

LOWELL JOINT SCHOOL DISTRICT
11019 Valley Home Avenue, Whittier, CA 90603

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES
July 31, 2017

CLOSED MEETING

President Barber called the meeting to order at 5:30 p.m. at the District Office, 11019 Valley Home Avenue, Whittier. President Schambeck declared the meeting recessed to closed session at 5:31 p.m.

CALL TO ORDER

President Barber reconvened the meeting to open session at 6:45 p.m.

The flag salute was led by Mrs. Marikate Wissman, Jordan Elementary School Principal.

Trustees Present: Darin W. Barber, William A. Hinz, Fred W. Schambeck, Anastasia M. Shackelford, and Martin E. Tourville.

Trustees Absent: None.

Staff Present: Jim Coombs, Superintendent, Sheri McDonald, Assistant Superintendent of Instruction, and Andrea Reynolds, Assistant Superintendent of Administrative Services

REPORTING OUT
ACTION (IF ANY)
TAKEN IN CLOSED
SESSION

None.

INTRODUCTION/
WELCOME

President Barber welcomed Patty Jacobsen, LJEA Bargaining Chair, guests, and staff members present.

ACKNOWLEDGEMENT
OF CORRESPONDENCE

None.

APPROVAL OF
AGENDA

It was moved, seconded, and carried by unanimous vote, (5 – 0) to approve the July 31, 2017, Special Board agenda.

TOPICS NOT ON THE AGENDA

A parent spoke about the air conditioning units at Meadow Green Elementary School.

A former parent spoke about the administrative move of the Macy Elementary School Principal. It is her desire that the thought and time placed on hiring the new Macy Elementary School Principal will be reciprocated for the Meadow Green Elementary School Principal.

TIMELY INFORMATION FROM THE BOARD AND SUPERINTENDENT**UPDATE: BREACH OF LEASE CONTRACT BY CALVARY BAPTIST CHURCH/WHITTIER CHRISTIAN ELEMENTARY SCHOOL (PreK – 6) – MAYBROOK CAMPUS**

Mr. Terry Tao, Attorney for Atkinson, Andelson, Loya, Ruud, and Romo, shared the “Lease Issues at Maybrook Campus” presentation, which can be viewed on the District website.

Mr. Tao explained that Whittier Christian Elementary, at the Maybrook Campus, is owned by The Calvary Baptist Church of Whittier who has been leasing the Maybrook Campus since May 23, 1994. The existing lease with Calvary Baptist Church of Whittier/Whittier Christian Elementary School, at the Maybrook site, is designed as a long-term lease through August 2027, with “fair market value” re-benching periods every five years.

Over the course of the past 6 months, a number of issues have arisen that cause the District some concern over the financial ability of Calvary Baptist Church to continue its obligations under the lease including a stop payment on the April lease payments, and unpaid May, and June lease payments, refusal to directly address if there are junior high students in the summer program, and a management agreement that appears to be in violation of the Assignment and Sublease language under Article 7 of the Lease.

The Calvary Baptist Church of Whittier/Whittier Christian Elementary is currently in breach of contract in two areas: 1) Calvary Baptist Church has improperly assigned/subleased the Maybrook site under Article 7 of the Lease, and 2) Calvary Baptist Church appears to be operating a K-8 summer program on the campus. The existing lease allows PreK-6 grade students and programs.

**UPDATE: BREACH OF
LEASE CONTRACT BY
CALVARY BAPTIST
CHURCH/WHITTIER
CHRISTIAN
ELEMENTARY SCHOOL
(PreK – 6) – MAYBROOK
CAMPUS Continued**

Mr. Tao shared options available to the Board, in light of the ongoing breach of contract without cure within the required 30 days of notice, the Board currently has three possible options to consider as you appropriately manage the district's current property and uphold your fiduciary responsibilities to the Lowell Joint School District, its students, staff and the community it serves. These options are 1.) Agree to assign the existing lease to an alternative organization proposed by Calvary Baptist Church, 2.) Notify Calvary Baptist Church of breach of contract and commence the cure period and potential termination/eviction process under Article 8 and reassess use of the Maybrook Campus. Simultaneously explore options to prevent disruption to the operation of a private Christian school operation at the campus, or 3.) Notify Calvary Baptist about the areas where Calvary Baptist is in breach, but not move forward with a termination.

Mr. Barber called on Kelly Beckert, Superintendent of Heights Christian School, who shared with the Board that they are hearing and seeing the challenges that Whittier Christian/Calvary Baptist Church have been going through and wanted to go on record that they, like the District, would hate to see the disruption of services for the students and will be pleased to help out in any way.

It was moved, seconded, and carried by unanimous vote (5 – 0) to issue a notice of Breach of Contract for violation in lease term sections 1.1 and 7 to Calvary Baptist Church and commence the cure period and potential termination/eviction process under Article 8 and reassess use of the Maybrook Campus, and the District will simultaneously explore options to prevent disruption to the operation of a private school on the campus, and authorized the Superintendent or designee to execute the necessary documents.

**BOARD MEMBER/
SUPERINTENDENT
COMMENTS**

Mr. Schambeck shared that he was able to attend a special meeting on Candlelight and First Avenue with Supervisor Janice Hahn, 4th District, on Thursday afternoon. A second-grade student was hit crossing the street during the Spring break both of his legs. It was the push of the Meadow Green community that helped enable the County Supervisor to work so expeditiously to have a traffic light at this intersection. Cruz Valdez, the second-grade student who was hit, was also in attendance and he turned on the traffic light switch that afternoon.

Mr. Barber publicly thanked Supervisor Janice Hahn and Ivan Sulic, Deputy Field Officer, for their hard work behind the scenes of installing a traffic light at this intersection.

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ADJOURNMENT

President Barber declared the meeting adjourned at 7:30 p.m. in accordance with Government Code Section 54956.9 (a, b, c) and indicated no further public action would be taken.

Clerk/President/Secretary to the Board of Trustees

Date Approved:
