



WEST  
HILLS  
COMMUNITY  
COLLEGE  
DISTRICT

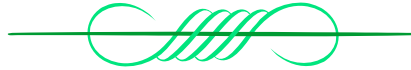
WEST HILLS COMMUNITY COLLEGE DISTRICT

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 30, 2009



**CALL TO ORDER / OPEN SESSION**

Vice President Henry called the meeting of the Board of Trustees to order at 1:00 p.m. 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  
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  
Frances Squire, Director of Marketing  
Dolores Smith, Director of Financial Aid  
Richard Larson, Director of Farm of the Future, West Hills College Coalinga  
Jill Stearns, Dean of Student Learning, West Hills College Coalinga  
Susan Whitener, Dean of Learning Resources and Web Services  
Dave Bolt, Vice President of Educational Services, West Hills College Lemoore  
Carole Goldsmith, Director of Workforce Development/Title V/VTEA  
Pedro Avila, Director of Institutional Effectiveness and Planning

**Introduction of Guests**

Ms. Frances Squire, Director of Marketing, introduced the following guests: Nancy Vogel, Labor Representative, CSEA; Robert Judd, Bronco Electric; Ken Schumaker, Attorney for Lewis C. Nelson & Sons, Inc.; Stephen Reiland, General Contractor, EMJ

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Corporation; Jeff Garner, General Contractor, EMJ Corporation; Philip Augustino, General Contractor; EMJ Corporation; Jim Schaefer, Zampi, Determan & Erickson, LLP; Jacob Belmont, Superintendent, St. Amoroso; Kevin Cobb, AP Architects.

President McKean arrived at this time.

### **Public Comments**

There were no public comments made at this time.

### **FISCAL SERVICES**

**FS-71**        Contract Award – Online Management System – On a motion by Trustee Ivans, seconded by Trustee Oxborrow, and carried unanimously, the contract for the online management system was awarded to Blackboard, Inc. for a total bid amount of \$126,300.

**FS-72**        Early Retirement Plan Proposal – The revised Administrative/ Management/Confidential Early Retirement Plan Proposal was approved on a motion by Trustee Ivans, seconded by Trustee Cantu, and carried unanimously.

### **CLOSED SESSION**

The meeting was adjourned to closed session at 1:05 p.m.

- Potential 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 2:35 p.m.

### **FISCAL SERVICES (continued...)**

**FS-73**        Bid Withdrawal – On a motion by Trustee Cantu, seconded by Trustee Minnite, and carried unanimously, the Board of Trustees accepted the bid withdrawal by Greg Opinski Construction relating to the West Hills College Lemoore Multi Use Sports Complex.

**FS-74**      Appeal – Mr. Ken Schumaker, Attorney for Lewis C. Nelson and Sons, Inc. addressed the Board, stating that he is protesting the bid submitted by EMJ Corporation. He stated that the bid is not responsive because of mistakes and material deviations. The mistakes are typographical and mathematical. Mr. Shumaker stated that case law is clear that the errors mean it is unresponsive. EMJ Corporation did not properly write out the numbers for the base bid or alternates and they could have withdrawn their bid. Mr. Schumaker stated that the bid should be declared as unresponsive.

Mr. Philip Augustino, Senior Vice President of EMJ Corporation, introduced Mr. Jeff Garner and Mr. Stephen Reiland. He reported that EMJ Corporation has been in business for 41 years. He stated that they submitted a great bid for a great project and they look forward to answering any questions the Board may have. President McKean questioned if they have done other projects of this size. Mr. Augustino responded in the affirmative, stating that they have constructed gymnasiums, locker rooms and cafeterias at several high schools.

The bid appeal by Lewis C. Nelson & Sons, Inc. relating to the contract award for the West Hills College Lemoore Multi Use Sports Complex was rejected on a motion by Trustee Levinson, seconded by Trustee Ivans, and carried unanimously.

**FS-75**      Contract Award – Multi-Use Sports Complex – Trustee Levinson made a motion to continue this matter to the July 28 Board meeting. The motion was seconded by Trustee Cantu and carried unanimously.

