

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

Date: August 11, 2009

Place: Closed Session 4:30-5:30: West Wing Conference Room Victor Valley Community College  
18422 Bear Valley Road, Victorville, CA 92395

Workshop 5:30-6 p.m.: Staff Lounge Victor Valley Community College  
18422 Bear Valley Road, Victorville, CA 92395

Regular Meeting 6 p.m.: Board Room Victor Valley Community College  
18422 Bear Valley Road, Victorville, CA 92395

## CALL TO ORDER

4:30 p.m.

The Board of Trustees of Victor Valley Community College District met in Open Session on August 11, 2009 in the Board Room of the Administration building. Mr. Range, Board President called the meeting to order at 4:34p.m.

**TRUSTEE ROLL CALL:** Present: Joe Range, Board President; Angela Valles, Vice President; Dennis Henderson, Trustee, Chris Mollenkamp, Trustee, and Don Nelson, Trustee

Absent: Mary Mazzola Student Trustee

**MANAGEMENT PRESENT:** Dr. Robert Silverman, Superintendent/President. Dr. Christopher O'Hearn, Deputy Superintendent/Executive Vice President, Instruction Fusako Yokotobi, Vice President, Human Resources, GH Javaheripour, Vice President, Administrative Services 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:** Board President, Mr. Range announced that Agenda item 11.1 ~ the title of the classification of Associate Director of Financial Aid should read Assistant Director of Financial Aid

## 2. CLOSED SESSION

4:30 – 5:30 p.m.

- (a) CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6 District Representative: Robert Silverman, Superintendent/President  
Employee Organizations: CTA, AFT, CSEA

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**BOARD OF TRUSTEES:** Dennis Henderson, Donald Nelson, Chris Mollenkamp, Joe Range, Angela Valles, ASB Member

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(b) **LIABILITY CLAIMS – Government Code Section 54956.95**

Claimant: Jeannette T. Seamore

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

Recess to Closed Session: 4:38 p.m.

## **WORKSHOP**

*Staff Lounge Victor Valley Community College*

**5:30 - 6 p.m.**

Reconvene from Closed Session: 6:15 p.m.

### **3. OPEN SESSION OF REGULAR MEETING**

**6 p.m.**

At 6:15 p.m. Board President, Mr. Range reconvened to open session and announced there was one report.

#### **3.1 Closed Session Report**

Board President, Mr. Range announced that the claim for damages was unanimously rejected and referred to our claims administrator for handling.

Board President, Mr. Range announced that the agenda will be adjusted to make it easier on everyone. It was MSC (Valles/Henderson, 5-0) to move agenda items 11.1 and 11.2 to the beginning of the agenda. In addition, with the amount of speaker requests he asked the audience if they would consider speaking for one minute thus allowing for more speakers to speak at the lectern. It was the consensus of the public to extend the time to 30 minutes to complete the task. Board Policy 2350 states that comments are limited to three minutes per individual and a total of 15 minutes per topic. All members of the board agreed to extend the 15 minute period to 30 minutes to allow as many speakers possible to address the board within that timeframe.

**PUBLIC COMMENTS RELATED TO AGENDA ITEMS:** Roderick Gray (6.2), Rick Piercy (10.2), Sharon Wright (11.1), Roderick Gray (11.1), Kathy Mata (11.2), Carole Stump (11.2), Teresa Robillard (11.2), Francisco Ross (11.2), Tammy Brown (11.2), Nissa Moore (11.2), Sushawna Moore (11.2), Melanie Dube Price (11.2), Tracy Wilson (11.2), Sheryl Parnell (11.2), Lucia Mejia (11.2), Carol King(11.2), Monica Wettengel (11.2), Naomi Hill (11.2), Roderick Gray (11.2), Deidra Dulin (11.2), and Lois Papner (11.2)

**Break: 7:09 p.m.**

**Reconvene: 7:18 p.m.**

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

Dr. Silverman provided a brief report regarding what we know from Sacramento regarding the status of the budget. On July 27<sup>th</sup> the Governor signed the budget and in that budget there were several cuts for Community Colleges on both sides of the budget. Dr. Silverman explained that the college's budget is separated through the general fund and categorical funds. The categorical funds are awarded through the legislature. When the legislature takes funds away it is very difficult to maintain the same level of service that we currently have.

