

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

December 10, 2002

6 p.m.

CALL TO ORDER: The Board of Trustees of the Victor Valley Community College District met in regular session on December 10, 2002, in the Board Room of the Administration Building. Dennis Henderson called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE: Mitch Greene led the audience in the Pledge of Allegiance to the flag.

MEMBERS PRESENT: Dennis Henderson, President; Dorothy Franke, Vice President; Thomas M. Elder, II, Clerk; Maxine Moore, Bettye Underhill, Jennifer Menser, ASB Representative.

MEMBERS ABSENT: None.

STAFF/GUESTS PRESENT: Richard A. Jones, Linda Cera, Robert Sewell, Ginny Harley, Mitch Greene, Sandra Noel-Leyva, Bob Flome, Kitty Bissell, April Lexion, Arlene Waldeck, Leonard Crawford, Kathleen Moore, Jack Thomas, Bill Greulich, Willie Davis Pringle, Mary Pringle.

Debby Blanchard asked to speak to Item 1c. It was MSC (Franke/Elder, 5-0) to take this item out of order so that it could be addressed. Ms. Blanchard said a few months ago the board took action on Gloria Henderson versus the district and reported out a 2-2 vote. Seeing her name again on closed session, Ms. Blanchard wanted to ask the board specifically what has ever been resolved about the 2-2 vote. Mr. Henderson said he was recused, but the motion was to deny the claim. Ms. Blanchard said she would wait until after closed session to see what is reported out; a board cannot leave an issue unresolved.

BREAK 6:10 p.m.– 6:15 p.m.

CLOSED SESSION The board moved to closed session to discuss conference with counsel—existing litigation: six potential cases of anticipated

December 10, 2002

litigation, Della Harrison, Amy Leffew, Gloria Henderson, Robert Flome, Lois Kobz, Cath Halisky; public employee performance evaluation: dean of instruction, vocational programs; dean of instruction, academic program; dean, student services; director of EOPS and CARE; and Director of Institutional Compliance; and conference with labor negotiators—Peter Parra, Jim Williams, Peter Allan, agency designated representatives; CSEA and CCA employee organizations.

OPEN SESSION

The board reconvened to open session at 7:49 p.m.

ACTION TAKEN AS A RESULT
OF CLOSED SESSION:

Renewal of Administrative
Contract

In closed session, the board took action on a motion by board member Elder and seconded by board member Underhill and unanimously approved, to authorize Richard Jones to enter into a contract with Fay Freeman effective July 1, 2003, for a period of two years, thereby extending the contract termination date to June 30, 2005.

Renewal of Administrative
Contract

In closed session, the board took action on a motion by board member Underhill and seconded by board member Elder and unanimously approved, to authorize Richard Jones to enter into a contract with Carl Smith effective July 1, 2003, for a period of two years, thereby extending the contract termination date to June 30, 2005.

Renewal of Administrative
Contract

In closed session, the board took action on a motion by board member Underhill and seconded by board member Moore and unanimously approved, to authorize Richard Jones to enter into a contract with Leonard Crawford effective July 1, 2003, for a period of two years, thereby extending the contract termination date to June 30, 2005.

Renewal of Administrative
Contract

In closed session, the board took action on a motion by board member Elder and seconded by board member Franke and unanimously approved, to authorize Richard Jones to enter into a contract with Henry Yong effective July 1, 2003, for a period of

three years, thereby extending the contract termination date to June 30, 2006.

Renewal of Administrative
Contract

In closed session, the board took action on a motion by board member Elder and seconded by board member Franke and unanimously approved, to authorize Richard Jones to enter into a contract with Tom Clark effective July 1, 2003, for a period of one year, thereby extending the contract termination date to June 30, 2004.

ELECTION OF BOARD
OFFICERS

It was MSF (Moore/Franke, 3-2, Elder, Franke, and Henderson opposed) to elect Dorothy Franke as president of the Board of Trustees.

It was MSC (Franke/Elder, 3-2, Moore and Underhill opposed) to elect Dennis Henderson as president of the Board of Trustees.

It was MSC (Elder/Franke, 3-2, Moore and Underhill opposed) to elect Dorothy Franke as vice president of the Board of Trustees.

It was MSC (Franke/Elder, 4-1, Underhill opposed) to elect Tom Elder as clerk of the Board of Trustees.

It was MSC (Elder/Franke, 5-0) to elect Maxine Moore as representative to the County Committee on School District Organization.

GOVERNING BOARD

It was MSC (Elder/Underhill, 5-0) to approve the minutes of the special board meeting of October 22, 2002, as presented.

