



# Victor Valley Community College District Board of Trustees Regular Meeting

## Minutes

Board Room, Victor Valley College  
18422 Bear Valley Road, Victorville, California

February 14, 2006

4:30 p.m.

Mr. Range announced that the following report should have been made as a result of the August 9, 2005 board meeting.

Mr. Range announced that it has come to his attention that the Board inadvertently omitted an announcement at its closed session on August 9, 2005, the Board, with no members dissenting, directed the Superintendent/President to give notice to the Director of Instructional Compliance that the Director's contract of employment was terminated. Settlement discussions were ongoing at the time and this announcement was inadvertently omitted because there was hope those discussions would succeed.

**CALL TO ORDER:** The Board of Trustees of Victor Valley Community College District met in Open Session on February 14, 2006, in the Board Room of the Administration Building. Mr. Range, Board President, called the meeting to order at 4:30 p.m.

**PLEDGE OF ALLEGIANCE:** Fay Freeman led the audience in the Pledge of Allegiance to the flag.

**MEMBERS PRESENT:** Mr. Range, Board President; Mr. Dennis Henderson, Vice President; Mr. Donald Nelson, Clerk Trustee, Dr. Bettye Underhill, Trustee, Kimberlee Kelly ASB President and Student Trustee

**MEMBERS ABSENT:** Thomas M. Elder II

**STAFF/GUESTS PRESENT:** Dr. Spencer, Mr. Baron, Dr. Schmidt, Mr. Bill Greulich, Dr. Prystowsky, Dr. Lewallen, Annette McComas, Fay Freeman, Willie Davis Pringle, Kevin Crowley, Ruby Wikstrom, Lael Willingham, Rosaline Corbin, Ken Angulo, David Chip, Jack Thomas, Jackie Trost, Robert A. Sewell, Janice Conklin, Reed M. Davis, Mary Pringle, John Rude other staff, and members of the public.

---

**BOARD OF TRUSTEES:** Tom Elder, Dennis Henderson, Donald Nelson, Joe Range, Bettye Underhill, ASB Member

---

CLOSED SESSION: Mr. Range recessed the Open Session at 4:34 p.m. and the Board met in Closed Session from 4:34 p.m. to 7:10 p.m. to discuss the following:

The Board moved to Closed Session from 4:34 p.m. to 7:10 p.m. to discuss the following:

## 1. CLOSED SESSION

- (a) Government Code Section 54956.9:  
CONFERENCE WITH LEGAL COUNSEL —  
EXISTING LITIGATION: six (6) cases
  - (1)Gloria Henderson vs. Victor Valley Community College, Bettye Underhill, Nick Halisky, VCVVS 030263;
  - (2)Nicholas Halisky and Cathleen Halisky vs. Victor Valley Community College District, Dennis Henderson, et. al, VCVVS 026112; consultation with legal counsel per Government Code Section 54956.9(a)
  - (3)Carissa M. Warren, Gaye L. Giarmo, and Karen E. Salazar v. Victor Valley Community College District, Larry Boutcher and Does 1 through 100, VCVVS 027382
  - (4)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper, Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore, and Does 1-1000;VCVVS 037295
  - (5)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper, Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore, and Does 1-1000; VCVVS 036483
  - (6)Victor Valley Community College District vs. Nicholas Louis Halisky, Lynn Puckett, and Does 1 through 100, VCVVS 036483
- (b) Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Bill Schmidt, Willard Lewallen, Richard Prystowsky, Willie Davis Pringle, Bruce Baron. Employee organizations: CSEA, CTA, AFT-PTFU
- (c) Government Code Section 54957:  
DISCIPLINE/DISMISSAL/RELEASE OF A PUBLIC EMPLOYEE:  
Three (3) positions
- (d) Government Code Section 54956.9  
POTENTIAL LITIGATION: Student Complaint
- (e) Government Code Section 54956.9 Conference with legal counsel – existing litigation: one (1) case. Grievance filed by California Employees Association re: health and welfare benefits for classified specials
- (f) Government Code Section 54957; PUBLIC EMPLOYEE PERFORMANCE EVALUATION

The Board reconvened to Open Session at 7:10 p.m.

### 2.1 Action as a result of Closed Session

Mr. Range reported that as a result of Closed Session, a motion was made to tape the Closed Session meetings. It was MSC (Henderson/Nelson, 4-0, Elder absent) to tape the Closed Sessions and to have the tapes sealed and secured in the President's office. The tapes can be reviewed only by the individual board members. It was also agreed that because of litigation, if a specific portion of the tape involved a board member that was recused from that specific closed session, the board members would have to vote to have that portion released to that board

member. Mr. Henderson added that the board members also agreed that there would be a log kept when a board member reviewed the tapes.

