



# Victor Valley Community College District REGULAR MEETING OF THE BOARD OF TRUSTEES MINUTES

Date: February 10, 2009

Place: Board Room Victor Valley Community College  
18422 Bear Valley Road, Victorville, CA 92395

## CALL TO ORDER

5 p.m.

The Board of Trustees of Victor Valley Community College District met in Open Session on February 10, 2009 in the Board Room of the Administration building. Mr. Range, Board President called the meeting to order at 5 p.m.

**TRUSTEE ROLL CALL:** Present: Joe Range, Board President; Angela Valles, Vice President; Dennis Henderson, Trustee, Don Nelson, Trustee, Christina Zambrano, Student Trustee

Absent: Bettye Underhill, Clerk, Christina Zambrano, Student Trustee

**MANAGEMENT PRESENT:** Dr. Robert Silverman, Superintendent/President. Dr. Christopher O'Hearn, Interim, Deputy Superintendent/Executive Vice President, Instruction Fusako Yokotobi, Vice President, Human Resources, and Annette McComas (Recorder)

## PLEDGE OF ALLEGIANCE

Dennis Henderson led the Pledge of Allegiance to the Flag.

**ANNOUNCEMENT OF ITEMS DELETED OR CORRECTED FROM THE AGENDA:** None

**ANNOUNCEMENT OF ITEMS TO BE CONSIDERED IN CLOSED SESSION:** Board president, Mr. Range, announced the items that the Board would consider in closed session.

## 2. CLOSED SESSION

- (a) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION  
(Subdivision (a) of section 54956.9 of the Government Code)

Boenheim v. Victor Valley College, San Bernardino Superior Court, Victorville District, Case Number CIVVS 803769

Tortorici v. Victor Valley College, San Bernardino Superior Court, Victorville District, Case Number CIVVS 803762

- (b) CONFERENCE WITH LEGAL COUNSEL--POTENTIAL LITIGATION  
Government Code Section 54956.9 (b)

1. EEOC Claim Number 480-2009-00397
2. Internal Discrimination Charge

- (c) CONFERENCE WITH LEGAL COUNSEL—POTENTIAL LITIGATION  
Government Code Section 54956.9 (b) (3) (A)  
(1 case)
- (d) CONFERENCE WITH LABOR NEGOTIATORS – Government Code Section 54957.6  
District Representative: Dr. Robert Silverman  
  
Employee Organizations: CSEA, AFT, CTA
- (e) PUBLIC EMPLOYEE APPOINTMENT – Government Code Section 54957  
  
Director of Evening Operations, Instructional Support Programs  
  
Interim Director of Disabled Student Programs and Services (DSPS)
- (f) PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code 54957  
Director of Special Grants Programs  
Executive Dean, Student Services  
Dean, Instructional Programs, STEM  
Director, Trio Programs  
Dean Instructional Programs, Health Sciences & Public Safety  
Executive Dean of Institutional Effectiveness  
Director, EOPS/CARE  
Executive Dean, Technology & Information Resources  
Dean, Instructional Programs, Humanities, Arts & Social Sciences

**PUBLIC COMMENTS RELATED TO CLOSED SESSION ITEMS:** None

At 5:05 p.m. Board President, Mr. Range recessed to closed session.

Christina Zambrano, Student Trustee arrived at 5:50 p.m.

**3. RECONVENE TO OPEN SESSION**

**6 p.m.**

At 6:05, Board President reconvened to open session and announced that there was no closed session report.

**3.1 Closed Session Report**

None

**PUBLIC COMMENTS RELATED TO AGENDA ITEMS:** The following individuals made a comment with respect to noted agenda items: Margaret Kagy (5.14, 5.35, 5.36), Patricia Wagner (8.1), Anthony Pallante (8.1), and Roderick Gray (8.1)

#### 4. SUPERINTENDENT/PRESIDENT'S REPORT

As part of the Superintendent/President's report Dr. Silverman announced that Margaret Kagy was recently elected as the new president of CSEA and extended her the opportunity to introduce her new board. Ms. Kagy introduced Audrey Vaughn (Site Rep Coordinator), Pearl Bandringa (Treasurer), Sharon Wright (Public Relations Officer, Eileen Sullivan (Vice-President), Robbie Richards (Secretary), Arlene Greene (Chief Job Steward). The CSEA negotiations team consists of Ray Navarro, Carlos Martinez, and Michelle Laveaux.