AGENDA ADDITIONS,
REVISIONS:

It was MSC (Franke/Underhill, 5-0) to approve the following revisions to the agenda:

- 5g Academic Appointments
- 5h Temporary Academic
- 5i Academic Ratification of Eminence Requests
- 5j Academic Ratification of Equivalency Requests
- 5m Non-Classified Employees
- 7.1 2003 Board Calendar
- 7.5b Agreement, Cal K-12 Construction, Inc.
- 7.9 CTA Agreement

7.10 Classified Reclassification of Existing Positions

REPORTS:

Interim Superintendent/President Dr. Jones said this is the last month that Peter Parra will be interim human resources director. We wish we could have him here five days a week, but we can't. We have been looking at possible interims to take over in January and looked at a candidate last week. Dr. Jones may call for a special meeting next week to appoint an interim.

Dr. Jones said Judy Peterson put in a great deal of time and Bill Greulich was of assistance on the presidential search brochure. Dr. Grace Mitchell will bring the president's job description in January for modifications. An open forum for the candidates will be held on campus, but the board is not supposed to be in attendance. Board interviews with finalists are usually arranged in a fine hotel for 90 minutes maximum. Dr. Jones authorized reimbursement to candidates up to a maximum of \$500 for the first interview and \$1000 for the final interview. The Search Committee has interviews planned between March 3 and 7 and board interviews between March 17 and 21.

The state of California is on the brink of financial disaster—for the first time we are facing major mid-year cuts. Based on what has been in the press, across-the-board cuts of 3.66% for programs for the current year, a property tax shortfall with the district's share being \$203,000, and an attack on concurrent enrollment of high school students can be expected--an approximate \$61,000 loss. It's not this year that worries us--it's next year. The real crisis is in the budget planning for the next couple of years. A criteria for budget planning needs to be set up.

Student Services

Willard Lewallen said it's an honor to serve as chair of the President's Search Committee. The group has met two times and another meeting is scheduled for this Thursday to finalize questions to be used for the committee's interviews. The candidates will do a writing exercise; screening criteria have been established. Paper screening will begin after January 30 and candidates will be selected for first-level interviews. There is good representation from all groups.

Although it is too early to make any predictions, it looks like enrollment will be the same as last spring. This makes sense as we're offering the same schedule. There are 1000 more students enrolled as of yesterday compared with the same day last spring. This is a tribute to the process of enrolling students earlier in the process. Enrollment management will be used on courses with low enrollments.

Dr. Lewallen distributed samples of employee recognition given monthly to individuals in Student Services.

Last year Dr. Lewallen shared an article from *Community College Week* showing VVC as the 12th fastest growing community college under 10,000 students. At the time, Dr. Lewallen said if VVC were included in the colleges over 10,000 students, it would be 4th in the nation. This week the same report came out and VVC is the 5th fastest growing community college in the US. Mr. Henderson commended the work that everybody in the room is doing—this is a tribute to all of us.

Student Learning

Peter Allan reminded the board that Flex Day is January 10. A full schedule of activities starts at 8:30. Spring semester starts on Monday, January 13. This is final exam week; faculty are busy finishing finals. Classes are being staffed for the spring. Enrollment looks very, very good, and a considerable number of classes are already closed. A very close look will be taken to justify opening additional sessions, but we want to accommodate all students who want to be educated. Some nearby colleges have decided to cancel a lot of spring classes. We have to avoid that—we can't continue to grow if we do that. We will make sure that the sections we have are full and eliminate those with very low enrollment.

Administrative Services

Dr. Williams said the external auditors have completed their fieldwork for the June 2002 audit. Other audit work caused a delay in completing the regular audit. The audit report is due to the Chancellor's Office December 31. Dr. Williams will make a call indicating the report will be late. He expects to bring it for approval in January.

Gasby 34 goes into effect next year and requires reporting fixed property assets on balance sheets—this is new for community college districts and has been an exception in past audit reports.

The value of those properties is being determined and the district will be in full compliance.

Foundation

Ginger Ontiveros announced the Foundation's quarterly Advisory Council luncheon would be held next Wednesday at noon. The ASB will speak about its goals and Jaye Tashima will talk about athletics and how that helps to encourage students on our campus.

The Foundation is also working on re-launching the Alumni Association with a target date of January. The goal is to stay in contact with people who have attended or graduated from VVC to make them potential donors. Hopefully, the model established this time will allow for longevity.

The Alumni Hall of Fame will be held Saturday, January 25. Winners of the Distinguished Service Award are John Bascom, Marlene Schneider, and Bill Thornton. The Alumni Hall of Fame award will go to Supervisor Bill Postmus.

