the facilities use agreements in terms of approving the colleges for a specific event and allowing the sale of alcohol. The Board is not involved in the current approval process. Dr. Gornick asked if the Board was comfortable with this process. Trustee Minnite asked who would

issue the license for the events and if it had to be done every time there is an event. Mr. Zampi stated that the district is not an issuer and would not have a long term license; the license would be issued per event. Trustee Minnite asked if the approval of the license or the event would come first. Ms. Squire informed the Board that the facilities use approval comes first. Mr. Zampi stated that the district cannot have one without the other. Trustee Ivans commented that she felt more comfortable when alcohol was served with the meal. Trustee Levinson stated that at this time the Board does not approve these functions or the fact that alcohol is served. Mr. Stoppenbrink clarified that this is correct but the approval has to go through the West Hills Community College Foundation. Dr. Gornick stated with the changes coming in January, he wanted to bring this conversation to the Board now for discussion. Trustee Levinson expressed his concern that even though it is a West Hills Community College Foundation event, the liability will still come to the West Hills Community College District Board of Trustees.

Trustee Minnite asked if there were actual profits made by serving alcohol at the recent events. Mr. Warkentin reported that Mr. Don Branker, Interim Events Coordinator, would be able to provide this information. Mr. Minnite asked if sales tax was being charged during the sale of alcoholic beverages. Ms. Squire explained that sales tax has not been charged and the alcohol is usually part of the dinner ticket. Ms. Squire also stated that ABC will not issue a license when events on campus are being held when classes are in session. Dr. Gornick explained to the Board that it is important to have this discussion. He stated he would like to bring these types of events to the Board on an annual basis. He feels it would be more appropriate for the Board to see a schedule of events. Trustee Ivans stated that our colleges are drug free and she would hate to see the district selling alcohol at sporting events. President McKean asked if the current liability policy included the sale of alcohol. Mr. Stoppenbrink reported that it did not. President McKean also asked if the policy premium would increase if this was included. Mr. Stoppenbrink confirmed. He also reported to the Board that although the district has not approached this with the district carrier, the West Hills Community College Foundation has and it is having problems. Carriers are reluctant to issue liability coverage. President McKean asked if the West Hills Community College Foundation has a separate liability policy for alcohol. Ms. Squire explained that the general policy does not but a separate liability policy is purchased.

Trustee Henry questioned if Mr. Don Branker would provide consumption information. Mr. Branker provided an example of an event in Fresno. He explained that the event had approximately 1,500 attendees and their alcohol sales provided 90% profit. Trustee Minnite asked what type of additional security would be needed. Mr. Branker responded that the district currently uses a security office to help with these types of events. Staff needs to be trained to identify certain issues including identifying when an individual has had too much to drink, minors drinking, etc. Mr. Warkentin reported that Mr. Christian Raia's program is used as the students and staff are trained to identify certain issues and have training in beverage management. Mr. Zampi stated the sample policy also states special training would be provided. Dr. Gornick questioned how much rent would be collected if the Golden Eagle Arena were rented. Mr. Branker responded that about \$2,500 would be collected. Any other profits would have to be negotiated. Dr. Willard Lewallen stated that he supports the idea of not serving alcohol

at certain events, but there are individuals who also drink heavily at other types of special events.

Mr. Zampi reported that there are other examples such as if the district promotes the event, the district can still be liable. President McKean called for comments from others and Mr. Warkentin asked Mr. Christian Raia, Culinary Arts Instructor, to speak on this issue. Mr. Raia explained that the culinary program does follow the West Hills Community College Foundation policy. He also stated that staff are trained in safety and sanitation, as well as tips training. This program trains students in the alcohol and beverage industry to assess and diffuse certain situations. Mr. Raia commented that there is a lot of money to be made in alcohol sales but there is also great liability. When there is an event involving alcohol sales, the ABC license is requested by the West Hills College Foundation and is then posted in the area where sales are being made. A faculty member or other department member is also present during these types of events. Trustee Oxborrow questioned if alcohol is in the classroom. Mr. Raia responded in the negative, explaining that alcohol is simulated in the classroom with colored water. Trustee Henry asked if there was a conflict when these students served dinner and there is alcohol also being served due to prohibition of alcohol being served during class. Mr. Raia explained to the Board that the students are required to complete a certain number of hours as part of the class requirements. Trustee Henry expressed his concern about the hours the students are earning while alcohol is being served. He questioned if this is allowed and if it is considered class time. Mr. Raia responded that the students are not in class while performing these duties. Mr. Zampi explained that there is a special exemption for this type of class under the law. Trustee Ivans asked what time classes end on campus. Ms. Jill Stearns, Vice President of Educational Services at West Hills College Coalinga, explained that classes end at 9:50 pm. Mr. Raia stated that AB 1589 explains the exemption of the culinary program serving alcohol. Trustee Henry asked how far the exemption carried. Mr. Zampi stated it would most likely not be a problem as it involves the culinary program. He also stated that one factor with the culinary program is someone who is under the age of 21 cannot serve alcohol. Trustee Oxborrow asked for clarification on the sample policy and questioned the liability as the sample policy states those employees who live on campus are allowed to have alcohol in their home. Dr. Gornick agreed there would be liability. Trustee Henry asked if the policy stated that liability coverage must be provided. Mr. Stoppenbrink explained that it is part of the facilities use agreement. Trustee Henry asked for a copy of the facilities use agreement and Mr. Stoppenbrink stated that he would be able to provide it. Trustee Minnite asked what would happen if someone wanted to rent the arena for a wedding reception. It was explained that this can be done but it must be rented through proper channels. Also, if alcohol is served the event must go through West Hills Community College Foundation.

Dr. Gornick asked the Board if they were comfortable in moving forward with blending the policies together instead of having different procedures. The Board agreed. Dr. Gornick stated that a new document will be presented to the Board of Trustees for review during the next Board meeting. He stated that he would like to include different scenarios with examples of what needs to be done depending on the type event.

Trustee Henry asked what type of events would not be approved for alcohol sales. Mr. Zampi explained the policy provides examples such as festivals, private parties, theatrical events, etc. Dr. Gornick stated there may be trouble-making events or events with children where alcohol sales will not be allowed. Mr. Warkentin explained they are not advocating having alcohol at sporting events. Trustee Henry stated he is concerned about alcohol being served during concerts. He stated that he understands it is a great source of income, but he is concerned about the liability. Dr. Gornick stated that he would like to see actual facts on how profitable alcohol sales are. Trustee Henry asked how the district will handle liability if the facility is rented. Mr. Stoppenbrink explained that a certificate of insurance naming the district as additional insured must be provided.

Facilities Update – Mr. Kevin Cobb, AP Architects, began discussion on scheduled maintenance. He presented a draft scheduled maintenance report which provides information on where the district is in terms of maintenance. He stated that the first couple of pages will explain what we are doing and why. Mr. Cobb also mentioned that the accreditation team made a recommendation to have this type of document in place which was already in the works. The document further explains why preventative maintenance is important. The report contains a staffing study which will show staffing by square footage, budget forecast, cost of equipment, detailed planning, etc.

Mr. Cobb discussed the staffing report with the Board. The report shows how many maintenance and operations staff should be present based on the square footage of the campus. Dr. Gornick asked if current staff numbers can be added to the report for future planning. Mr. Cobb confirmed.

Life expectancy of equipment was discussed. Mr. Cobb explained that life expectancy depended on the equipment and how it was maintained. He also discussed the increase in construction costs. Mr. Cobb explained how much money should be spent at each location but the dollar amounts do not include any new facilities. Throughout the report different scenarios were presented based on ten years, annual average, type of equipment, dollar value, etc.

Mr. Cobb stated that there have been funding sources that have allowed the district to do maintenance projects districtwide. He also stated that capital project funds have been used. The only issue is those items that do not qualify for scheduled maintenance.

Trustee Oxborrow questioned who determines what is replaced. Mr. Cobb explained that most of it is done as a construction project; however, Mr. Brandon Hicks, one of the maintenance and operations employees, has done most of the inspections. He also stated that the maintenance and operations staff is on board and will help with maintenance. Trustee Oxborrow expressed her concern about staff being shorthanded and maintenance not getting done. Dr. Gornick explained that the staffing issue needs to be addressed and more funding has been put into capital projects. Trustee Henry asked if the maintenance and operations supervisors were maintaining these records. Dr. Gornick responded that they are on board to help in this area. Mr. Cobb commented that his office will also help in the maintenance of these records. Trustee Minnite questioned how far behind the district is in terms of maintenance. Mr. Cobb

explained that the district is about four years behind schedule. He further explained that one solution would be to prioritize what needs to be done for the next couple of years until the State can provide more funding. Dr. Gornick commented that in some states the Board is allowed to assess a percentage for maintenance and facilities. Dr. Lewallen reported that there has been some additional staff positions approved for maintenance and operations. Two full time positions and one part time position were approved for West Hills College Coalinga and three full time positions have been approved for West Hills College Lemoore. This will be a huge help for each campus.

