



Victor Valley Community College District Board of Trustees Regular Meeting

Minutes

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

March 14, 2006

4 p.m.

CALL TO ORDER: The Board of Trustees of Victor Valley Community College District met in Open Session on March 14, 2006, in the Board Room of the Administration Building. Mr. Range, Board President, called the meeting to order at 4:03 p.m.

PLEDGE OF ALLEGIANCE: Dennis Henderson led the audience in the Pledge of Allegiance to the flag.

Mr. Nelson arrived at 4:04 p.m. and Mr. Elder arrived at 4:17 p.m.

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

MEMBERS ABSENT: None

STAFF/GUESTS PRESENT: Dr. Spencer, Mr. Baron, Dr. Schmidt, Mr. Bill Greulich, Dr. Prystowsky, Dr. Lewallen, Annette McComas, Willie Davis Pringle, Pringle, Brian Hatchell, Elisa Johnson, Reed M. Davis, Jack Thomas other staff, and members of the public.

CLOSED SESSION: Mr. Range recessed the Open Session at 4:05 p.m. and the Board met in Closed Session from 4:05 p.m. to 6:10 p.m. to discuss the following:

Mr. Range read aloud the closed session items that would be discussed.

The Board moved to Closed Session from 4:05p.m. to 6:10 p.m. to discuss the following:

1. CLOSED SESSION

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

- (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: Five (5) positions
- (d) Government Code Section 54956.9 POTENTIAL LITIGATION: Student Complaint
- (e) Government Code Section 54956.9 Conference with legal counsel – existing litigation: three (3) cases.
 - (1) Modification of November 8, 2005, settlement agreement regarding DSPS grievances filed by California School Employees Association;
 - (2) Modification of hourly lawsuit settlement agreement with California School Employees Association in order to create Auxiliary Services Assistant position;
 - (3) Grievance filed by California Employees Association re: health and welfare benefits for classified specials
- (f) Government Code Section 54957; PUBLIC EMPLOYEE PERFORMANCE EVALUATION
- (g) PUBLIC EMPLOYEE EMPLOYMENT: Network Manager
- (h) PENDING LITIGATION - Government Code Section 54956.9(a): United States Bankruptcy Court for the Southern District of New York (Adv. Action No. 05-01242-AJG) (the “Trading Claim Litigation”)

2. RECONVENE TO OPEN SESSION

6 p.m.

2.1 Action as a result of Closed Session

Mr. Range reported that as a result of closed session he had several items to report out.

1. It was MSC (Underhill/Elder, 5-0) to ratify the dismissal of employee of probationary classified employee #3862-031406, effective February 10, 2006.
2. It was MSC (Elder/Nelson, 5-0) to approve the dismissal of probationary classified employee #7646-031406, effective March 31, 2006.
3. It was MSC (Nelson/Elder, 5-0) to approve the settlement agreement between Victor Valley Community College District and CSEA Chapter #584 to create a new classified position entitled "Auxiliary Services Assistant." approved
4. It was MSC (Nelson/Underhill, 5-0) to approve the settlement agreement between Victor Valley Community College District and CSEA Chapter #584 to correct the job placement Joe McCoy from Sign Language Interpreter I to Sign Language Interpreter II, effective December 1, 2005.
5. It was MSC (Nelson/Elder) to approve to approve the settlement agreement between Victor Valley Community College District and CSEA Chapter #584 to resolve the health and welfare benefits grievance.
6. It was MSC (Elder/Underhill, 5-0) to hire Brian Hatchell as a probationary network manager effective April 1, 2006.

3. GOVERNING BOARD

- 3.1 It was MS (Underhill/Elder) to approve the minutes of the February 14, 2006, regular Board meeting.

Mr. Henderson felt that the minutes did not represent exactly what was said at the meeting. He referred to the minutes as a synopsis of what Mr. Range said. Mr. Henderson read aloud the board policy that was approved August 23, 2005 that described the policy regarding the minutes which was provided to the board members for their information. He was concerned that this policy was not being followed.

Dr. Spencer announced that the approved minutes were available on the website and in the library. Audio tapes and public records requests were available upon request through the Superintendent/President's office.

Ms. Blanchard noted a correction to the minutes. On page 6 d) the date should be March 2nd and not March 8th.

Mr. Henderson was concerned about the new procedure regarding the public records request for audio tapes and he felt that if this was a new procedure, the board should be the one changing the procedure. Mr. Range will ask for advisory regarding the distribution of the audio tapes. He said the public needs to be clear where the documents are at, what documents they have a right to and those documents should be available.

Mr. Range asked Mr. Henderson what he would like added to the minutes that was not already in the minutes. Mr. Henderson provided Mr. Range with his transcribed version of the exchange between Mr. Range and Mr. Henderson from the February 14, 2006 board meeting and requested that the minutes include this exchange.