Dr. Silverman reported that the accreditation was "stellarly" successful. Additional data was shown that what has taken other colleges two years to do, it took us 18 months. This is a testament to the hard work of the whole college and everybody has pulled together to make this a success. We are not expecting another visit until 2011.

Enrollment is doing tremendously well. We are now up 10% over last year. It is expected that the funded growth for this year is going to be 5.9% and that would be a 10,070 FTES. If the college reaches 10,001 FTES will receive the extra million dollars.

- **Faculty Senate**  
No report

#### 5. CONSENT AGENDA

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

##### 5.1 Approval of the minutes of the December 8, 2008 regular Board meeting

##### 5.2 Agreement – Ebmeyer Charter and Tour

Approval of the agreement between Victor Valley Community College District and Ebmeyer Charter Tour to provide transportation for registered students of Victor Valley Community College, Janet Long, Director of Trio Program and Jessica Diaz, Counselor of Student Support Services. Fiscal Impact: \$1,104.75 funded by Title IV grant funded.

##### 5.3 Agreement- Victor Valley Union High School District

Ratification of the agreement between Victor Valley Community College District and Victor Valley Union High School District to provide transportation for Upward Bound Math and Science Department students to be brought to Victor Valley Community College from their high schools for the Saturday Academy on September 13, 2008. Fiscal Impact: \$1,293.75, funded by Upward Bound Math and Science Program.

##### 5.4 Agreement – Apple Valley Fire Protection District

Ratification of the agreement between Victor Valley Community College District and Apple Valley Fire Protection District for maintenance on various fire apparatus. The period of this agreement is from January 6, 2009 through June 30, 2009. Fiscal Impact: Not to exceed \$15,000.00 – budgeted item.

##### 5.5 Donations Science Equipment

Approval of the donations from Victor Valley Community College District to three local schools in the Victor Valley. Fiscal Impact: None

- 5.6 California Early Childhood Mentor Program New List of Mentors  
Approval of the three new teachers for the California Early Childhood Mentor Program at Victor Valley Community College District. Fiscal Impact: None
- 5.7 Agreement – Independent Contractor – William L. Garrison  
Approval of the agreement between Victor Valley Community College District and William L. Garrison to provide evaluation services to faculty and staff consistent with the Title V – HSI and GEAR UP grant objectives. Fiscal Impact: Not to exceed \$6,500.00, Title V – HSI grant \$5,000.00, GEAR UP Grant \$1,500.00.
- 5.8 Agreement – Independent Contractor – Terry Kurtz  
Approval of the agreement between Victor Valley Community College District and Terry Kurtz to provide video services for men's and women's basketball games. Fiscal Impact: Not to exceed \$700.00, budgeted item.
- 5.9 Agreement – Independent Contractor – Thomas Kirk Riding  
Ratification of the agreement between Victor Valley Community College District and Thomas Kirk Riding to provide pairing and score keeping for the 2008 CCCAA State Wrestling Tournament. Fiscal Impact: Not to exceed \$550.00 State wrestling account.
- 5.10 Agreement – Independent Contractor – MKH Electronics  
Ratification of the agreement between Victor Valley Community College District and MKH Electronics to provide service and repair of ultrasound machines, combo ultrasound/stim machines, hydrocollators, and whirlpools in the athletic training room. The period of this agreement is through June 30, 2009. Fiscal Impact: Not to exceed \$2,000.00
- 5.11 Agreements – Contract Education Services  
Approval of the Contract Education Services' agreements listed below to obtain a food handlers certification card by attending a two-hour class. Fiscal Impact: \$1,200.00 to the District

| Vendor:              | Income to the District |
|----------------------|------------------------|
| Pho Belwood          | \$ 300.00              |
| Yum Yum Donuts       | \$ 300.00              |
| Circle K Corporation | \$ 600.00              |
| Total:               | \$1,200.00             |

