



Victor Valley Community College District Board of Trustees Regular Meeting

Minutes

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

August 9, 2005

3:30 p.m.

CALL TO ORDER: The Board of Trustees of Victor Valley Community College District met in Open Session on August 9, 2005, in the Board Room of the Administration Building. Mr. Range, Board President, called the meeting to order at 3:29 p.m.

PLEDGE OF ALLEGIANCE: Nick Parisi led the audience in the Pledge of Allegiance to the flag.

MEMBERS PRESENT: Mr. Range, Board President; Mr. Dennis Henderson, Vice President; Dr. Bettye Underhill arrived at 3:37 p.m. Clerk Thomas M. Elder II, Trustee. (ASB President and Student Trustee Kimberlee Kelly arrived for Open Session at 6:12 p.m.)

MEMBERS ABSENT: Dorothy Franke, Kimberlee Kelly

STAFF/GUESTS PRESENT: Dr. Patricia A. Spencer, Mr. Bruce Baron, Dr. Willard Lewallen, Dr. William Schmidt, Mr. Bill Greulich, Dr. Tom O'Neil, Mr. Nick Parisi, Margaret West, Robert Sewell, Dave Chip, Sharon Boyer and members of the public.

CLOSED SESSION Mr. Range recessed the Open Session at 3:29 p.m., and the Board met in Closed Session from 3:29 p.m. to 6:05p.m. to discuss the following:

1. CLOSED SESSION

(a) Government Code Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL —

EXISTING LITIGATION: eight (8) 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)Laymon Jordan vs. Victor Valley Community College District, VCVVS 034629;

(4)Chris Wagenseller vs. Victor Valley Community College District, VCVVS 035285

(5)Carissa M. Warren, Gaye L. Giarmo, and Karen E. Salazar v. Victor Valley
Community College District, Larry Boucher and Does 1 through 100,
VCVVS 027382

- (6)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper
Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore,
and Does 1-1000;VCVVS 037295
- (7)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper
Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore, and Does 1-
1000; VCVVS 036483
- (8)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, Jeff Cooper, Thomas
O’Neil; Willie Davis Pringle, Bruce Baron. Employee organizations: CSEA, CTA
- (c) Government Code Section 54957:
DISCIPLINE/DISMISSAL/RELEASE OF A PUBLIC EMPLOYEE:
Three (3) positions
- (d) Government Code Sectionn 54957: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION
- (e) Government Code Section 54956.9
POTENTIAL LITIGATION: Student Complaint

2. RECONVENE TO OPEN SESSION **6 p.m.**
The Board reconvened to Open Session at 6:05 p.m.

2.1 Action as a result of Closed Session
Mr. Range reported that there were no actions taken by the Board in Closed Session.

3. GOVERNING BOARD

3.1 It was MSC (Elder/Underhill, 4-,0 Franke absent) to approve the minutes of
the July 12, 2005 regular Board meeting, the July 21, 2005 special board
meeting and the July 27 special board meeting.

*Dr. Spencer announced that the minutes from the board retreat had not been
finalized and were not included for this board meeting.*

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

Mr. Range reported that five agenda items were received by the same
person and that these items would be addressed individually.

3.3 Agenda Additions/Revisions
Dr. Spencer reported that there were no additions. She also reported that item agenda item 11.3
had the correct dollar amount and that the agenda docket should read \$200,000 instead of
\$150,000.

4. REPORTS

4.1 Superintendent/President

Dr. Spencer thanked everyone who worked so hard as we are preparing to kick off fall. Yesterday was the first day of fall registration. Issues have arisen regarding the server capacity for students and staff to log-on to enroll with the existing server. A server is being purchased to increase the capacity. The new server would be available for winter inter-session enrollment. Dr. Spencer reported that the growth spurt should last another 2-3 more years. With an 11% growth target this year and next year we need to enable student that wants to enroll.

On a sad note, Dr. Spencer reported that the family of Maxine Moore had contacted her today and indicated that Mrs. Moore was extremely ill and close to death.