### **3. GOVERNING BOARD**

- 3.1 It was MSC (Underhill/Henderson, 3-0, Nelson abstaining, Elder absent) to approve the minutes of the January 24, 2006, special Board meeting and the minutes of the November 8, 2005 special Board meeting. Mr. Henderson requested a correction to the January 24, 2006 minutes agenda item 11.2, Faculty Reassignment. He requested that the following discussion be added to the minutes January 24, 2006, section 11.2:

*Mr. Henderson was confused about Ms. Cole's transfer. He was led to believe that it was a voluntary transfer and was told clearly by Dr. Lewallen that it was not a voluntary transfer. Dr. Lewallen added his recollection of that discussion. The question was the person willing to take that assignment. I made it very clear that that did not come up in the conversation in or the meeting that he had with Ms. Cole. Mr. Henderson said that you did state you had the right of assignment. The motion approved unanimously as amended with the addition of Mr. Henderson's statement.*

The motion approved unanimously with the recommended addition from Mr. Henderson. Mr. Nelson abstained because he was not a board member at the November 8, 2005 meeting.

- 3.2 Announcement that persons may speak to agenda items if the Agenda Discussion Form has been completed.
- 3.3 Agenda Additions/Revisions  
Dr. Spencer announced that item 5.b and 5.e had amendments. In addition, she requested that the two outside speakers from agenda items 10.10 and 10.11 be moved to the beginning of the action item.

### **4. REPORTS**

- 4.1 Superintendent/President  
Dr. Spencer reported on the spring semester which began yesterday with the return of 11,000+ students. She welcomed everyone back to a new semester and pointed out that the registration went much smoother and thanked the staff that work so hard to make this happen.

Dr. Spencer thanked the Foundation and all those who assisted in the recent Alumni Hall of Fame event. This event helped raise money to finance the purchase of two fire trucks for the fire science program.

She recently attended a campaign for college opportunity whose purpose was to heighten the awareness of investing in higher education.

#### 4.2 Instruction

Dr. Prystowsky recognized the efforts of department chairpersons, faculty, counselors, and deans for their work for the spring semester. With a special acknowledgement to Ruby Wikstrom and Becky Drew for their work behind the scenes.

#### 4.3 Student Services

Dr. Lewallen reported on the winter session that concluded last Friday. He said that the winter session was extremely successful with close to 4,000 students enrolled with 14% increase in FTES. Spring 2006 marked the highest bookstore sales ever. He distributed a brochure created by the Financial Aid department featuring the many opportunities available to students.

#### 4.4 Administrative Services

Mr. Baron introduced Mr. Reed Davis from Datatel who will be part of the 2<sup>nd</sup> phase of the executive mentoring program. Mr. Davis reported on what his role will be at the college and the results he expects to achieve.

#### 4.5 Human Resources

Dr. Schmidt reported on the status of the recruitments that are in progress. Video workshops were offered on campus in improving employee attendance. The CSEA leadership has made significant progress in resolving some grievances and issues. Part-time faculty negotiations were in progress. He also reported on the classification and salary study and the progress of the implementation.

#### 4.6 Governmental Relations

##### Annual Legislative Report Presentation

Mr. Greulich presented a PowerPoint presentation and reported on the governor's priorities, the legislative analysis priorities, the Community College system priorities, the Community College ballot measure, System Facility Bond Measure, and several Bills of Interest, AB 58, SB 361, AB 1319, AB 196

#### 4.7 Foundation

Mrs. O'Malley reported on the recent Alumni Hall of Fame event that raised just under \$70,000 which enabled the Foundation to purchase two fire trucks for the fire science program. Mr. Parisi thanked the foundation for their support. Mrs. O'Malley presented a design of the proposed donor wall monument.

#### 4.8 Board of Trustees

Dr. Underhill thanked Mrs. O'Malley for her instrumental auctioneering services at the recent Alumni Hall of Fame event that raised approximately \$26,000 towards the purchase of the fire trucks for the fire science program.

Mr. Nelson thanked Mr. Greulich for introducing him to the various individuals while attending the legislative conference in Sacramento.

Mr. Henderson announced that at the beginning of this board meeting, directly after the pledge of allegiance, there was a report of closed session action from August 9, 2005 in which Mr. Range

said that the board with no members dissenting, inadvertently admitted to put this on the agenda in open session. Mr. Henderson provided a copy of the following statement and requested that it be included as part of the minutes:

I have checked this information out with my attorney and he said that I needed to speak up about this matter at this time.