**FS-76**      Resolution – Declaration of Emergency – Ms. Nancy Vogel, CSEA Labor Representative, addressed the resolution declaring the existence of an emergency. She stated that she is having a very difficult time understanding the emergency versus what is in the Collective Bargaining Agreement, Article 2. Ms. Vogel distributed copies of Article 2 which states that the district has the right to declare an emergency. She questioned where exactly it states that the district or the board has a right to make the declaration. Ms. Vogel stated that CSEA believes that only the United States President or the State Governor can declare an emergency and that it has to be actual and not an anticipated financial emergency. She requested that the Board please be certain that they have the legal authority to take the action.

Trustee Henry questioned if there is a list of definitions in the contract. Ms. Vogel responded that there is not.

Ms. Marty Ennes read the following letter on behalf of Ms. Faye Mendenhall who was not able to be in attendance:

*“TO: Mr. Mark McKean  
The West Hills Community College District Board of Trustees  
Dr. Frank Gornick, Chancellor  
FROM: Faye Mendenhall, Retired Faculty Member /s/Faye Mendenhall  
RE: FS76 Consideration of resolution in the matter of declaring an  
emergency  
DATE: June 27, 2009*

*This note is written concerning Article 3. District Rights, of the Agreement Between the West Hills Community College District and the West Hills College Faculty Association/CTA/NEA 2006-2009.*

*I do not know when Article 3 was created, but I do know that it appeared in the 1980-81 WHCFA Contract just as it is currently written.*

*I do remember during the 1982– 1984 Contract period that the District and the Faculty Association had a special meeting to discuss the definition of “emergency” (because of the 1983 earthquake). Even with this “natural disaster” and “interruption of the District’s programs,” a fiscal emergency was not declared.*

*We also discussed that if at any time the “State” had to come in and take over, then obviously an emergency would be declared. However, until that time, we would continue to “get by” and use the term emergency to apply to “an act of God,” or “a natural disaster.”*

*Other occurrences during the 1980’s, 1990’s, and 2000’s (dropping most of our athletics, the deteriorating physical plan, State budget cuts, etc.) did not cause us to declare a fiscal emergency.*

*I do not believe that we are nearly as “bad off” as we were in the 1980’s and early 1990’s. I would hope that you would “hang on” and re-evaluate again in October or January.*

*Dr. Gornick, this Board, the faculty, and the staff have always been creative and able “to think outside of the box.” So let’s do so again! Please re-consider declaring a fiscal emergency.*

*Thank you for taking into account my thoughts and comments.”*

Ms. Ennes, speaking on behalf of CTA, read the following comments:

*“In her letter, Faye Mendenhall outlined many historical reasons not to declare a fiscal emergency, but there are numerous current and future reasons as well. The WHCFA is more than willing to work with the district to find solutions to our current financial problems. No one disputes the severity of the economic crisis we are facing, yet we cannot live in a bubble. We must move cautiously and with an eye to the future. We do not want to be like Santa Monica College, which in 2002 cut its class offerings in order to meet the perceived financial crisis of the time. They lost 72% of their FTES, and it took them nearly seven years to get back to the level they were at in 2002.*

*According to the California Community Colleges Chancellor’s website, over the last eight years, WHCCD has seen an increase of 44% in FTES. The majority of the FTES can be attributed to the high standards you, the board, have set and the faculty have met. These numbers help illustrate the commitment and dedication that our faculty have to growing WHCCD. As a result of this devoted workforce, we are now a two-college district with a rapidly expanding center in the North District. We have also led the way with online offerings...amazing accomplishments that we can all be proud of.*

*A quick look at seniority lists and personnel demographics shows that during the same period that our student population has almost doubled, our administration more than doubled. We did not include directors in our figures. If we did, the increase figure would be even greater. The increase in administration was to meet the needs of a now two college district, and with the two-college status comes additional work for all levels of personnel.*

