

**MINUTES**  
**VICTOR VALLEY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES**  
Regular Meeting  
Board Room – Administration Building  
Victorville, California

June 8, 2004

5 p.m.

- CALL TO ORDER:** The Board of Trustees of Victor Valley Community College District met in regular session on June 8, 2004, in the Board Room of the Administration Building. Trustee Henderson called the meeting to order. Vice President Dennis Henderson called the meeting to order at 5:02 p.m.
- PLEDGE OF ALLEGIANCE:** Dean Tom O’Neil led the audience in the Pledge of Allegiance to the flag.
- MEMBERS PRESENT:** Dennis Henderson, Vice President; Joe Range, Clerk; Thomas M. Elder, Trustee; Dr. Bettye Underhill, Trustee; Daniel Lee, ASB Representative (Daniel Lee arrived for open session at 5:45 p.m.)
- MEMBERS ABSENT:** Dr. Dorothy Franke
- STAFF/GUESTS PRESENT:** Dr. Patricia A. Spencer, Jeff Cooper, Dr. Willard Lewallen, Dr. Jim Williams, Dr. William Schmidt, Dr. Tom O’Neil, Penelope Majeske, other staff, and members of the public.
- CLOSED SESSION** Trustee Henderson adjourned the open session at 5:02 p.m., and the Board met in closed session from 5:02 p.m. to 7:18 p.m. to discuss the following:
- (a) Government Code Section 54956.9:  
CONFERENCE WITH LEGAL COUNSEL —  
EXISTING LITIGATION: three (3) cases  
Gloria Henderson vs. Victor Valley Community College,  
Bettye Underhill, Nick Halisky, #VCVVS 030263;  
Nicholas Halisky and Cathleen Halisky vs. Victor Valley  
Community College District, Dennis Henderson, et. al,  
#VCVVS 026112;  
CSEA vs. Victor Valley Community College District,  
#VCV 018073
  - (b) Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives Bill Schmidt, Jim Williams,  
Willard Lewallen, Jeff Cooper, Thomas O’Neil, Becky Millen;  
Employee organizations: CSEA, CTA
  - (c) Government Code Section 54956.9(b):  
CONFERENCE WITH LEGAL COUNSEL —  
POTENTIAL LITIGATION — two (2) cases
  - (d) Government Code Section 54957:  
PUBLIC EMPLOYMENT: Faculty  
PUBLIC EMPLOYEE  
APPOINTMENT/DISCIPLINE/DISMISSAL/RELEASE

June 8, 2004

Break

7:18 – 7:25 p.m.

OPEN SESSION

The board reconvened to open session at 7:25 p.m.

ACTION AS A RESULT  
OF CLOSED SESSION

It was MSC (Elder/Range, 4-0-1, Franke absent) to ratify the agreement between the district and CSEA Chapter 584 to settle the lawsuit by CSEA on the matters pertaining to the employment of employee classifications affected by EC 88003. The settlement agreement provides for the employment of student workers, short-term hourly employees, substitutes, and professional experts. The agreement also settles disputes on 19 specific areas of disagreement.

GOVERNING BOARD

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the minutes of the regular board meeting of May 11, 2004.

AGENDA ADDITIONS,  
REVISIONS

Dr. Spencer reported that agenda items 5.f, 5.k, 10.16, and 10.17 were revised: Charles C. Mitchell was omitted from items 5.f, 10.16, and 10.17; and Adrienne Reynoso Stultz was omitted from item 5.k.

REPORTS:

Superintendent/President

Dr. Spencer introduced Daniel Lee, the new VVC ASB President and Student Trustee to the Board. Daniel Lee is working on a degree in Administration of Justice to become a police officer. Daniel will be a major asset and make great contributions to the Board.

Dr. Spencer also announced the sad news of the recent passing of Chemistry Instructor Phrosty Chimiklis.

In addition, President Spencer introduced Judith Pfeffer, who, in turn, introduced four members of the *RamPage* staff. These four staff members recently won awards from the Society of Professional Journalists (SPJ); they included editor emerita Kitty Bissell (1<sup>st</sup> Place for Best News Story), technical editor James Criswell (2<sup>nd</sup> Place for Best Sports Picture), in addition to Denaye Crenshaw and Jeffrey Peacock. This is the fifth year in a row that the *RamPage* has won awards from SPJ. Also, it was reported that one of the student journalists, Robert Vincent, recently lost his life, and a scholarship program has been established in his name.