Regarding the general fund the college received cuts in four major areas. We have eroded base of the college by 3 ½% (which is what we are funded on), received a large reduction property tax income (which is projected to go further), and the college received notice that the general apportionment adjustments will have adjustments. All of these cuts put tremendous pressure on the general fund. In the general fund, a balanced budget was presented to the board which is by law. The balanced budget has no layoffs and no reductions. This will not

continue if what is being reported to us by the legislature is true. The general fund is taking a tremendous hit and so far we have not had to make layoff messages in the general fund.

Categorical funds, which are linked to programs, there have been discussions in the legislature regarding reduction of categorical funding. The college has been presented with a list, by program, how much this college is being reduced in those programs. Of the \$5M total, the legislature is taking close to over 40% back and the program is going to be reduced. If we continue spending the same amount of money, the categorical funds will evaporate long before the year is up. Without the categorical funds supporting the student services, massive layoffs would need to be made somewhere else to pay for the problem. The categorical money is a permanent cut to the categorical programs. Our problem is that we have a revenue shortfall which has been going on for 3 years. This college spends more than we get. If this motion passes, we have 45 days to figure this out and during these 45 days we can discuss all the compromises and concessions we want to make to try to save the categorical programs. It can't just be the categorical programs it must be the whole college. The 45 days begins today if the board passes it tonight.

- **Faculty Senate**  
No report

## **ACTION AGENDA**

### **11.1 Resolution #09-07 - Elimination of Positions**

It was MSC (Nelson/Mollenkamp, 2-2-1 Range, Yes, Nelson, Yes, Mollenkamp, No, Valles, No, Henderson, Abstain). The motion failed to approve the resolution to eliminate vacant positions as listed. Fiscal Impact: None- positions have not been budgeted.

### **11.2 Resolution #09-08 - Layoff Resolution - Classified**

It was motioned by Trustee Nelson and seconded by Trustee Mollenkamp MSC to approve the resolution for lack of categorical funds and authorize and direct the Vice President, Human Resources to give notice of layoff to employees in the classifications listed. Fiscal Impact: \$733,545.00 to balance the categorical shortfall of \$1,729,549.00.

Following discussion, the motion was amended by Trustee Mollenkamp and seconded by Trustee Nelson (Mollenkamp, Yes, Nelson, Yes, Henderson, Yes, Range, Yes, Valles, No) to direct the Superintendent/President to open negotiations with all unions and management staff to seek ways to minimize the fiscal impact on the college.

**Break: 7:59 p.m.**

**Reconvene: 8:05 p.m.**

## **5. CONSENT AGENDA**

It was MSC (Nelson/Henderson, 5-0) to approve the consent items in one motion.

### **5.1 Approval of the minutes of the July 14 2009 regular Board.**

### **5.2 Agreement Renewal – Idearc Media**

Ratification of the renewal agreements between Victor Valley Community College District and Idearc Media for the college phone listing and advertising in the yellow and white pages of the Verizon phone directory. Fiscal Impact: \$17,483.40 Public Information Office advertising budget. (Renewal)