Following discussion, it was motioned by Mr. Elder and seconded by Dr. Underhill to continue with summations of the board minutes. The motion was not voted on.

Ms. Dowell, with the law firm Liebert, Cassidy Witmore, who on occasion provides general counsel advice to the board, suggested that if there is a motion to amend the minutes, and if there is a second to amend the minutes, then the vote would be on the amendment.

It was motioned by Mr. Henderson and seconded by Mr. Nelson to amend the minutes to include the verbatim exchange between Mr. Range and Mr. Henderson.

Mr. Range called for a vote and the motion failed for lack of majority.

Returning back to the original motion, it was MSC (Underhill/Elder, 4-1, Henderson, no) to approve the February 14, 2006 minutes as submitted.

- 3.2 Announcement that persons may speak to agenda items if the Agenda Discussion Form has been completed.

Mr. Range reported that he had received two public comments requests. The public comment request that referenced agenda item 11.3 will be addressed when that item is presented.

- 3.3 Agenda Additions/Revisions

Dr. Spencer announced that items 5.3, 5f, and 11.5 had amendments.

It was MSC (Underhill/Elder, 5-0) to accept the amendments.

4. REPORTS

- 4.1 Superintendent/President

Dr. Spencer welcomed everyone and thanked them for attending and showing an interest in the operations of the college.

4.2 Instruction

Dr. Prystowsky provided an update on the enrollment status. Mr. Dupree provided a presentation on the PACE program and its progress. Mr. Elder complimented Mr. Dupree on a job well done. Chief Turner provided a brief presentation on the fire technology program.

4.3 Student Services

Dr. Lewallen provided an update regarding the success on a number of grants that have been awarded as well as the two additional grants that he and Dr. Hinds have applied for. He also reported on a student that was recently selected to the Phi Theta Kappa (International Honor Society).

4.4 Administrative Services

Mr. Baron introduced Brian Hatchell the new Network Manager. He distributed a flyer regarding the three open forums that will be held in March. These forums will provide anyone an opportunity receive information on the status on the plan, trends and findings. The first Datatel improvement project newsletter was distributed which should assist in opening the communication lines.

Mr. Reed Davis, Datatel consultant, provided an update concerning his progress regarding Datatel issues

4.5 Human Resources

Dr. Schmidt reported on the number of recruitments that are in progress. He expressed his appreciation to the many employees who have served on hiring committees. Especially Arlene Greene who appoints the classified members and Lisa Ellis who appoints the faculty members.

4.6 Governmental Relations

Mr. Greulich provided information regarding the Assembly Bill 1709 which is beginning to move through the system.

4.7 Foundation

Mrs. O'Malley provided information regarding the online auction fundraising opportunity that will benefit the athletics department, which will be held May 15- June 9.

4.8 Board of Trustees

Ms. Kelly reported that this week was random acts of kindness week.

Mr. Henderson announced that when any elected body in the interest of brevity acts to conceal the real information of what occurred at a public meeting. It is a sad day for the freedom of public information.

Mr. Nelson complemented Ms. Kelly and the ASB on the outstanding leadership conference that was recently held for high school seniors.

Dr. Underhill announced that she was worked with many colleges and that she is very impressed this college is constantly identifying various ways of interacting with the community we serve.

4.9 Constituency Representatives

a) ASB

Ms. Kelly reported on the various upcoming student events.

b) CCA

No report

c) CSEA

Mrs. Greene thanked the district for approving the settlement agreements with CSEA. She is disappointed that these agreements required the involvement of attorneys. She was hoping to obtain a resolution at the bargaining table. Dr. Spencer suggested some type of official negotiations training would be helpful. Perhaps identifying a company or group that would provide this training. Mr. Chip brought to the board's attention two grievances that have just started.

Mrs. Greene asked why the network manager's position was part of closed session and not part of agenda item 5.f or submitted as an amendment. Dr. Spencer responded that she cannot discuss the reason why because it is a closed session item.

d) Faculty Senate

Ms. Blanchard invited everyone to the title V grant open house on Friday, March 17 9-2.

e) AFT Part-Time Faculty United

Mr. Kelsey announced that two delegates will be sent to the California Teacher's meeting March 24-26, 2006. They continue to work with the district twice per month regarding their contract. Maria Ybarra has been hired as their part-time administrative assistant.

f) Management

Dr. Lewallen reported on behalf of Mr. Sewell that management had no report.

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.

Mr. Miller provided a brief statement regarding his day as a custodian in the Student Activities Center. He would like the Board to be aware that he is worth more than the money he gets paid and that this job deserves the pay and respect of a higher grade, not the very bottom the pay scale.

Mr. Range responded that he appreciates what Mr. Miller does and feels that he does a great job.

Ms. Kelly added that in addition to his job he is a great supporter of ASB.