Dr. Spencer recognized Beverly Dudley for her diligent and creative work to develop a beautiful pond and waterfall here on

the VVC campus. She was also responsible for the gazebo and several other beautification projects around the campus.

Furthermore, Dr. Spencer asked the audience and board to join her in welcoming VVC's new Director of Human Resources, Dr. William Schmidt.

Additionally, Dr. Spencer introduced Dr. Frank Foster, who narrated a PowerPoint presentation, showing iron artwork to be used as landscape art pieces. The artist, Simmi Dabha, would donate the art sculptures to the college.

Instruction	Mr. Cooper added his congratulations to the <i>RamPage</i> staff and students for their awards. Also, Mr. Cooper read a statement to the board members and audience to update them on the class offerings scheduled for the 2004 summer session, and he reported that overall enrollments for the summer session were strong. He will be conducting a series of meetings with department chairpersons and other faculty in the fall semester to determine whether the college is offering the most appropriate mix of courses to best serve the students' needs.
Student Services	Dr. Lewallen distributed a report titled, "Summer 2004 – Comparison by Specific Occurrence." He reported that the college is on target for Summer 2004 enrollment. Many classes have reached their maximum and are closed. On May 14 the college began enrollment using the new software system.
Foundation	Ginger Ontiveros invited the Board to mark their calendars for Wednesday, June 30, at noon, for the Foundation's installation of officers and the new Foundation President.
Administrative Services	No report.
Board of Trustees	No report.
ASB	Daniel Lee expressed his enthusiasm for serving on the board as the new ASB representative and invited the board members to the ASB training workshops to be held July 23- 25, 2004.
CCA	No report.
CSEA	No report.
Faculty Senate	No report.

Management Robert Sewell offered his condolences regarding the passing of Phrosty Chimiklis.

Public Comments None.

**5. Consent Agenda** It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the following items on the consent agenda:

a) Academic Appointments

- 1) Scott Jones to the position of instructor/coordinator, paramedics, effective on or after August 30, 2004.
- 2) Brian Hendrickson to the position of instructor, paramedics, effective on or after August 30, 2004.

b) Academic Resignations

- 1) Marjorie Milroy, speech instructor, has submitted her resignation effective May 22, 2004.
- 2) Shirley Peterson, counselor, has submitted her resignation effective May 26, 2004.

c) Temporary Academic

Temporary academic as listed.

d) Academic Ratification of Equivalency Requests

SUBJECT      EQUIVALENCY

HISTORY      Meets equivalent qualifications of Item 9B of the equivalency policy: master of education with major in history and bachelor's degree in history is equivalent to a master's degree in history.

e) Academic Ratification of Eminence Requests

The following candidate was approved by the Eminence/Equivalency Committee for eminence for one calendar year beginning summer semester 2004, pending completion of required documentation:

Claudia Basha – Theatre Arts 109

f) Administrative/Management/Confidential Appointments

- 1) William Schmidt to the position of director of Human Resources, effective on or after June 9, 2004
- 2) Sharon Groom from the position of Financial Aid specialist to the position of associate director, Financial Aid (BFAP), effective on or after June 9, 2004, pending completion of required documentation

g) Administrative/Management/Confidential Revised Position

Revised position description (dated May 2004) for Director of Facilities Construction and Contracts

h) Classified Bargaining Unit Appointments/Promotions

- 1) Silvia Avila to the position of office assistant, bilingual (50%), Financial Aid (BFAP), effective on or after June 9, 2004.