- 5.3 Agreement– National Cinemedia, LLC  
Ratification of the agreement between Victor Valley Community College District and National Cinemedia, LLC to provide on screen advertising at the Cinemark 16 movie theatre located in Victorville, CA for the Victor Valley Community College District's Puente Program. The period of this agreement is from July 24, 2009 through August 20, 2009. Fiscal Impact: \$214.00, budgeted item, grant funds.
- 5.4 Agreement Renewal – PeopleAdmin, Inc.  
Ratification of the agreement between Victor Valley Community College District and PeopleAdmin, Inc. to continue the automated internet-based system for establishing and maintaining employment applications, job descriptions, and performance evaluations. The period of the agreement is from August 28, 2009 through August 27, 2010. Fiscal Impact: \$33,100.00, budgeted item. (Renewal)
- 5.5 Agreement Renewal – Bomgar Corporation  
Ratification of the agreement between Victor Valley Community College District and Bomgar Corporation to renew its software maintenance agreement to enable help desk personnel to manage and correct technical issues on any workstation on or off campus. Fiscal Impact: \$2,753.00, budgeted item. (Renewal)
- 5.6 Agreement – Porter Boiler Service, Inc.  
Ratification of the agreement between Victor Valley Community College District and Porter Boiler Service, Inc. to provide recertification services for two (2) Bryan boilers located in the central plant, per South Coast Air Quality Management District permit requirements. Fiscal Impact: \$3,900.00, budgeted item.
- 5.7 Agreement Renewal – Porter Boiler Service, Inc.  
Ratification of the agreement between Victor Valley Community College District and Porter Boiler Service, Inc. to provide inspection and maintenance services on the Bryan Flex tube boiler located in the gymnasium. The agreement is for the 2009-2010 fiscal year. Fiscal Impact: \$1,680.00. (Renewal)
- 5.8 Agreement Renewal #09/10-0067 – San Bernardino County Superintendent of Schools  
Ratification of the agreement between Victor Valley Community College District and San Bernardino County Superintendent of Schools for courier services for fiscal year 2009-10. This service includes daily delivery and pick up of the County's correspondence and materials. Fiscal Impact: Not to exceed \$3,187.00, budgeted item. (Renewal)
- 5.9 Agreement Renewal – Keenan & Associates Loss Control Services  
Ratification of the agreement between Victor Valley Community College District and Keenan & Associates to provide loss control services as needed for the 2009-2010 fiscal year. Fiscal Impact: Not to exceed \$20,000.00, budgeted item. (Renewal)
- 5.10 Agreement – Ontario Refrigeration  
Ratification of the agreement between Victor Valley Community College District and Ontario Refrigeration to replace the circuit 2 compressor on the A/C unit in the Allied Health Department. Fiscal Impact: \$13,724.00, budgeted item.
- 5.11 Board of Trustees Budget Transfer Request Report  
Approval of the budget transfers as submitted. Fiscal Impact: None
- 5.12 Board of Trustees Payments Report  
Approval of the Board of Trustees Payments Report. Fiscal Impact: None

- 5.13 Renewal Agreement – San Antonio Community Hospital  
Ratification of the agreement between Victor Valley Community College District and San Antonio Community Hospital to provide clinical learning facilities for health sciences programs. The period of this from July 1, 2009 through June 30, 2010. Fiscal Impact: None. (Renewal)
- 5.14 License Agreement – California State University San Bernardino Office of Housing and Residential Life  
Ratification of the agreement between Victor Valley Community College District and California State University San Bernardino Office of Housing and Residential Life to provide residential services for university based programs for Upward Bound Program participants, Janet Long, Jessica Diaz and Elizabeth Duarte. The period of this agreement is from July 9, 2009 through July 25, 2009. Fiscal Impact: \$10,652.00, budgeted item, Grant Funds.
- 5.15 License Agreement – California State University San Bernardino Office of Housing and Residential Life  
Ratification of the agreement between Victor Valley Community College District and California State University San Bernardino Office of Housing and Residential Life to provide residential services for university based programs for Upward Bound Math and Science Program participants, Janet Long, Jessica Diaz and Elizabeth Duarte. The period of this agreement is from July 9, 2009 through July 25, 2009. Fiscal Impact: \$6,366.00, budgeted item, Grant Funds.
- 5.16 Agreement – H&L Charter Co., Inc.  
Ratification of the agreement between Victor Valley Community College District and H&L Charter Co., Inc. to provide transportation service to partner high school students in the Upward Bound Program. The period of the agreement is from August 5, 2009 through August 8, 2009. Fiscal Impact: \$3,766.40, budgeted item, Grant Funds.
- 5.17 Agreement – Independent Contractor – Robert D. Hampton  
Ratification of the Independent Contractor Agreement between Victor Valley Community College District and Robert D. Hampton to provide academic workshops for Upward Bound Program participants during the 2009 Summer Academy/California State University San Bernardino residential component. The period of the agreement is from July 20, 2009 through July 23, 2009. Fiscal Impact: \$500.00, budgeted item, Grant Funds.
- 5.18 Agreement – Independent Contractor – Isaac Newton  
Ratification of the Independent Contractor Agreement between Victor Valley Community College District and Isaac Newton to assist in presenting and facilitating various Career Pathways' workshops. The period of the agreement is from June 29, 2009 through July 2, 2009. Fiscal Impact: \$150.00, budgeted item, Grant Funds.
- 5.19 Agreements – Contract Education Services  
Approval of the Contract Education Services' agreements listed below. Fiscal Impact: \$8,100.00 Income to the District.