*Yet in the same period, we have only had an increase of 6% in full-time permanent faculty. If temporary faculty is included, the increase is still only 11%. Since 2001, 36 faculty members have retired, died, been let go, or left for other positions. The remaining faculty has shouldered the responsibilities of educating our growing student population as well as the other duties that come with being a two-college district.*

*If we hope to continue the growing trend our district has enjoyed, we have to retain and recruit dedicated faculty. While we may not be able to recruit faculty right now, we must do everything in our power to retain the skilled, dedicated, and highly qualified faculty we currently employ and make sure West Hills Community College District is an institution that future faculty will consider for employment.*

*When I first came to WHCCD, our salaries were in the bottom 10% of the state because of salary cuts that were made in a past time of crisis. According to Alan Frey, we’re currently about 29<sup>th</sup>. Our part-time faculty rate, before last week’s move to cut that pay, was 64<sup>th</sup>. If we hope to be able to recruit new faculty when*

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*money is once again flowing, we must have competitive salaries for both full and part-time faculty.*

*As you consider how to deal with today's economic crisis, WHCFA hopes you will keep the future in mind. Until we have a state budget so that we know how much money must be cut and until we know how many employees will opt for the retirement incentive, we would ask the board to exercise patience. Once we know what the actual crisis is, WHCFA will be more than willing to help the district find many different ways to meet its financial obligations. The declaration of a fiscal emergency today will only serve to alienate and anger faculty and staff when you most need them to be working at your side."*

Ms. Ennes also distributed information concerning the number of FTES, faculty and administrators.

Trustee Henry questioned the willingness of the Faculty Association to meaningfully bargain the effects of an emergency declaration. Ms. Ennes responded that the Faculty Association is not available in July, but will be available again in August. Trustee Henry stated that if the Board felt it important to declare an emergency, would there be any input from the faculty and could someone else meet in her place. Dr. Gornick stated that he and Ms. Ennes have talked and the list of recommendations from the faculty has been shared with the Board. Dr. Gornick stated that he does not want to leave the impression that communication cannot continue.

Trustee Cantu made a motion to table the resolution in the matter of declaring an emergency. Trustee Levinson suggested that the item be continued to the next meeting. Trustee Cantu amended his motion to continue the item to the next meeting. The motion was seconded by Trustee Oxborrow and carried unanimously. Trustee Henry stated that his opinion of the continuance is not about the Board's reluctance to adopt the resolution, but rather to gather more information. He urged everyone involved to come to the district and negotiate and mitigate the effects of the declaration of emergency. He stated that it is important to communicate as much as possible.

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

Trustee Cantu stated that the Board is still waiting to see if we will receive the matching funds from the state for our construction projects. He stated that we don't want to be over-reactive with our actions, but we have to proceed with caution. He encouraged everyone to be patient and work together.

Trustee Minnite thanked everyone for their attendance and stated that it is important to the Board that there is participation. He stated that he appreciates hearing all of the comments and appreciations the employees and their thought process.

Trustee Ivans thanked everyone for their hard work. She stated that she enjoyed reading Dr. Gornick's opinion piece in the Hanford Sentinel and the information on the 5Cs camp.

Trustee Henry echoed the comments made, stating that these are difficult times and we are trying to deal with them in the best manner possible.

Trustee Oxborrow echoed the comments made and stated that the Board has taken the financial issues very seriously as they are very personal. She stated that we are a team and we are successful because of it. Trustee Oxborrow stated that the Board wants to make sure to make the right decisions. They are taking it slow and easy and want everyone's support.

Trustee Levinson echoed the comments made by his fellow Board members.

President McKean thanked the faculty and staff for the comments received. He stated Difficult times obviously. State is wrestling with being broke and trying to get out of it. No solutions that are good for everyone. Board will take action as appropriate. Lack of action today is reflective of circumstances and times.

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

### **ADJOURNMENT**

There being no further business before the Board of Trustees, the meeting was adjourned at 3:02 p.m.

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Nina Oxborrow  
Clerk of the Board of Trustees