- 2) Pearl Bandringa, to the position of Accounting Technician II (BFAP), effective on or after June 9, 2004.
  - 3) Martha Mendez, to the position of office assistant, bilingual (50%), Financial Aid (BFAP), effective on or after June 9, 2004.
  - 4) Delia Snead from the position of Admissions and Records assistant (50%) to the position of Financial Aid Specialist, bilingual (BFAP), effective on or after June 9, 2004.
- i) Classified Resignations
- 1) Vito Melendez, grounds maintenance worker, effective September 15, 2004.
  - 2) Patti A. Williams, Learning Center specialist, effective June 30, 2004 (reflects a change in previous resignation date listed in the May 11, 2004, board agenda).
- j) Non-Classified Employees  
Non-classified employee appointments as listed.
- k) Classified Memorandums of Understanding Information  
The district and the CSEA, Chapter 584, have reached agreement on the attached Memorandums of Understanding:
- 1) Christine Ostberg, Diana Sisk, Jonathan Cook, and Darrell Harriman: change of working hours for the four-day work week as listed.
  - 2) Babette Dershem: transfer from Instructional Assistant III in CIT to media services technician.
- l) CTA Memorandum of Understanding Information  
The district and the faculty association have met and reached agreement on the attached Memorandums of Understanding:
- 1) Department chairpersons: to extend the term of the present MOU for department chairpersons from July 1, 2004, through December 17, 2004, or until the MOU is renegotiated.
  - 2) Project facilitators for July 1, 2004, through June 30, 2005: Writing Center, Educational Master Plan, and Curriculum Committee Coordinator.
- m) Department Chairpersons for 2004-05  
Instructors as department chairpersons for the 2004-05 academic year as listed.
- n) Board of Trustees Budget Transfers and Payment Report  
Budget transfers and payment report dated June 8, 2004.
- o) Monthly Financial Statements Information  
Monthly financial reports for the period ending April 30, 2004.

p) Agreements

Ratification of agreements with vendors and/or consultants to perform the services for the district at the amounts specified during the Fiscal Year 2004-2005 as listed below:

<b>Vendor/Consultant</b>	<b>Service</b>	<b>Amount</b>
HP CarePack Services	HP Next Day Onsite Tech Response Services	\$ 605
Alan Barbish Audio Systems	Prof Sound/Video Services for Graduation	3,800
Smith, Cindra	Presenter/VVC Board of Trustees Retreat	1,000
PowerQuest	License data/hard drive configuration for PCs and servers 9/20/04 – 9/19/05	4,176
Jaguar(Borderware)	License/support firewall, SMTP mail host, domain names, DNS server, Network Address Translation 11/10/04 – 9/9/05	2,910
LANSolutions LLC	License for ESurity for Groupwise, virus scanning, blocking, anti-spam	2,150
SMTP	License Maintenance Gateway	1,330
Pacific Blue Micro	Backup software Blackboard & Netware Servers	2,523
	<b>TOTAL</b>	<b>\$18,494</b>

UNFINISHED BUSINESS                      None.

NEW BUSINESS

**6. BOARD OF TRUSTEES**

6.1 Excused Absence of Trustee

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve a resolution, excusing the absence of Trustee Dennis Henderson from the reconvened special meeting of the board on April 23, 2004, due to illness.

**7. SUPERINTENDENT/PRESIDENT**

7.1 Proposed Board Policy 5052, Open Enrollment, Second Reading

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve Board Policy 5052, Open Enrollment.

## **8. INSTRUCTION**

### **8.1 Student Travel**

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve payment of the expenses for two students (Michael Cashion and Jake Kangas) and one faculty advisor (Joe Cashion) to attend the SkillsUSA-VICA National Championships in Kansas City, Missouri, from June 17, 2004 through June 29, 2004. Total estimated costs are \$3,000. The VVC Foundation has identified \$1,500 in donation and the balance would be funded through additional donation or categorical funding.

### **8.2 Workforce Investment Act – Solicitation of Interest**

It was MSC (Range/Underhill, 4-0-1, Franke absent) to adopt the resolution and authorize the submission of a Solicitation of Interest for Victor Valley College to be contracted by the County of San Bernardino Jobs and Employment Services Department for vocational training services. Victor Valley College will act as contractor in providing vocational training utilizing funds provided under the Workforce Investment Act (WIA) for the contract period July 1, 2004, through June 30, 2005. Fiscal Impact: none to the district.

## **9. STUDENT SERVICES**

### **9.1 Agreement, XAP Corporation (for CCCApply)**

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve the agreement with XAP Corporation for an online electronic admission application system (CCCApply). Fiscal Impact: None in the first 3 years. Fees are being fully covered for the first 3 years through a grant from the California Community College chancellor's office. Fees in years 4-6 will be partially covered through successive reductions. In year 7, the District will be responsible for operational expenses (currently about \$8,000).