- 5.12 Agreement – Boston Reed College  
Approval of the agreement between Victor Valley Community College District and Boston Reed College to provide a Pharmacy Technician course. The period of this agreement is from March 14, 2009 through October 17, 2009. Fiscal Impact: \$1,690.00 per student enrolled in Boston Reed College's Pharmacy Technician Program. \$300.00 per student to the District.
- 5.13 Curriculum Changes  
Approval of the curriculum changes that were approved by the committee on October 23, November 13, and December 11, 2008. Fiscal Impact: None

- 5.14 Contract – Digital Networks Group, Incorporated  
Approval of the agreement between Victor Valley Community College District and Digital Networks Group, Incorporated to enhance five science classrooms with new audio and visual learning systems. Fiscal Impact: \$29,195.59, funded by Title V Grant.
- 5.15 2009-2010 Academic Calendar  
Approval of 2009-2010 academic calendar. Fiscal Impact: None
- 5.16 Agreement – Independent Contractor – Maria Bitonti  
Ratification of the agreement between Victor Valley Community College District and Maria Bitonti to provide training services to partner liaisons consistent with the Career Pathways grant objectives. Fiscal Impact: Budgeted item, not to exceed \$306.00 Career Pathways grant.
- 5.17 Agreement – Independent Contractor – Tammy D. Sanchez  
Ratification of the agreement between Victor Valley Community College District and Tammy D. Sanchez to provide training services to partner liaisons consistent with the Career Pathways grant objectives. Fiscal Impact: Budgeted item, not to exceed \$306.00 Career Pathways grant.
- 5.18 Authorized Signatory  
Approval of the signature of Gholam Javaheripour to conduct college business. Fiscal Impact: None
- 5.19 Agreement – XIRRUS  
Ratification of the agreement between XIRRUS and Victor Valley Community College District to support minimal level of wireless computer access for students and staff. Fiscal Impact: \$6,890.00 – budgeted item.
- 5.20 Purchase Agreement – CPI Building Management & Leasing  
Approval of the agreement between CPI Building Management & Leasing and Victor Valley Community College District to purchase office furniture at a reduced cost. Fiscal Impact: \$27,500.00, Fund 71 expenditure. (This project is partially State funded and a portion of this may be reimbursable through the State. Any portion that is not reimbursable has been previously budgeted.)
- 5.21 Notice of Completion – Existing Gymnasium Demolition  
Approval of a Notice of Completion for the GC Builders, Inc., bid package 20– Existing Gymnasium Demolition – for the Seismic Replacement Auxiliary Gymnasium (aka: Adaptive PE Center) Project. Total contact amount for the bid package was \$329,000.00. Fiscal Impact: None.
- 5.22 Scope of Work Addendum – RGP Planning and Development Services  
Ratification of the addendum #2 to the scope of work provided by RGP Planning and Development Services pertaining to the Program Environmental Impact Report (EIR) for the 2007 Facilities Master Plan; Board approved on September 11, 2007. Fiscal Impact: \$5,850.00 – Fund 71 Expenditure.
- 5.23 Board of Trustees Payments Report  
Approval of the Board of Trustees Payments Report. Fiscal Impact – None.