Vendor:	Income to the District
Voices For All	\$ 600.00
Preston Guillory Investigations	\$4,000.00
Notary Public Seminars	\$3,000.00
Brown Butterfly Enterprises	\$ 500.00
Total:	\$8,100.00

5.20 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: \$1,800.00 to the District.

Vendor:	Income to the District
IHOP Restaurant	\$ 300.00
Cardenas Mexican Market - Hesperia	\$ 300.00
Cardenas Mexican Market - Fontana	\$ 300.00
La Casita Cafe	\$ 600.00
Casa Delias Restaurant	\$ 300.00
Total:	\$1,800.00

5.21 Personal Services Agreement – Dudek

Ratification of the agreement with Dudek to provide preliminary environmental consulting services related to District implementation of Bond Measure JJ related projects for the period of 07/27/09-8/11/09. Preliminary projects include review of the District's traffic study and review of the Public Safety Training Center site for any environmental issues. Impact: \$24,603.00 - locally bond funded.

5.22 Approval of Academic Equivalency- Physical Education - Gregg Combs

Approval of the minimum of fifteen (15) years of work experience in the field is required. It is recommended that the Board of Trustees approve the equivalency listed. Fiscal Impact: None

5.23 Agreement – Independent Contractor – Myrna Foster

Ratification of the Independent Contractor Agreement between Victor Valley Community College District and Myrna Foster to provide supplemental instruction for regular Upward Bound The period of the agreement is from June 22, 2009 through July 30, 2009. Fiscal Impact: \$2,040.00, budgeted item, Grant Funds.

**ACTION AGENDA**

**6. BOARD OF TRUSTEES**

6.1 Separate approval of items pulled from consent agenda

6.2 Second Reading - Board Polices Chapter 2, Board of Trustees

It was MSC (Nelson/Henderson, 5-0) to approve the Chapter 2 revised and new Board Policies as amended with Board Policy 2130 eliminated.

Trustee Mollenkamp requested Board Polices 2210, 2130 and 2305 pulled for separate discussion.

On Board Policy 2210 (Officers – Rotating), Trustee Mollenkamp was not sure that rotating would benefit the board and that it would lead to greater issues when an individual with less experience was chosen. Trustee Mollenkamp motioned to amend BP 2210 to not rotate the board chair. Hearing no second Trustee Mollenkamp withdrew his motion.

On Board Policy 2305, Trustee Mollenkamp said that if Board Policy 2210 (Officers – Rotating) is approved then the change on Board Policy 2305 should not be done.

On Board Policy 2130 (Term Limit) Trustee Mollenkamp was concerned of the high cost and wanted to ensure that passing this board policy does not require the college to immediately submit to pay for the election if term limits are chosen.

It was MSC (Mollenkamp/Henderson, 5-0) to eliminate Board Policy 2130 (Term Limits).