### **9.2 Agreement, MLS Technologies**

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve an agreement with MLS Technologies dba RecruitingEngine.com., an independent contractor, to assist with software application and programming related to the implementation of AccessVVC. The contract will be in effect from July 1, 2004, through December 31, 2004, in an amount not to exceed \$44,625 (budgeted item).

### **9.3 Agreement, Strata Information Group**

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the agreement with Strata Information Group, an independent consulting firm, to assist with systems analysis, training, and general project management support related to the implementation of AccessVVC. The contract would be in effect from July 1, 2004, through December 31, 2004, in an amount not to exceed \$75,600 (budgeted item).

### **9.4 Agreement, John Cade**

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve the agreement with John Cade, an independent contractor, to assist with software application and programming related to the implementation of AccessVVC. The contract would be in effective from July 1, 2004, through December 31, 2004, for a maximum of \$24,000 (budgeted item).

9.5 Agreements, Third-Party Vendors for AccessVVC (Datatel Colleague Software)

It was MSC (Range/Underhill, 4-0-1, Franke absent) to approve the third-party agreements, that are integrated with and necessary for the operation of AccessVVC (Datatel Colleague software), for a total of \$23,643.75, budgeted for Fiscal Year 2004-2005, as listed below:

Ecommerce Level 3	\$6,900.00
SecuritySmith – Annual License & Maintenance	\$2,750.00
Safari – Tier 3	\$4,600.00
Unidata maintenance	<u>\$9,393.75</u>
Total	\$23,643.75

**10. ADMINISTRATIVE SERVICES**

10.1 Public Hearing and Appeal Period

Pursuant to the California Environmental Quality Act of 1970, the Victor Valley Community College has determined that the new Speech/Drama Addition to the Performing Arts Center project will not have a significant negative effect upon the environment. An appeal period was established for the period May 1, 2004, through June 1, 2004.

It was MSC (Range/Elder, 4-0-1, Franke absent) to open the public hearing. There were no public comments, and it was MSC (Elder/Underhill, 4-0-1, Franke absent) to close the public hearing and the appeal period. It was MSC (Range/Underhill, 4-0-1, Franke absent) to direct the district to file a Notice of Negative Declaration with the State Clearinghouse for the Office of Planning and Research for the Speech/Drama Addition Project.

10.2 2004-2005 Tentative General Fund Budget

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the Tentative General Fund Operating Budget for Fiscal Year 2004-2005.

10.3 Agreement Extension – Boise Cascade

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve the extension of the agreement with Boise Cascade for office supplies for Fiscal Year 2004-2005 in an amount not to exceed \$60,000 .

10.4 Agreement – Police Patrol and Response Services

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the agreement with Excelsior Education Center for the District to provide police patrol services to the Excelsior Education Center for the Fiscal Year 2004-2005; Excelsior Education Center will reimburse the District \$1,000 per month.

10.5 Agreement – Community College League of California

It was MSC (Underhill/Range, 4-0-1, Franke absent) to approve the renewal agreement with the Community College League of California for the Community College Library Consortium for Fiscal Year 2004-2005 in a total amount not to exceed \$18,057.73 (budgeted item).