Discussion on Addition of Programs – Mr. Warkentin reported that discussion has been held at West Hills College Lemoore in regard to adding new programs. Mr. James Preston, Interim Dean of Educational Services at West Hills College Lemoore, presented a document to the Board with a timeline of possible new programs. He reported that there is a lot of interest in performing arts. He has met with a couple of individuals to discuss implementation of performing arts and music programs. He stated that we have a great art program but nothing else in the fine arts area is offered. Mr. Preston also discussed a survey presented to students. The survey asked students what type of new courses they would like to see. The survey is still awaiting responded, but based on 239 responses received to date, students are interested in foreign language, performing arts, medical and health careers, mass communications, and additional physical education and sports classes. Mr. Preston informed the Board that the survey also discussed new academic programs students would like to see and what careers most interest students. It is important to note that the survey has been completed by current students. Mr. Preston explained that new curriculum will be discussed for 2012. Some of his colleagues have stated that some courses are tested as community education. If there is enough interest, classes can then be moved forward as credit classes. Any new programs or classes would go through the Planning and Governance Committee. Trustee Levinson questioned if funding has been discussed. Mr. Warkentin explained that many of the full time faculty at West Hills College Lemoore started as adjunct faculty. In order to start new programs, new adjunct faculty would be hired and, once the program increases, a permanent position can then be filled with a full time instructor. Mr. Preston stated that it is important to identify the needs first as their may be grants available to us.

Another area discussed was athletics. Mr. Warkentin distributed an assessment grid for the Board to review. He explained that it takes time to generate interest and to form a team. He also distributed a cost analysis for women's basketball, men's basketball, and women's volleyball. Trustee Henry questioned the cost of a coach. Mr. Warkentin stated that it depended on whether the coach was full time or part time. The stipend for a head coach is \$5,000, but if a full time instructor was hired, the cost would be closer to \$100,000. The first year would be the most expensive. Trustee Levinson asked for clarification on the cost and how it would be paid. Mr. Warkentin stated there are some MAA funds and Foundation funds that can be used. The cost for the adjunct would come from the instructional budget. Dr. Gornick asked what this would do for basic skills courses in order to meet the needs of the students and what area would be reduced. Mr. Preston responded that some courses have been reviewed and added to certain grants. Trustee Levinson questioned if Mr. Warkentin has enough funds to

cover the next three years. Mr. Warkentin stated that he is still waiting for the MAA payment for last year which will be approximately \$400,000.

Mr. Bob Clement stated that he has been interested in bringing in new sports. He further stated that coaches have told him they can generate funding for these programs. The startup costs are mostly one time costs and should be reduced as time goes by. The costs presented are based on fifteen students per team. Mr. Clement reported this would help in terms of gender equity as there are two new sports for women. Mr. Clement stated there is a high level of interest in the areas of men's and women's basketball. The State wrestling championships will be held in Lemoore next year. Mr. Clement explained that this is important as West Hills College is being recognized for its facilities. The event can also be a revenue generator and good public relations tool.

Dr. Lewallen distributed a handout showing the West Hills College Coalinga procedures for new educational programs. He reported that Mr. Warkentin has offered to assist West Hills College Coalinga with funding. Dr. Lewallen stated that it is important to be able to sustain these programs. West Hills College Coalinga has decided to develop a procedure on how to determine the needs. He also stated that it is important to have a policy and procedure for discontinuance of programs. He explained that the document will be going to the planning council for review. Trustee Levinson asked Dr. Lewallen to update the Board with regard to how the procedure is progressing. Dr. Lewallen confirmed that he would provide the Board with updates. Dr. Gornick informed the Board that he has asked Dr. Carole Goldsmith to look at other colleges in terms of how they handle these issues.

### **ADJOURNMENT**

There being no further business before the Board of Trustees, the study session was adjourned at 3:07 p.m.

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Nina Oxborrow  
Clerk of the Board of Trustees

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