



# Victor Valley Community College District Board of Trustees Special Meeting

## Minutes

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

October 25, 2005

5 p.m.

**CALL TO ORDER:** The Board of Trustees of Victor Valley Community College District met in Open Session on October 3, **25**, 2005, in the Board Room of the Administration Building. Mr. Range, Board President, called the meeting to order at 5:03p.m.

**PLEDGE OF ALLEGIANCE:** Neal Kelsey led the audience in the Pledge of Allegiance to the flag.

**MEMBERS PRESENT:** Mr. Range, Board President; Mr. Dennis Henderson, Vice President; Thomas M. Elder II, Trustee, Dr. Dorothy Franke, Trustee, ASB President and Student Trustee Kimberlee Kelly arrived for Open Session at 6:15 p.m.) Dr. Bettye Underhill, Clerk arrived at 5:24: p.m. Kimberlee Kelly left at 7:19 p.m.

**MEMBERS ABSENT:** None

**STAFF/GUESTS PRESENT:** Dr. Patricia A. Spencer, Mr. Bruce Baron, Dr. William Schmidt, Mr. Bill Greulich, Dr. Tom O'Neil, Mr. Nick Parisi, Steve Garcia, Jack Thomas, Lael Willingham, Willie Davis Pringle, Tom Turner, Sid Hultquist, Tim Wessel, Michael Orme, other staff, and members of the public.

**CLOSED SESSION** Mr. Range recessed the Open Session at 5:03 p.m., and the Board met in Closed Session from 5:03 p.m. to 6:15 p.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)

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**BOARD OF TRUSTEES:** Tom Elder, Dorothy Franke, Dennis Henderson, Joe Range, Bettye Underhill, ASB Member

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- (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 Butcher 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:  
Four (4) positions
- (d) Government Code Section 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 6:15 p.m.  
Mr. Henderson arrived for Open Session at 6:17 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 MS (Elder/Franke, 4-1, Henderson absent) to approve the minutes of the October 3, 2005, special Board meeting and October 11, regular board meeting in one motion.

Upon Mr. Henderson’s arrival at 6:17 p.m., Dr. Franke rescinded her motion.  
Mr. Henderson left at 6:18 p.m. and returned at 6:20 p.m. It was suggested by Dr. Spencer to move forward to the consent agenda. Upon Mr. Henderson’s arrival at 6:20 p.m. the minutes were voted on a second time to include Mr. Henderson’s vote. It was MS (Elder/Franke, 4-1, Henderson, no)

Discussion: Mr. Henderson read the following statement and requested it be included as part of the minutes.

*It is important that the minutes of a meeting are an accurate reflection of what happens at a meeting.*

*Item 2.1 (Action as a result of Closed Session) on the October 3, 2005, the action reported in the Board minutes did not occur until after the meeting was adjourned.*

*My understanding is that another meeting was reconvened after the October 3, 2005, meeting was adjourned, and Item 2.1 was presented after I and other Board members had left. This would in essence be a new meeting in violation of the Brown Act which was not scheduled or published.*

*Since the Attorney, Mary Dowell was present; she should have advised the remaining Board members about the procedural requirements of the Brown Act.*

Mr. Range clarified that two sets of meeting minutes were being approved, October 3, 2005 and October 11, 2005. Mr. Henderson did not have a problem with the October 11, 2005 regular board meeting. Mr. Range pointed out that Mr. Henderson was concerned about the October 3, 2005 special board meeting process. However, he felt that the board needed to move forward with the motion. Following discussion the motion to accept the October 3, 2005 special board meeting and the October 11, 2005 regular board meeting minutes were approved with a vote of 4 yes, Henderson, no.

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

3.3 Agenda Additions/Revisions  
Dr. Spencer announced that item 5.d had an amendment.

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.

## 5. CONSENT AGENDA

**Consider approval of the following consent items to be approved in one motion.**

It was MSC (Franke/Underhill, 4-0, Henderson was not present for the vote) to approve consent items 5.a-5.d).

a. Agreement for Personal Services – John Tonyan

Consider approval of the agreement for personal services with John Tonyan, doing business as Complete Piano Services, to conduct maintenance and repairs for the music department and PAC pianos.

b. Temporary Academic

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

c. Non-Classified Employees

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

d. AMENDED - Administrative/Management/Confidential Appointments

Consider approval of the appointment as listed. Fiscal Impact: Budgeted. ~~\$10,137~~ **\$10,733** monthly salary, plus \$400 monthly travel and housing expense in lieu of stipend, plus reimbursement to College of the Redwoods for benefits of \$726.21 per month.

## **ACTION AGENDA**

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

Ms. Kelly reported on candidate's forum that was held October 18. Mr. Range reported on the recent President's Circle luncheon that raised \$200,000 of community support for the pre-bond campaign. He said it is a phenomenal testimony of our community and staff and all individuals involved that have made commitments to that program. An additional \$150,000 is needed to complete this endeavor.

### **7. SUPERINTENDENT/PRESIDENT**

### **8. INSTRUCTION**

#### **8.1 Agreement – Iparadigms LLC**

It was MSC (Henderson/Elder, 5-0) to approve the agreement for the annual site license renewal for Turnitin.com plagiarism software. Fiscal Impact: \$6,668.75. Following discussion, the motion to approve the agreement carried unanimously.

### **9. STUDENT SERVICES**

### **10. ADMINISTRATIVE SERVICES**

#### **10.1 Agreement – Lease Revenue Interim Financing for Construction of the Advanced Technology Building**

It was MSC (Underhill/Henderson, 5-0) to approve the resolution authorizing the execution and delivery of a Site Lease, Facility Lease, Certification and Construction Agreement concerning the issuance of Lease Revenue Bonds by the State Public Works Board for the Advanced Technology Complex at Victor Valley College and approve related actions required in connection thereof. Fiscal impact: \$17,520,000. Following discussion, the motion to approve the agreement carried unanimously.

### **11. HUMAN RESOURCES**

### **12. FOR INFORMATION ONLY**

Presentation on Instruction Program Reviews

#### Child Development Center

Ms. Sypkens, Ms. Seifert and Ms. Visser provided an overview on the Child Development Center and the services offered. An invitation was extended for the

upcoming open house scheduled for November 3 at 6 p.m.

Fire Science

Chief Hultquist from the San Bernardino County Fire Department presented on the proposed training facility that would involve Victor Valley College and the San Bernardino County Fire Department. Chief Hultquist summarized the needs assessment involving Victor Valley College and the San Bernardino County Fire Department in an informative power point presentation.

Theatre Arts and Speech

Mr. McDevitt presented an informational update on the humanities and social sciences programs highlighting faculty, successes and challenges that affect the program for the speech communication department.

**13. ADJOURNMENT 8:46 p.m.**

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.

APPROVED:

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Joe Range, President

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

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Bettye Underhill, Ph.D., Clerk

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Date Approved