4. 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 (Nelson/Elder, 5-0) to approve the following consent items in one motion.

a. Classified Additional Positions

Consider approval of the addition of the office assistant (50%), Teacher Learning

Center, and Administrative Secretary II, Instruction as listed. Fiscal impact: Budgeted

b. Non-Classified Employees

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. Academic Ratification of Eminence Request

Consider approval of the eminence request as listed. Fiscal impact: None

e. Temporary Academic

Consider approval of the appointments as listed Fiscal impact: Budgeted

f. Classified Bargaining Unit Appointments, Promotions, and/or Transfers

Consider approval of the transfers/appointments as listed. Fiscal Impact: Budgeted Item

g. Agreements

Consider ratification of the agreement as listed. Fiscal impact: Budgeted Items, as detailed below. Budgeted items, HIS Title V Grant.

Vendor/Consultant	Service	Amount
Kathi Williams	Facilitate training workshop, provide materials and educational resources, conduct follow-up of participants, March 17, 2006 – March 30, 2006.	\$1,500.00
Ed Gomez	Serve as keynote speaker at HSI Title V Open House, develop evaluation instrument and administer survey, March 17, 2006 – March 30, 2006.	\$750.00
	Total	\$2,250.00

h. Agreement – Chappell Graduation Images

Consider approval of agreement with Chappell Graduation. Fiscal Impact: None

i. Agreement – Chariot Software Group

Consider approval of the agreement as detailed below. Fiscal Impact: Budgeted Item.

Vendor/Consultant	Service	Amount
Chariot Software Group	Annual site license renewal for campus-wide Webgrade services	\$995.00
	Total	\$995.00

j. Agreement – Systems Technology Association

Consider ratification of the agreement as detailed below: Fiscal Impact: Budgeted Item

Vendor/Consultant	Service	Amount
Systems Technology	1000 LAN card, three years support and HP installation	\$1,215.43
	Total	\$1,215.43

k. Board of Trustees Transfers and Payments Report

Consider approval of the Board of Trustees and Payments Reports.

l. Quarterly fiscal Status Report

Consider approval of the December 31, 2005 quarterly report to be submitted to the Chancellor's Office and county schools. Fiscal Impact: None

ACTION AGENDA

6. BOARD OF TRUSTEES

6.1 Excused Absence of Trustee

It was MSC (Underhill/Nelson, 5-0) to adopt the resolution, excusing Trustee Thomas M. Elder, II absence from the February 14, 2006 regular meeting of the board and allowing him to be compensated for that meeting.

7. SUPERINTENDENT/PRESIDENT

8. INSTRUCTION

8.1 Agreement – SIRSI Corporation

It was MSC (Underhill/Elder, 5-0) to ratify the agreement as detailed below. Fiscal impact: \$6,000

Vendor/Consultant	Service	Amount
SIRSI Corporation	Unicorn System migration consulting services	\$6,000.00
	Total	\$6,000.00

8.2 Agreement – Contract Education Services

It was MSC (Elder/Underhill, 5-0) to approve the agreement as detailed below Fiscal impact: \$6,920 income to the district.

Vendor/Consultant	Service	Tentative Amount Recvd
Daily Press	"How to Achieve Customer Excellence"	\$6,920.00
	Total	\$6,920.00

8.3 Full-time Faculty Overload Pay for 2005-2006

It was MSC (Nelson/Underhill, 5-0) to approve the attached list of full-time faculty for overload pay in the amount of \$67,071.00. Fiscal Impact: Budgeted item.

8.4 Out-of-State Student Travel

It was MSC (Underhill/Elder, 5-0) to approve Dino Bozonelos, Sharon Wright and the Model United Nations Club members, as listed, to attend and compete at the 2006 National

Model United Nations Conference in New York City. Fiscal Impact: \$16,000 paid for through donations.

8.5 Amended Agreement – Federal Bureau of Prisons

It was MSC (Elder/Nelson, 5-0) to accept the amended agreement (Modification #9 and #11) for the ASE, Motor Vehicle Repair Program at the Federal Correctional Institution in Victorville, CA, per the terms and conditions contained therein. Fiscal Impact: an additional \$40,678.00 to district.