Board of Trustees

Betty Underhill

Went with the Foundation to the supervisors' meeting. It was a lot of fun letting him know he was the alumni representative this year.

Maxine Moore

Last November CCLC held its annual convention. Next year she will make sure that everybody on campus gets notification ahead of time so they can make plans to attend. Spirit awards were given for colleges with large groups of people from campuses.

ASB

Jennifer Menser congratulated Dr. John Rude and the cast of *See How They Run*. This production is one of four out of more than 300 that will go to festival in February.

CCA

Debby Blanchard spoke about closed session item 1c on Gloria Henderson. When the board first took its vote, Dennis Henderson recused himself and the vote was 2-2 to deny the tort claim. *Robert's Rules of Order* states if there is a tie, the motion is denied, which would mean that you denied the denial of the tort claim; therefore, you accepted the claim. Dorothy Franke said by so doing the claim went forward.

The faculty ratified the contract in the agenda by a vote of 53-3. Faculty would like to thank Peter Parra for his participation last semester. Wanted to say “thank you” and wish him the best. Has received many communications from CTA, CCA, and NEA, saying not to panic—the final word will be in January. Pressure is being put on the governor to not take money away from our educational systems. Asked the board for its support.

CSEA

Mitch Greene announced CSEA elections were held last Monday: Rita Jackson is the new president and Suzanne McGowan the vice president.

It seems the district has broken its agreement and is in breach of a signed agreement with CSEA on the hourly lawsuit. An hourly person who is under dispute in the lawsuit has been let go. This is directly related to Item 7.10 and it is strongly believed that this position has been let go for retaliatory reasons. This issue will be investigated to its fullest extent. Dr. Lewallen said that information is incorrect. Nobody has been terminated in the position you are talking about. It’s totally false and incorrect.

Faculty Senate

Debby Blanchard said as part of accreditation policies and procedures are reviewed. When Nick Halisky was here, he asked Faculty Senate to review the academic freedom policy, shared governance policy, and faculty hiring procedures. We have rewritten two out of the three. The shared governance was taken straight from the Academic Senate. We are working with Dr. Jones and hope to see those solved soon and on the board agenda in January.

Management

Robert Sewell thanked the board for action taken on 1e on behalf of management and congratulated Rita Jackson and Suzanne McGowan.

Peter Parra said this is a college to be proud of. He didn’t believe in the space of one semester he would feel such an attachment. Enjoyed a lot of support from the executive team, enjoyed working with CSEA—a dedicated group of leaders. He is pleased to see how relations with the Faculty Association and Senate are really positive. Especially liked to recognize the outstanding staff in HR—they’ve had transitions and are taking care of business. They know what their business is and made his coming here extremely easy, able to focus on what required his attention. Mr. Parra said he was very honored to work with them.

Public Comments:

Dennis Henderson presented Mitch Greene with a plaque in appreciation for his outstanding leadership in performance of executive duties while serving as president of CSEA and classified representative to the Board of Trustees.

Lynn Puckett stated part of the growth has to do with the community partnership program, which represents at least 5,000 hours paid out for two years. The community partnership program is under investigation now. The *Rampage* listed High Desert Cola, which is her company. In no way, shape, or form did High Desert Cola have anything to do with any illegal actions not specifically instructed to Ms. Puckett by past administration. This board still owes High Desert Cola \$30,000; Ms. Puckett is very tired of waiting for it.

Consent Agenda

It was MSC (Elder/Franke, 5-0) to approve the following items on the consent agenda as listed.

5o: Mitch Greene distributed section 88003 of the California Ed Code. Said he doesn't understand where this fits as addressed in the backup document. People need to be either substitute, short-term, full-time, or part-time students. This position isn't filling a classified position—there isn't one. It is not filling a management position and not doing student work. It is not an actual contractor with a start/end date and scope of work. Will have to file a cease and desist—needs to know exactly what this position is doing. Contractors can't be hired to do classified work without an MOU at the very least.

Peter Parra said 88003 provides for professional experts for specific projects not part of the classified service. This particular employment was to support the HR director and functions and has been working on the presidential search and legal services as delegated.

Mr. Greene stated sick leave is not normally given to contractors. Dr. Jones said with the increasing amount of workload it seemed a reasonable action to take. Mr. Greene said it was setting a dangerous precedent. Dr. Jones said that putting the individual on a month-to-month contract rather than hourly was reasonable. Mr. Greene recommended that this item be pulled.