Tonight we are meeting here to change history. This Board again, is attempting to change what happened at a prior Board meeting to cover up another illegal action.

At the August 9, 2005, the Board meeting, item 2.1 “Mr. Range reported that there were no actions taken by the board in Closed Session.” On August 23, 2005, the Board, unanimously approved the minutes of the August 9, 2005 meeting.

I am finding it hard to believe that four Board members, including myself (one Board member was absent) would have a complete loss of memory 15 minutes after a momentous action occurred. Then, again, two weeks later, none of us said, “Oh wait maybe the minutes should reflect that we took a vote while in closed session on August 9, 2005.” However, that is what they are trying to sell you tonight.

Nobody on the Board could remember a vote because no vote took place. When an employee is “dismissed” only a vote of the Board can make that happen. The Board cannot secretly give the administration a wink and a nod to dismiss anyone, and we did not on August 9, 2005.

This Board needs to be very careful when they act to cover up a deed by one of our administrators to destroy the life of one of our employees without just cause or without a Board vote while claiming one took place. The Brown Act, the Education Code, the Government Code and the Penal Code do not allow a Board to do illegal acts.

I am a member of this Board and am a team player. However, I will only follow a team that follows moral and ethical rules and the law.

The Brown Act section 54957.1 says under (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

5. Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

54957.7 b) states

After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall, shall is a legal term, make any disclosures required by Section 54957.1 of action taken in the closed session...

54959 states

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

Mr. Range said that Mr. Henderson was part of the August 9, 2005 closed session and that he did not bring his concern up any time during that meeting, and that he is now bringing it up at a much later date. Mr. Range indicated that the reason for delay of the closed session announcement was that all of the options for the employee had not been fully resolved. In addition, legal counsel was in discussion with the employee, therefore it was not prudent to announce the termination without the proper information as to where we stood with the employee until recently. Mr. Range understood Mr. Henderson's concern; however he felt that Mr. Henderson had every opportunity to point this out at an earlier date rather than making a public statement at this time.

#### 4.9 Constituency Representatives

##### a) ASB

On behalf of Ms. Kelly, Mr. Sewell reported on the upcoming student events.

##### b) CCA

Ms. Blanchard announced the dates of the PERB hearing regarding the unfair labor practice with hopes of resolving it and coming to an agreement.

##### c) CSEA

Ms. Tremblay, executive board member for CSEA submitted a comment form and presented the board with information they felt they should have regarding the classification study, in particular the salary range schedule that was prepared by the Hay Group.

Mr. Chip recognized the outstanding work of some classified employees in the Contract Education, Biology, Academic Commons, and Automotive departments. Staffing issues in the Maintenance and Operations department were brought to the board's attention. He thanked the district for the progress that has been made regarding the settlement agreement.

##### d) Faculty Senate

Ms. Blanchard invited the board members and the public to their faculty senate meetings that meet the first Thursday of every month at 3 p.m. with the first meeting scheduled for March 8.

##### e) AFT Part-Time Faculty United

Mr. Kelsey presented on behalf of Dr. Peavy and reported on the events that were held in February. On February 9<sup>th</sup> they had their first opportunity to work in conjunction with the new part-time orientation which included a dinner and introductions of the executive board. An

invitation was extended to everyone to the next afternoon at the movies event coming up February 21 and 22 featuring the movie "Network".

f) Management

Mr. Sewell thanked the many managers that have taken time out of their schedules to assist in the Serrano High School mobile admissions event that was mentioned earlier.

#### 4.10 Public Comments

This is the time for the general public to address the Board. State law prohibits the Board from addressing any issue not included on the agenda. Please limit comments to three minutes per individual and a total of 15 minutes per topic. Discussion of personnel matters is inappropriate for open session. The Board is committed to protecting the privacy interests of District personnel. Should any member of the public wish to discuss a personnel matter, it must first be brought to the attention of the director of human resources. Speakers are cautioned that under California law, no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because those comments are made at a public meeting.

*Public Comments:*

*Mr. Crowley, who administers the web-based course delivery management system on campus, was happy to report that as of today the college had over 3,700 students registered in over 250 sections. He has noticed a great increase in students with area codes out of the high desert area. He felt that the great increase in the number of students was something that was remarkable.*

*Mrs. West reported on the theft that occurred in the Student Services II building Jan 20<sup>th</sup> and her concern regarding the replacement of the stolen items.*

### 5. CONSENT AGENDA

All matters listed under **Consent Agenda** are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as not to require additional discussion. Consent items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests a specific item be removed from the Consent Agenda for discussion and a separate vote. Public comment on Consent Agenda items from anyone completing an Agenda Discussion Form will be heard prior to the Board's vote on the Consent Agenda.