8.6 Agreement – Northwoods Resort and Convention Center

It was MSC (Underhill/Nelson, 5-0) to approve the booking agreement with the Northwoods Resort and Convention Center for the purpose of holding a Department Chairs Retreat on April 20-21, 2006 in Big Bear, California. Fiscal Impact: Budgeted item through Staff Development Fund, estimated cost \$7,283.95

9. STUDENT SERVICES

a. Agreement – Computer Prompting and Captioning Co. – DSPS

It was MSC (Elder/Underhill, 5-0) to approve the agreement with Computer Prompting & Captioning as detailed below. Fiscal impact: \$9,830.00 (DSPS Budget)

Vendor/Consultant	Service	Tentative Amount Recvd
Computer Prompting & Captioning	CaptionMaker Software licensing fee	\$5,995.00
Computer Prompting & Captioning	Equipment	\$3,835.00
	Total	\$9,830.00

10. ADMINISTRATIVE SERVICES

10.1 Signature Authority

It was MSC (Nelson/Elder, 5-0) to rescind all previous signatory authority for Mr. Jeffrey Cooper, effective March 14 2006. Fiscal Impact: none

10.2 Agreement – Donations

It was MSC (Underhill/Elder, 5-0) to accept the donations as college property. Total donation amount \$41,318.71

- 10.3 Adopt a Resolution – Enron Bankruptcy
It was MSC Underhill/Elder, 5-0) to adopt the resolution attached, authorizing settlement of the district’s bankruptcy claims against Enron, including participation in the “True-up” process, and authorizing the Community College League of California to execute the Settlement Agreement on behalf of the district. Fiscal Impact: Settlement to the district of \$138,098.04
- 10.4 Proposal – Spencer/Hoskins
It was MSC (Nelson/Underhill, 5-0) to accept the proposal of Spencer/Hoskins as listed. Fiscal Impact: Budgeted item, not to exceed \$18,000.00
- 10.5 Amend Agreement – Reliable Graphics
It was MSC (Elder/Nelson, 5-0) to approve the amendment to the agreement with Reliable Graphics as submitted. Fiscal Impact: \$50,000.00 (This project is State funded and will be 100% reimbursable to the district through Fund 71.)
- 10.6 Notice of Completion - Nesdoor
It was MSC (Elder/Underhill, 5-0) to accept the work of Nesdoor for the installation of ADA compliant doors and direct the district to file the Notice of Completion. Fiscal Impact: There is no fiscal impact to file a Notice of Completion.
- 10.7 Agreement – D & G Flooring
It was MSC Underhill/Nelson, 5-0) to accept the proposals from D&G Flooring as presented. Fiscal Impact: \$10,575.86 – Charged from Redevelopment Funds.
- 10.8 Amend Agreement – Cal K-12 Construction, Inc.
It was MSC (Underhill/Elder, 5-0) to approve the amendment to the agreement with Cal-K Construction, Inc. as submitted. Fiscal Impact: \$50,000.00 increase to original amount of \$525,957.00 for a total contract amount of \$575,957.00. (This project is State funded and will be 100% reimbursable to the district through Fund 71.)

11. HUMAN RESOURCES

- 11.1 Administrative/Management/Confidential Payment of Accrued Vacation Days
It was MSC (Underhill/Elder, 5-0) to approve the payment of accrued vacation days for Margarita Barbosa, administrative assistant, Auxiliary Services. Fiscal Impact: Budgeted \$14,629.69.
Mr. Henderson said that she would be sorely missed.
- 11.2 Management New Job Description, Budget Analyst
It was MSC (Nelson/Underhill, 4-1, Henderson no) to approve the new management position and job description for a budget analyst as listed. Fiscal Impact: Budgeted

11.3 Administrative/Management/Confidential Termination of Select Plan

Public comment: Julie Tremblay provided the board with a handout which shows the amount of money classified receive at other community college districts for their cafeteria plan. She feels that this item would be giving back medical benefit money to management.

It was MSC (Elder/Nelson, 5-0) to adopt the resolution to terminate the SELECT Defined contribution 401(A) Plan. Fiscal Impact: None

11.4 Approval of Out-of-State Travel

It was MSC (Elder/Underhill, 5-0) to approve the travel and expenses for Cindy Wilson to attend the National Institute for Leadership Development Institute as listed. Fiscal Impact: Budgeted item, approximately \$3,000 to be paid from Auxiliary Funds.

11.5 Approve Settlement Agreement Between the VVCCD and Faculty Association

It was MSC (Henderson/Elder, 5-0) to ratify the settlement agreement that provides for a collective bargaining agreement between the district and CTA for the period July 1, 2004 through June 30, 2007.

Mr. Range complemented everyone that worked on this process for making this happen.

11.6 District Initial Negotiations Proposal for CTA Contract

It was MSC (Henderson/Nelson, 5-0) to approve the appropriate action as noted.

12. FOR INFORMATION ONLY

12.1 Substitutes Provided Through Contract

Provided as an informational item.

12.2 Monthly Financial Reports

Provided as an informational item.

12.3 Feasibility Study

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 8:03 p.m.

Mr. Range reconvened the open session at 8:04 to discuss the feasibility of entering into a joint project with Dr. Prem Reddy to build a YMCA on district property.

The meeting was adjourned at 8:10 p.m.

APPROVED:

Joe Range, President

Donald Nelson, Clerk

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

Date Approved