- 5.24 Approval of Academic Equivalency Request - Christina A. Shelby – Art and Photography  
Approval of the equivalency request for Christina A. Shelby – Art and Photography.  
Fiscal Impact: None
- 5.25 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Roger Burgraff, Ph.D. to provide workshops, “How to Deal with Disagreements, Conflict, and Confrontation”, and “How to Deal with Difficult People with Tact and Skill.” The period of this agreement is February 11, 2009, through June 30, 2009.  
Fiscal Impact: \$1,000.00 to the District.
- 5.26 Agreement – Contract Education Service  
Approval of an agreement between Victor Valley Community College District and Rounds, Miller, and Associates to provide a workshop, “Using Your Computer to Make Money.” The period of the agreement is from April 23, 2009, through June 30, 2009.  
Fiscal Impact: \$390.00 to the District.
- 5.27 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Learn CPR 4 Life to provide workshops, “American Heart Association Healthcare Provider CPR”, and “CPR/First Aid.” The period of this agreement is from February 11, 2009, through June 30, 2009. Fiscal Impact: \$9,000.00 to the District.
- 5.28 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Tomco Driving School to provide workshops, “Driver Education”, and “Online Driver’s Education.” The period of this agreement is from February 11, 2009, through June 30, 2009. Fiscal Impact: \$5,500.00 to the District.
- 5.29 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Archangel to provide a workshop, “Retirement Planning Today”. The period of this agreement is from  
February 10, 2009, through May 09, 2009. Fiscal Impact: \$2,000.00 to the District.
- 5.30 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Standing Room Only Productions, Inc. to provide a workshop, “Youth performance Arts.” The period is this agreement is from February 11, 2009, through June 30, 2009.  
Fiscal Impact: \$1,600.00 to the District.
- 5.31 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Voices for All to provide a workshop, “An Introduction to Voiceovers.” The period of this agreement is from February 11, 2009, through June 30, 2009. Fiscal Impact: \$600.00 to the District.

- 5.32 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Notary Public Seminars to provide a workshop, "Notary Public." The period of this agreement is from April 4, 2009, through June 30, 2009. Fiscal Impact: \$1,500.00 to the District.
- 5.33 Agreement – Contract Education Services  
Approval an agreement between Victor Valley Community College District and Debbi Harper to provide a workshop, "The Brain Class – A Blueprint for Brain Fitness." The period of the agreement is from February 11, 2009, through June 30, 2009. Fiscal Impact: \$390.00 to the District.
- 5.34 Agreement – Contract Education Services  
Approval of an agreement between Victor Valley Community College District and Interactive Teaching to provide a workshop, "How to Motivate the Unmotivated Child." The period of this agreement is from February 11, 2009, through June 30, 2009. Fiscal Impact: \$390.00 to the District.
- 5.35 Agreement Renewal – Affiliated Computer Services, Inc.  
Approval of the renewal agreement with Affiliated Computer Services to provide 1098-T reporting requirements for tax year 2008. Fiscal Impact: Budgeted item from Fund 01, not to exceed \$22,000.00
- 5.36 Independent Contractor – Mike Tran  
Ratification of an agreement between Victor Valley Community College District and Mike Tran to assist the MIS department with the 1098 process; train current Systems Analyst on Financial Aid process(es) available within Datatel. Fiscal Impact: \$15,000.00, budgeted item.

## **ACTION AGENDA**

### **6. BOARD OF TRUSTEES**

- 6.1 Separate approval of items pulled from consent agenda
- 6.2 Resolution 09-02 – Change of Election Day – San Bernardino and Los Angeles County  
It was MSC (Nelson, Valles 3-1-0, Henderson, No, Underhill absent) to approve the resolution permitting Victor Valley Community College District to change its election day with the approval of the Board of Supervisors of the Counties of San Bernardino and Los Angeles from November 2009 to November 2010. Fiscal Impact: Cost savings to the District will vary from election to election dependent on the numbers of items on the ballot. Savings would be approximately \$200,000 over a two-year period. In addition, there is a one time cost of \$21,000 to notify voters of the change.

**7. SUPERINTENDENT/PRESIDENT**

**7.1 Resolution 09-01 – Authorizing the issuance of Victor Valley Community College District (Los Angeles and San Bernardino Counties, California) Election of 2008 General Obligation Bond**

Dr. Silverman announced that the fiscal impact for this proposal should read \$150M for the first issuance. The \$297,500,000.00 is the total amount that will be done in four different issues.