4.2 Instruction

None to report

4.3 Student Services

Dr. Lewallen reminded everyone of the upcoming scholarship ceremony that will be held August 17. He also reported on a grant that may be awarded which will be a cooperative grant in partnership with other colleges for \$3.5M over a 5-year period.

4.4 Administrative Services

Mr. Baron reported that he and Mary Pringle had attended a state budget workshop and was looking forward to presenting the updated information at the next special board meeting.

4.5 Human Resources

Dr. Schmidt publicly thanked the members of the CSEA negotiating team for their work and tenacity and also his colleagues of the district team that negotiated with CSEA. The tentative agreement was ratified by the classified bargaining unit today. He asked the board to consider ratifying this same agreement on agenda item 11.11 at the next board meeting.

Dr. Schmidt indicated that in item 12.3 the faculty bargaining unit has chosen to ask for public disclosure of negotiating items for 2005/06 and he would like to bring to the board's and public attention, that the district would not be bringing forth such a proposal since the district last fall brought forth its proposal for an entire new three year contract.

4.6 Governmental Relations

Mr. Greulich reported that the funding bill is still languishing in the legislature.

4.7 Foundation

Diana O'Malley announced that the foundation recently accepted a gift from Constellation Energy for \$25,000. Mrs. O'Malley invited the board to the August 30 Advisory Council Orientation luncheon.

The President's Circle currently has a record 86 members with the goal of 100 members which would generate an annual income of \$100,000. Mrs. O'Malley thanked Dr. Spencer for her great recruiting efforts and acknowledged members that were college staff.

4.8 Board of Trustees

Mr. Elder announced that he recently enjoyed two stage productions at the college and felt they were first class productions. Dr. Underhill said that she really enjoyed both productions as well. Mr. Range reported that he recently attended the ASB retreat and was impressed with the students that will be representing the 11,000 at the college.

4.9 Constituency Representatives

a) ASB

Ms. Kelly reported on the ASB retreat and the goals that were established for the rest of the year. Ms. Kelly distributed the goals and objectives that were adopted by the council at the general meeting.

b) CCA

No report

c) CSEA

No report

d) Faculty Senate

No report

e) AFT Part-Time Faculty United

No report

f) Management

Mr. Sewell extended heartfelt thoughts to Maxine Moore and her family.

4.10 Public Comments

Margaret West inquired on items 5 a-c, 9.5, 11.1, 11.2, 11.3, and 11.9

5. CONSENT AGENDA

It was MSC (Elder/Underhill after discussion 4-0, Franke absent) to approve Consent items 5.a through 5.j.

Public Comment:

Margaret West inquired whether the agreement in item 5.a-c for Interior Wall System was in addition to the item that had been previously approved by the board. Mr. Baron indicated that it was an additional agreement for additional service.

a-c. Agreements – Administrative Services

Consider approval of the agreements as detailed below. Fiscal Impact: as listed.

Joel T. Boehm, Attorney at Law	Legal services rendered in connection with 2005 TRANs	\$1,500.00
San Bernardino County Supt of Schools	Courier Services for 2005 – 06	3,394.63
Interior Wall Systems	Installation of office in Student Services I building.	3,916.00
Caesar Wackeen	Purchase of rights for water.	4,000.00
Bradco Companies	Purchase of rights for water.	200.00
	Total	\$13010.63

d-f. Agreements – Instruction

Consider approval of the agreements as detailed below. Fiscal Impact: as listed

Vendor/Consultant	Service	Amount
Nagamani Dandamudi, M.D.	Service as Medical Director for VVC Respiratory Therapy Program, 2005-2006.	4,000.00
Luis Pena	Repair services for maintenance and repair.	3,700.00
R.D. Kovacki, M.D.	Service as Medical Director for VVC Paramedic Program, 2005-2006.	3,000.00
	TOTAL	\$10,700

g. Agreements – Student Services

Consider ratification of the agreements listed below. Fiscal Impact: as listed.