## 10. ADMINISTRATIVE SERVICES

- 10.1 CEQA Indemnification Agreement for the Apple Valley Fire Protection District  
It was MSC (Henderson/Nelson, 5-0) to approve of the indemnification agreement for the Apple Valley Fire Protection District and direct the Superintendent/President to sign the agreement when it is approved by both Boards. Fiscal Impact: None
- 10.2 Lease Agreement – Apple Valley Fire Protection District  
It was MSC (Henderson/Nelson, 5-0) to approve lease agreement with the Apple Valley Fire Protection District for the purpose of constructing a Bond funded (Measure JJ) Public Safety Training Center. Fiscal Impact: \$1.00 per year for the duration of the ninety-nine (99) year lease. General Fund.
- 10.3 Agreement – DUDEK  
It was MSC (Nelson/Henderson, 5-0) to approve the agreement with DUDEK to provide environmental consulting services related to District implementation of Bond Measure JJ related projects to assure compliance with the requirements of the California Environmental Quality Act (CEQA). This agreement is for the period August 12, 2009 through June 30, 2010. Fiscal Impact: \$500,000.00 locally bond funded.
- 10.4 Agreement – Highland Partnership, Inc.  
It was MSC (Henderson/Nelson, 5-0) to find that Highland partnership is the Responsive and Responsible Bidder whose proposal has been determined to be the best value and most advantageous for the design and construction of the Eastside Public Safety Training Center, based on the criteria set forth in the Request for Proposal, including, price, technical expertise, lifecycle costs, skilled labor force availability, safety record, design excellence and sustainability, local participation plan, and project approach.
- Award a design-build contract to Highland Partnership for the design and construction of the Eastside Public Safety Training Center for an amount not-to-exceed \$25,000,000. Construction will be completed on or before December 22, 2011.
- Direct the Superintendent/President to sign the contract when complete.
- Fiscal Impact: Not to exceed \$25,000,000 for direct construction costs - Locally Bond Funded.
- 10.5 Foundation Donations  
It was MSC (Henderson/Mollenkamp, 5-0) to accept the donations as college property from the Victor Valley College District Foundation of \$304,091.11 in-kind cash donations, (\$13,155.28 in scholarships) for a total amount of \$317,246.39. In addition the Foundation has also received property donations as listed. Donations are for the period ending June 2009. Fiscal Impact: None.
- 10.6 Student Accident Insurance  
It was MSC (Nelson/Henderson, 5-0) to approve to continue working with Student Insurance to provide student accident insurance for Victor Valley Community College. Fiscal Impact: \$109,960.00, budgeted item.
- 10.7 Agreement – Datalink Networks (Fortinet)  
It was MSC (Nelson/Henderson, 5-0) to approve of the agreement with Datalink Networks for the replacement of the current firewall to provide protection from web based threats. Fiscal Impact: \$63,644.36, budgeted item.

**11. HUMAN RESOURCES**

- 11.1 **Moved to Beginning of Agenda** Resolution #09-07 -Elimination of Positions  
Approval of the resolution to eliminate vacant positions as listed. Fiscal Impact: None-positions have not been budgeted.
- 11.2 **Moved to Beginning of Agenda** Resolution #09-08 - Layoff Resolution - Classified  
Approval of the resolution for lack of categorical funds and authorize and direct the Vice President, Human Resources to give notice of layoff to employees in the classifications listed. Fiscal Impact: \$733,545.00 to balance the categorical shortfall of \$1,729,549.00.
- 11.3 AFT-PTFU Agreement  
It was MSC (Henderson/Mollenkamp, 5-0) to ratify the revisions to Article 2, Recognition, and Article 19, Workload. Fiscal Impact: None
- 11.4 AFT-PTFU MOU Evaluation Pilot Program  
It was MSC (Nelson/Henderson, 5-0) to ratify the MOU with AFT-PTFU for an Evaluation Pilot Program. Fiscal Impact: A maximum of \$1,350.00, budgeted item.

**12. INFORMATION/DISCUSSION**

- 12.1 AFT-PTFU Initial Negotiations Proposal to District  
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  
Janice Olsen
- 13.2 Employee Groups
- a) CTA  
None
  - b) CSEA  
Eileen Sullivan
  - c) AFT Part-Time Faculty United  
Mike Mello

**14. TRUSTEE COMMENTS**


- ASB  
Mary Mazzola reported on student activities. Trustee Nelson welcomed Mary Mazzola and also spoke about the outstanding presentation recently conducted by the Child Development Center staff. Trustee Valles urged the Superintendent/President to figure out a way to avoid the layoffs and keep the services for the students.

Public Comments Related to Non-Agenda Items: Margaret Kagy, Aaron Lehnen, Roderick Gray

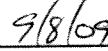


**16. ADJOURNMENT**

It was MSC (Valles/Henderson 5-0) to adjourn the meeting 9 p.m.



Chris Mollenkamp, Clerk



Date Approved