**Break: 6:34 p.m.**

**Reconvene: 6:36 p.m.**

It was MSC (Henderson/Nelson, 4-0, Underhill absent) to adopt the resolution authorizing the issuance of Victor Valley Community College District (Los Angeles and San Bernardino Counties, California) Election of 2008 General Obligation Bond. Fiscal Impact: \$297,500,000.00, budgeted item from bond proceeds.

**7.2 Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions**

It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve the agreement and Joint Escrow instructions between Victor Valley Community College District and Carl E. Ross Living Trust effective upon acceptance by the Governing Board of the Victor Valley Community College District. Seller is the owner of approximately 55 acres of vacant real property located on the east side of US 395, south of Main Street, APN 3064-571-01. Fiscal Impact: \$10,890,000.00, budgeted item from bond proceeds.

**7.3 Victor Valley College District Foundation, Inc. - Property Evaluation Documents - Invoice for Approval**

It was MSC (Nelson/Valles, 4-0, Underhill absent) to approve to pay Victor Valley College District Foundation, Inc. for Property Evaluation Documents dated January 22, 2009 for Biological Constraints, Phase I Environmental Site Assessment, Cultural Resources Survey, Geotechnical Investigation, and Buyer's Copy of Property ID – Invoice amount: \$25,500.00, budgeted item from bond proceeds.

**8. INSTRUCTION**

**8.1 Tutor Salary Schedule**

It was MSC (Nelson/Valles, 2-2, Underhill absent) The motion failed with the following vote Valles, No. Henderson, No, Range Yes, Nelson, Yes and Underhill, absent) to approve to eliminate the tutoring levels and go to the flat rate of minimum wage for tutors who are student workers. Fiscal Impact: None.

**10. ADMINISTRATIVE SERVICES**

**10.1 Foundation Donations**

It was MSC (Nelson/Henderson, 4-0, Underhill absent) to accept the donations as college property from the Victor Valley College District Foundation of \$99,625.90 in-kind cash donations, (\$15,390.44 in scholarships) for a total amount of \$115,016.34. In addition the Foundation has also received property donations as listed. Donations are for the period ending December 2008. Fiscal Impact: None.



- 10.2 Agreement – Program Management Services – gkkWorks  
 It was MSC (Henderson/Nelson 4-0, Underhill absent) to approve the agreement between Victor Valley Community College District and gkkworks for Program Management services at a rate not to exceed a total aggregate of five percent (5%) of total project costs related to Measure JJ. Fiscal Impact: Compensation to gkkWorks for project management services as defined in contract shall not exceed a total aggregate of five percent (5%) of total project costs related to Measure JJ paid for services rendered monthly, and based on bond amount less Certificate of Participation and land costs - budgeted item from bond proceeds.
- 10.3 Bond: Establishment of New Funds  
 It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve the establishment of the *Revenue Bond Construction Fund* and the *Revenue Bond Project Fund*. Fiscal Impact: None
- 10.4 2007-2008 Financial Audit  
 It was MSC (Nelson/Valles, 4-0, Underhill absent) to accept the 2007-2008 financial audit. Fiscal Impact: None
- 10.5 Agreement – Asera LLC  
 It was MSC (Valles/Nelson, 4-0, Underhill absent) to approve the agreement between Victor Valley Community College District and Asera LLC to provide services in connection with the District's renewable energy conservation, and technology development program. Fiscal Impact: Budgeted item from bond proceeds, not to exceed \$60,000.00.
- 11. HUMAN RESOURCES**
- 11.1 Public Hearing for AFT Initial Negotiations Proposal to District for 2008/2009 Reopeners  
 At 7:19 p.m. the Board President declared the hearing open. Hearing no comments the Board President declared the hearing closed at 7:20 p.m.
- 11.2 Management Appointment, Director of Evening Operations, Instructional Support Programs – Timothy Johnston  
 It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve the appointment of Timothy Johnston, Director of Evening Operations, and Instructional Support Programs beginning on or after February 11, 2009. Fiscal Impact: Range 18 on the Management Salary Schedule, \$7,235 per month plus benefits.
- 11.3 Revised, Management Position and Job Description – Chief, Campus Police  
 It was MSC (Nelson/Valles, 4-0, Underhill absent) to approve the revised job description and placement on the management salary schedule. Fiscal Impact: Budgeted item, Level 19 of the Management Salary Schedule, \$7,992-\$10,214/month, plus benefits.
- 11.4 New Management Position and Job Description, Executive Director Foundation/Institutional Advancement  
 It was MSC (Nelson/Valles, 4-0, Underhill absent) to approve the new job description and placement on the management salary schedule. Fiscal Impact: Level 19 of the Management Salary Schedule, \$9,727 per month plus benefits.