	Service	Amount
Med Event	Provide on-site first aid/medical services and/or emergency ambulance transportation for the 2005 Football Season (Home Games: 9/03, 9/17, 10/01, 10/08, 11/05)	1,500.00

INOVIS	Annual Maintenance agreement for the credit card transaction process on RamTalk.	1,061.08
	TOTAL	\$2,561.08

h. Agreement – Identix

Consider approval of the maintenance agreement with Identix for fingerprinting equipment. Fiscal Impact: Budgeted \$3,248.57

i. Memberships

Consider approval of memberships as indicated. Fiscal Impact: Fund 01 budgeted item \$1,750.

j. Board of Trustees Transfer and Payment Reports

Consider approval of the transfers and payments as listed.

ACTION AGENDA

6. BOARD OF TRUSTEES

6.1 Excused Absence of Trustee

It was MSC (Underhill/Elder , 4-0, Franke absent) to adopt the resolution, excusing the absence of Trustee Dorothy M. Franke, Ph.D., from the July 27 special board meeting and the July 27-28, 2005 board retreat.

7. SUPERINTENDENT/PRESIDENT

(It was unanimously agreed that items 7.1-7.12 would be voted as one group)

It was MSC (Underhill/Elder, 4-0, Franke absent) to accept items proposed board policies in items 7.1-7.12 for the first read.

7.1 First Reading: Proposed Board Policy No. 2105 – Election of Student Members

To accept for first reading the proposed Board Policy No. 2105, Election of Student Members

7.2 First Reading: Proposed Board Policy No. 2220 – Committees of the Board

To accept for first reading the proposed Board Policy No. 2105, Committees of the Board

7.3 First Reading: Proposed Board Policy No. 2310 – Regular Meetings of the Board

To accept for first reading the proposed Board Policy No. 2310, Regular Meetings of the Board

7.4 First Reading: Proposed Board Policy No. 2320 – Special and Emergency Meetings

To accept for first reading the proposed Board Policy No. 2320 – Special and Emergency Meetings

- 7.5 First Reading: Proposed Board Policy No. 2330 – Quorum and Voting
To accept for first reading the proposed Board Policy No. 2330,
Quorum and Voting
- 7.6 First Reading: Proposed Board Policy No. 2340 – Agendas
To accept for first reading the proposed Board Policy No. 2340, Agendas
- 7.7 First Reading: Proposed Board Policy No. 2345 – Public Participation at Board Meetings
To accept for first reading the proposed Board Policy No. 2345,
Public Participation at Board Meetings
- 7.8 First Reading: Proposed Board Policy No. 2360, Minutes
To accept for first reading the proposed Board Policy No. 2360,
Minutes
- 7.9 First Reading: Proposed Board Policy No. 2431, Superintendent/President Selection
To accept for first reading the proposed Board Policy No. 2431,
Superintendent/President Selection
- 7.10 First Reading: Proposed Board Policy NO. 2432, Superintendent/President Succession
To accept for first reading the proposed Board Policy No. 2432,
Superintendent/President Succession
- 7.11 First Reading: Proposed Board Policy No. 2716 – Political Activity
To accept for first reading the proposed Board Policy No. 2716,
Political Activity
- 7.12 First Reading: Proposed Board Policy No. 7131 – District/College and Community Relations (Stipends)
To accept for first reading the proposed Board Policy No. 7131 District/College and
Community Relations (Stipends)

8. INSTRUCTION

- 8.1 Agreements, Contract Education Services
It was MSC (Elder /Underhill, 4-0, Franke absent) to approve the agreements for Contract Education Services courses with the contractors as listed. Fiscal Impact: See listing below

Vendor/Consultant	Service	Course Dates	Amount
Notary Public Seminars	Notary Public Workshop and Certified Loan Signing Agent	07/09/05 & 07/30/05	\$ 8,500.00
Marshall Reddick Seminars	Profiting with Fixer-Uppers With or Without the Work	06/25/05	\$ 1,200.00

		TOTAL	\$ 9,700.00
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8.2 Agreement – County of Orange #S6-N1-06

It was MSC (Henderson/Underhill, 4-0, Franke absent) to approve the agreement for students enrolled in the VVC L.V.N. to R.N. Training Project, as indicated.

8.3 Clinical Education Agreement – San Antonio Community Hospital

It was (MSC Henderson/Underhill, 4-0, Franke absent) to approve the agreement as indicated for the purpose of providing educational facilities for students enrolled in various Allied Health programs.