**It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the consent items as amended in one motion as amended.**

- a. Administrative/Management/Confidential Payment of Accrued Vacation Days  
Consider approval of the payment as listed. Fiscal impact: Budgeted
- b. Temporary Academic  
Consider approval of the appointments as listed. Fiscal Impact: Budgeted
- c. Academic Ratification of Equivalency Requests  
Consider ratification of the equivalencies as listed. Fiscal impact: None



- d. Non-Classified Employees  
Consider approval of the appointments as listed. Fiscal impact: None
- e. Classified Bargaining Unit Appointments, Promotions, and/or Transfers  
Consider approval of the transfers/appointments as listed. Fiscal impact: Budgeted
- f. Agreement – Child Development Services – CIMS-5501  
Consider adoption of the resolution to approve the agreement with the California Department of Education Local Agreement for Child Development Services contract #CIMS-5501 per the terms and conditions contained therein. Fiscal impact: to the District \$3,314
- g. Student Travel – TANF Conference  
Consider approval of travel for Sandy Visser and Sharon Murphy to attend the TANF-CDC and CalWORKs Partnership Conference in San Mateo, CA, from March 22-24, 2006. Fiscal impact: None to the District. Paid for by TANF Grant funds.
- h. Curriculum Changes  
Consider approval of the curriculum changes that have been recommended by the College Curriculum Committee.
- i. Agreement – for Personal Services – Luis Pena  
Consider approval of the agreement for personal services with Luis Pena to conduct maintenance and repair on all weight room equipment as listed. Fiscal impact: Not to exceed \$3,700.
- j. Out-of-State Travel  
Consider approval of travel Maria Rempfer, Operations Assistant Auxiliary Services to attend the Campus market Exposition 2006 in Houston, TX, March 3-7, 2006. Fiscal impact: \$2,650, Rams Bookstore fund, budgeted item.
- k. Amended Agreement – Rightway  
Consider approval of the amendment to the agreement with Rightway as requested. Fiscal impact: \$849.50 (Fund 71 expenditure – 100% reimbursable by the Chancellor’s office through the Hazardous substances program).
- l. Board of Trustees Transfers and Payments Report  
Consider approval of the Board of Trustees and Payments Reports.
- m. Out-of-State Travel  
Consider approval of out-of-state travel for staff and students to attend the American Student Association of Community Colleges National Student Advocacy Conference, in Washington, DC, March 18-21, 2006. Fiscal impact: None to the District, ASB budgeted item.



- n. Classified Additional Position  
Consider approval of the addition of the Administrative Secretary II as listed. Fiscal impact: budgeted item.
- o. Classified Position Increase in Time  
Consider approval to increase the student development specialist position from half-time full-time. Fiscal impact: budgeted item, Board Financial Assistance Program (BFAP)

**ACTION AGENDA**

**6. BOARD OF TRUSTEES**

**7. SUPERINTENDENT/PRESIDENT**

**8. INSTRUCTION**

8.1 Agreement – Mojave Water Agency

It was MSC (Henderson/Underhill, 4-0, Elder absent) to approve the agreement with the Mojave Water Agency to further develop the Victor Valley College Mojave Sustainability Project by receiving a sponsorship investment in the amount of \$20,000. Fiscal impact: to the District \$20,000

**9. STUDENT SERVICES**

**10. ADMINISTRATIVE SERVICES**

10.1 Agreement – Neon Software, Annual Agreement

It was MSC (Nelson/Underhill, 4-0, Elder absent) to approve the agreement with Neon Software as submitted Fiscal Impact: not to exceed \$17,684.68 annually budgeted item. Following discussion, the motion carried unanimously

10.2 Agreement – Verizon Wireless

It was MSC (Nelson/Underhill , 4-0, Elder absent) to approve the agreement with Verizon Wireless as submitted. Fiscal impact: Reduction in annual service fees over current service.

10.3 Bid Awards – Advanced Technology Building

It was MSC (Underhill/Nelson, 4-0, Elder absent) to award the 20 bid packages and rejecting the 3 bid packages as recommended in the attachments. Fiscal impact: Capital Fund 71 redevelopment expenditure \$13,296,163.00 (for individual bid totals see attached documents) following discussion the motioned approved unanimously.

10.4 Agreement – Kerri Santoro

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the agreement with Kerri Santoro for the operation of the High Desert Farmers’ Market as requested. Fiscal impact: \$59,400 income to the district and an additional \$2,500 for student scholarships over the five year period covered by the contract. Following discussion, the motioned approved unanimously.