11.5 Management Appointment, Interim Director of Disabled Student Programs and Services (DSPS)

It was MSC (Henderson/Nelson, 4-0, Underhill absent) to approve the appointment of Jaclyn Trost as Interim Director of Disabled Student Programs and Services (DSPS) beginning on or after February 11, 2009 Fiscal Impact: Budgeted item, Range 18 on the Management Salary Schedule, \$7,992/month plus benefits.

11.6 Academic Contract Recommendations – Approval of One-Year Reemployment Contracts

It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve of the one-year reemployment contract for the 2009-2010 academic year for two probationary academic employees completing their first full year of satisfactory service, Marsha Cole, Child Development and Yoko Inagi, Librarian. Fiscal Impact: Budgeted item.

11.7 Academic Contract Recommendations – Approval of Two-Year Reemployment Contract

It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve the two-year reemployment contract for the 2009-2011 academic years for Russell McCord, Respiratory Therapy for completing his first full year of satisfactory service. Fiscal Impact: Budgeted item.

11.8 Academic Contract Recommendations – Approval of Tenure Status

It was MSC (Nelson/Henderson, 4-0, Underhill absent) to approve the reemployment contract and tenure status for Jessica Gibbs, Biology and Jeanine Speakman, Nursing for all subsequent year. Fiscal Impact: Budgeted item.

**12. INFORMATION/DISCUSSION**

12.1 Monthly Financial Reports

Submitted as an informational item.

12.2 First Reading - Board Policy – Rejection of a Prospective Bidder

Submitted as an informational item.

**13. REPORTS (3 minute limit per report)**

The purpose of these reports is to inform the Board of Trustees regarding issues pertaining to those constituency groups.

13.1 Foundation

Ginger Ontiveros

13.2 Employee Groups

a) CTA

No report

b) CSEA

Margaret Kagy

c) AFT Part-Time Faculty United

Valerie Franjelica

**14. TRUSTEE COMMENTS**

- ASB  
Christina Zambrano, Student Trustee

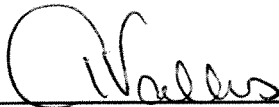
Ms. Valles said that she was proud of the college and all the hard work that was done on the accreditation. She also thanked Dr. O'Hearn for all the work that he did. On another note, she pointed out that it is very important to pay attention in providing the writing center with quality instructor and students. Mr. Henderson feels it is an important job to write clearly. He thanked everyone, especially Dr. O'Hearn for getting off the warning list with accreditation. He also wanted to thank those individuals that participated with the passage of the bond. Mr. Range congratulated everyone that worked on the accreditation. He thanked Drs. Silverman and O'Hearn for leading the way and helping the college get the accreditation done. Willie Pringle was congratulated on his recent Hall of Fame award. Don Nelson thanked Ken Walsh for all that he does for the college.

**15. Public Comments Related to Non-Agenda Items**

The following individuals made a comment with respect to non-agenized items: None

**16. ADJOURNMENT**

It was MSC (Nelson/Valles 4-0, Underhill absent to adjourn the meeting at 7:45 p.m.



\_\_\_\_\_  
Angela Valles, Vice President

**3-10-09**

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