8.4 Clinical Education Agreement – Redlands Community Hospital

It was MSC (Underhill/Henderson, 4-0, Franke absent) to approve the agreement as indicated for the purpose of providing educational facilities for students enrolled in various Allied Health programs.

8.5 Agreement – Child Development Services CPRE-5296

It was MSC (Underhill/Henderson, 4-0, Franke absent) to approve the agreement for services as indicated.

8.6 Agreement – Child Development Services CCTR-5314

It was MSC (Elder/Henderson, 4-0 Franke absent) to approve the agreement for services as indicated.

8.7 Out-Of-State Travel

It was (MSC (Elder/Henderson, 4-0 Franke absent) to approve out-of-state travel for Scott Jones and Brian Hendrickson to San Antonio, Texas, September 5 to 11, 2005, to attend the National Association of EMS Educators Conference. Fiscal Impact: \$3,540. to be paid with VTEA funds

8.8 Agreement – Department of Social Services #04-3065

It was MSC (Henderson/Underhill, 4-0, Franke absent) to approve the agreement as indicated. Fiscal Impact: \$22,440.00.

8.9 Agreement – Awesome Speakers

It was MSC (Underhill/Elder, 4-0, Franke absent) to approve the agreement as indicated. Fiscal Impact: \$5,500 (plus travel and expenses)

8.10 Agreement for Personal Services – George Perrin

It was MSC (Underhill/Elder, 4-0, Franke absent) too approve the agreement as indicated. Fiscal Impact: \$12,000

9. STUDENT SERVICES

9.1 Agreement – Ebmeyer Charter and Tour

It was MSC (Underhill/Henderson, 4-0 Franke absent) to approve the agreement as indicated. Fiscal Impact: Budgeted item, \$9,306.86.

- 9.2 Renewal Agreement – EPOS Corporation
It was MSC (Elder/Underhill, 4-0, Franke absent) to approve the agreement as indicated. Fiscal Impact: Budgeted item, \$7,127.00.
- 9.3 Agreement – Mike Brown Grandstands, Inc.
It was MSC (Elder/Henderson, 4-0, Franke absent) to approve the agreement as indicated. Fiscal Impact: Budgeted item, \$9,550.00 from athletics budget.
- 9.4 Agreement – School Datebooks
After a short discussion, it was MSC (Henderson/Underhill, 4-0, Franke absent) after discussion to approve the agreement as indicated. Fiscal Impact: Budgeted item, \$14,400.00 from BFAP budget.
- 9.5 Agreement – Third Party Vendors for AccessVVC (Datatel Colleague Software)
It was MSC (Underhill/Elder , 4-0, Franke absent) after to approve the agreements as indicated. Fiscal Impact: \$29,075.00.

Public Comment:

Mrs. West asked whether item 9.5 was an annual budgeted item and whether this fee would happen each year. Dr. Lewallen responded that this fee would happen each year and that software license renewals were a part of the whole system and that Datatel could not operate without it

- 9.6 Datatel – Enhancement and Support Services Renewal
After a short discussion it was MSC (Underhill/Elder, 4-0, Franke absent) to approve the renewal as indicated. Fiscal Impact: Budgeted item, \$159,204.00 for 2005-06.

10. ADMINISTRATIVE SERVICES

- 10.1 Donations
It was MSC (Henderson/Underhill, 4-0, Franke absent) to accept the donations as college property, as attached. Fiscal Impact: \$39,984.25 in kind cash donations, \$8,685.86 in scholarships, for a total of \$48,670.11.
- 10.2 Agreement – Frick, Frick & Jette
It was MSC (Underhill/Elder, 4-0, Franke absent) to approve the agreement with Frick, Frick, & Jette for the architectural services as indicated. Fiscal Impact: not to exceed \$10,000.00.
- 10.3 Agreement - Tip Top Arborists
It was MSC (Underhill/Elder, 4-0, Franke absent) to approve the agreement with Tip Top Arborists for services as indicated. Fiscal Impact: \$6,050.00.