10.5 Agreement – Dave Van Fleet

It was MSC (Henderson, Nelson, 4-0 Elder absent) to approve the agreement with Dave Van Fleet as submitted Fiscal impact: The total fiscal impact is projected to be \$325,000.00 for the two year period. (This project is State funded and will be 100%reimbursable to the district through Capital Outlay Fund 71.)

10.6 Agreement – Koury Engineering

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the agreement with Koury Engineering for laboratory and on-site testing services as requested. Fiscal impact: Not to exceed \$221,450.00 (to be reimbursed by the Chancellor's office through fund 71).

10.7 Donations

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the donations as college property. Total donation amount \$24,305.76.

10.8 Budget Calendar

It was MSC (Nelson/Underhill, 4-0, Elder absent) to approve the proposed budget calendar for 2006-07 as listed.

10.9 Agreement – Affiliated Computer Services, Inc.

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the renewal agreement with Affiliated Computer Services to provide 1098-T reporting requirements for tax year 2005. Fiscal impact: Budged item from Fund 01, not to exceed \$20,000. Following discussion, the motion approved unanimously

10.10 Annual Audit (*this item was moved to the beginning of the action items*)

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the 2004-05 audit as presented. Fiscal impact: None. Following a report by Brown Armstrong which outlined the findings and challenges these items were as a result of the installation of the new Datatel system , following discussion, the motion carried unanimously.

10.11 Agreement – School Advisors (*this item was moved to the beginning of the action items*)

It was MSC (Underhill/Nelson, 4-0, Elder absent) to approve the agreement with School Advisors. Fiscal Impact: \$45,000 plus expenses (the vendor is located in Ontario which will minimize out-of-pocket costs). Although the VVC Board of Trustees is approving this agreement the funding will come from the VVC Foundation which has been, and continues to, fundraise for the purpose of supporting a bond campaign. Following a report by Arianne Lehew with School Advisors, presented what is involved in the phases of the project and what the board is voting on, which included the purpose of a feasibility study, the role of planning participants, planning steps and timelines, following discussion, the motion carried unanimously.

## 11. HUMAN RESOURCES

11.1 Academic Tenure Recommendations

Following Closed Session, recommendations will be made regarding the contract status of the second year contract employees listed below:

It was MSC (Underhill/Nelson, 4-0 Elder absent to enter into a contract for the following two academic years.

James Comer, History  
David Gibbs, Biology

Brian Hendrickson, Paramedic  
Tom Turner, Fire Technology

Recommendations may be to:

- a. Not enter into a contract for the following academic year
- b. Enter into a contract for the following two academic years
- c. Employ as a regular employee for all subsequent academic years (tenure)

Fiscal impact: budgeted item

#### 11.2 Academic Tenure Recommendations

Following Closed Session, recommendations will be made regarding the contract status of the third year contract employees listed below:

It was MSC (Henderson/Nelson, 4-0 Elder absent to employ the probationary employee(s) as a tenured employee for all subsequent academic years.

Jaclyn Trost, Counseling  
Steve Toner, Math  
Terry Truelove, Nursing

Hinrich Kaiser, Biology  
David Graham, Music

Recommendations may be to:

- I. Employ the probationary employee(s) as a tenured employee for all subsequent academic years.
- II. Not employ the probationary employee(s) as a tenured employee

Fiscal impact: budgeted item

## 12. **FOR INFORMATION ONLY**

### 12.1 Academic Resignations

Provided as an informational item.

### 12.2 Substitutes Provided Through Contract

Provided as an informational item.

### 12.3 Classified Resignation

Provided as an informational item.

### 12.4 Administrative/Management/Confidential Resignation

Provided as an informational item.

12.5 Dr. Prem Reddy School of Health Sciences Revised Allocation Plan

Provided as an informational item.

12.6 Monthly Financial Reports

Provided as an informational item.

**13. ADJOURNMENT**

It is the intention of Victor Valley Community College District to comply with the Americans with Disabilities Act in all respects. Any person with a disability may request that this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting to Jeffrey Holmes, Victor Valley College, 18422 Bear Valley Road, Victorville, California 92395-5849, (760) 245-4271, Ext. 2596, from 8:30 a.m. to 5:00 p.m., Monday through Friday, at least 48 hours prior to the meeting to make reasonable arrangements. Government Code Section 54954.2.

The meeting was adjourned at 9:40p.m.

APPROVED:

\_\_\_\_\_  
Joe Range, President

Respectfully submitted,  
Patricia A. Spencer, Ph.D.  
Secretary

\_\_\_\_\_  
Donald Nelson, Clerk

\_\_\_\_\_  
Date Approved