- 10.6 Agreement – Frick, Frick & Jette Architects, Inc.  
Architectural Drawings, Automotive Building Restrooms  
It was MSC (Range/Underhill, 4-0-1, Franke absent) to approve the agreement with Frick, Frick & Jette Architects, Inc. to provide architectural drawings for the abatement and reconstruction of the Automotive Building restrooms in an amount not to exceed \$22,700 (reimbursed by the Chancellor’s Office through the Hazardous Substances program).
- 10.7 Agreement – Frick, Frick & Jette Architects, Inc.  
Architectural Drawings, Liberal Arts Building  
It was MSC (Range/Underhill, 4-0-1, Franke absent) to approve the agreement with Frick, Frick & Jette Architects, Inc. to provide architectural drawings for the abatement and reconstruction of the Liberal Arts Building for an amount not to exceed \$30,000 (reimbursed by the Chancellor’s Office through the Hazardous Substances program).
- 10.8 Agreement – Periwinkle Entertainment Productions  
It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the agreement with Periwinkle Entertainment Productions for two stage productions of “An Evening of Comedy & Magic” at the Performing Arts Center for a total amount of \$9,000 (offset by revenues from VVC Presents).
- 10.9 Change Order – Robert R. Yeghoian Company, Inc.  
Hillside Stabilization and Erosion Control Project  
It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve Change Order #1 to the agreement with Robert R. Yeghoian Company, Inc. for the Hillside Stabilization and Erosion Control project in the amount of \$14,800.00 (50% reimbursed by Chancellor’s Office).
- 10.10 Notice of Completion – Robert R. Yeghoian Company, Inc.  
It was MSC (Range/Underhill, 4-0-1, Franke absent) to accept the work of Robert R. Yeghoian Company, Inc. for the hillside stabilization and erosion control project and direct the district to file the Notice of Completion.
- 10.11 Change Order – Hi Desert Construction, Bus Turnout Project  
It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve Change Order #1 in the amount of \$2,253.00 to the agreement with Hi Desert Construction for the Bus Turnout project.
- 10.12 Authorization to Proceed Without Bid  
Energy Management System Controls, Academic Commons  
Sharon Williams explained why the college is proceeding without a bid. The college needed a compatible system, and the district consulted with county counsel Michelle Blakemore to obtain permission to accept the proposal from NOVA Facility Management Systems, Inc. without public bid in order to have an installer familiar with the district system complete the work. It was MSC (Underhill/Elder, 4-0-1, Franke absent) to accept the proposal of NOVA Facility Management Systems, Inc. in the amount of \$35,000 to install NOVA energy management controls in the Academic Commons as provided in the decision made by county counsel. Fiscal impact: \$35,000 reimbursed 50% by the Chancellor’s Office through the Scheduled Maintenance Program.

10.13 Foundation for California Community Colleges (FCCC)

Furniture Purchasing Agreements

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve a resolution to purchase furniture products and services under the terms and conditions of the FCCC contract #CA0918B through Krueger International, Inc. (KI) as the vendor; the contract term is June 20, 2003, through June 20, 2006.

10.14 Notice of Categorical Exemption

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to ratify the findings of the district that pursuant to the California Environmental Quality Act of 1970, the district has determined that replacement of the existing Auxiliary Gymnasium will not have a significant effect on the environment and is therefore exempt from the provisions of CEQA.

10.15 Designation of Newspapers for 2004-05 District Budget Public Hearing

It was MSC (Range/Underhill, 4-0-1, Franke absent) to designate the following newspapers in which to publish the proposed budget inspection dates: *Lucerne Valley Leader*, *Mountaineer Progress*, *San Bernardino Sun*, *Valley Wide Newspapers (Hesperia Resorter and Apple Valley News)*, and *Victor Valley Daily Press*.

10.16 Electronic Signature Key

It was MSC (Elder/Underhill, 4-0-1, Franke absent) to approve Mary B. Pringle and Lael C. Willingham as authorized electronic signature key users for the period July 1, 2004, through June 30, 2005, for the commercial order and transfer of expenditures programs.

10.17 Authorized Signatory

It was MSC (Range/Elder, 4-0-1, Franke absent) to approve (effective July 1, 2004) the signature of the Director of Human Resources, William Schmidt, to represent the board in the following-named cases for Fiscal Year 2004-2005 per Education Code 72282:

- All certificated contracts
- All classified contracts
- Notices of employment
- Payroll revolving cash fund
- Workers compensation claims

**11. HUMAN RESOURCES**

11.1 Agreement, College Medical Services

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to approve the agreements for the period July 1, 2004, through June 30, 2005, with Joseph M. Ho, M.D., Inc., and Desert Valley Medical Group for medical services.

11.2 CTA Agreement

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to ratify the agreements between the district and the faculty association (CTA). As reported in the agenda, the district and the faculty association met and reached agreement concerning revisions in Article 8: Compensation (Sections H and I have been added), Article 10: Calendar (has been totally revised), and Article 12: Full-Time Instructional Assignments (Section A, paragraphs 1-8 have been added). The agreement was ratified by the association on May 3, 2004.

11.3 Classified Resolution of Intention to Layoff

It was MSC (Underhill/Elder, 4-0-1, Franke absent) to adopt the resolution of intention to layoff for lack of funds. Effective July 26, 2004, one classified position, Instructional Assistant III, Teacher Learning Center, shall be eliminated for lack of funds.

**12. ADJOURNMENT**

The meeting was adjourned at 8:18 p.m.

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

APPROVED:

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President

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Clerk