10.4 Agreement – Gale/Jordan and Associates, Inc.

It was MSC (Underhill/Elder, 4-0, Franke absent) to approve the agreement with Gale/Jordan and Associates as indicated. Fiscal Impact: not to exceed \$7,500.00.

10.5 Agreement – Chancellor’s Office Tax Offset Program

It was MSC (Underhill/Elder, 4-0, Franke absent) to approve the agreement as indicated. Fiscal Impact: unknown revenue.

11. HUMAN RESOURCES

11.1 Agreement – Law Offices of Dennis J. Walsh

Mrs. West asked clarification regarding specialized legal services. Dr. Schmidt said that the Law Offices of Dennis Walsh were used for legal matters pertaining to the college involving legal advice for litigations involving the college.

It was MSC (Underhill/Elder, 4-0, Franke absent) to approve ratification as indicated. Fiscal Impact: Fund 01 budgeted item, not to exceed \$50,000.00.

11.2 Agreement – Norman A. Traub Associates

Public Comment:

Mrs. West asked whether the district was going to use Norman Traub and Associates in lieu of Dr. Schmidt services. Dr. Schmidt advised Mrs. West that the district uses their services to conduct investigations not directly involved with the college.

It was MSC (Underhill/Elder, 4-0, Franke absent) to approve ratification as indicated. Fiscal Impact: Fund 01 budgeted item, not to exceed \$6,000.00.

11.3 Agreement – Liebert Cassidy Whitmore

Public Comment:

Margaret West asked why a second law firm was needed in item 11.9 for the exact same amount. Dr. Schmidt explained that Liebert, Cassidy and Whitmore was the primary legal firm for the district. That there are special situations where different representation was needed. Especially where a conflict might be involved using the primary legal firm.

It was MSC (Underhill/Elder, 3-1, Henderson, No, Franke, Absent), to approve ratification as indicated. Fiscal Impact: Fund 01 budgeted item, not to exceed \$150,000.00.

11.4 Resolution to Provide for Distribution and Management of Payroll Deductions for Tax Sheltered Annuities

It was MSC (Underhill/Elder, Franke, absent) to approve adoption of resolution as

indicated.

11.5 Temporary Academic

It was MSC (Underhill/Elder, 4-0, Franke absent) to accept to approve the appointments as listed.

11.6 Academic Ratification of Equivalency Requests

It was MSC (Underhill/Elder, 4-0, Franke, absent to approve ratification as indicated.

11.7 Non-Classified Employees

It was MSC (Elder/Henderson, 4-0, Franke absent) to approve the appointments as listed.

11.8 Agreements, College Medical Services

It was MSC (Elder/Henderson, 4-0, Franke absent) to approve ratification of agreements, as indicated.

11.9 Agreement, Atkinson, Andelson, Loya, Ruud & Romo

It was MSC (Underhill/Elder, Henderson voted no, Franke, absent) to approve ratification of agreement, as indicated.

11.10 District's Initial Labor Proposal for Adjunct Faculty

Consider initial proposal as indicated.

- a) The board president hereby declares the hearing open
- b) The public may now comment on the initial proposal
- c) The board president hereby declares the hearing closed
- d) Adopt the district's initial proposal to AFT Part-Time Faculty United.

It was MSC Underhill/Elder, 4-0, Franke absent) to hold a public hearing on the initial labor proposal. The public hearing was opened. Being there were no public comments it was MSC Underhill/Elder, 4-0, Franke absent) to close the public hearing.

11.11 Approve Tentative Agreement Between the VVCCD and CSEA Chapter 584

After a short discussion it was MSC (Henderson/Underhill, 4-0, Franke absent) to approve ratification of the settlement agreement that provides for a collective bargaining agreement between the district and CSEA for the period of July 1, 2004 through June 30, 2007.

12. FOR INFORMATION ONLY

12.1 Monthly Financial Reports

For the period ending June 30, 2005, as indicated.

12.2 Classified Resignation

Lisa Townsend, Administrative Secretary I has been received and accepted, as indicated.

12.3 VVC Faculty Association Initial Labor Proposal

Consider initial proposal as indicated.

13. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

APPROVED:

Joe Range, President

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

Bettye Underhill, Ph.D., Clerk

Date Approved