Sharon Williams said public works construction has the need of outside consultants and personal service agreements, and she understood there was no sick leave. She asked if this was a new rule or something that she should change with outside contractors. Peter Parra said this position is not an outside contractor or consultant, but an employee of the district on a temporary basis. Mr. Parra explained the difference is that the district can direct the work of a temporary person like this. Bill Greulich asked if such a position needed to be advertised. Mr. Parra said there is no requirement to advertise and the person can be let go at will. There are no vested rights to a position.

Ginny Harley questioned granting sick leave and the title of professional expert—what is the professional expertise? Dr. Jones said he didn't know except she was in a law firm for a number of years. He should have added vacation, but was being conservative. Peter Parra said that section of the code doesn't address benefits in any way and that he was not aware of a job description. Mr. Greene said if it's a job, it needs a job description. If it's part-time work, it needs a scope of work. Either way it's wrong.

- 5a Curriculum changes as listed.
- 5b Revised department chairpersons for 2002-2003 as listed.
- 5c Budget Transfers and Payment Report as listed.
- 5d Monthly Financial Reports for the period ending October 31, 2002, as listed.
- 5e Agreements: vendors and/or consultants as listed.
- 5f Academic Resignations: Donna Filadelfia, Counselor, effective June 30, 2003.
- 5g Academic Appointment: Frederica Schweizer-Gold, one-semester temporary sabbatical replacement speech instructor, effective on or after January 10, 2003.
- 5h Temporary Academic as listed.
- 5i Academic Ratification of Eminence Requests: Paul Jacobs, business real estate, and Doug Nelson, fire technology.
- 5m Non-classified employees as listed.
- 5n Administrative/management/Confidential Resignation: Carolyn McDermid, Director of Fiscal Services, effective December 1, 2002.
- 5o Administrative/Management/Confidential Appointments: Judy Peterson, temporary appointment as professional expert—management, \$6264 per month from 12/1/02 to 6/30/03.

UNFINISHED BUSINESS
NEW BUSINESS

2003 Board Calendar

It was MSC (Underhill/Elder, 5-0) to approve the 2003 calendar of board meetings as listed with the following amendments: Change January 7 to January 14, begin each regular meeting with closed session at 5 p.m., and begin special meetings at 5 p.m.

Dorothy Franke left the meeting at 9:05 p.m.

It was MSC (Underhill/Elder, 4-0) to include all amendments in one motion.

Dorothy Franke returned at 9:07 p.m.

Out-of-State Student Travel

It was MSC (Underhill/Elder, 5-0) to approve out-of-state travel for forty students and Dr. Thomas Miller to attend the Vancouver, B.C., Symphony in Chan Hall from April 26-29, 2003.

Verizon Communications Grant
For the Computer Information
Technology Department

It was MSC (Elder/Franke, 5-0) to accept the grant award from Verizon Communications in the amount of \$25,000 for the period of October 1, 2002, through June 30, 2003, as listed.

Bill Greulich invited everyone January 14, 7:30 a.m., to the La Fonda restaurant in Apple Valley where the grant will be presented to the Hispanic Chamber of Commerce. The grant is to help minority businesses to become more digitally aware.

VVC Child Development Center
School-Age Program

The board received information that the school-age program will be discontinued effective December 20, 2002.

Agreements

It was MSC (Moore/Underhill, 5-0) to approve the agreement with Accent Computer Solutions, Inc. to prepare the technology specifications and drawings for the Advanced Technology Building as listed.

Tom Elder asked if the committee planning this building has been keeping up with the giant moves that have been made in instructional processes by computer and various other ways. Dr. Williams said the committee was. Mitch Greene said the faculty is using more web and digital methods of teaching; this entire building is for that purpose. The group has been pushing towards the same goal—building with the most up-to-date technology that we can afford. Peter Allan said the staff in CIT is onboard with all the changes and will be an integral part of the planning process. One major problem is how to provide support 18 hours a day, 6 hours a week.

It was MSC (Elder/Underhill, 5-0) to approve the agreement with CAL K-12 Construction, Inc. for construction management services for the Advanced Technology Building per the terms and conditions of the agreement.

It was MSC (Underhill/Elder, 5-0) to adopt a resolution to approve the California Department of Education Local Agreement for Child Development Instruction Materials #GIMS2524 as listed.

It was MSC (Moore/Franke, 5-0) to approve the contract with the Department of Justice, Bureau of Prisons, RFQ 61603-0017-2 for training in ASE certified automotive technology courses for inmates as listed.

Dr. Jones clarified that the classes will be held on the prison site, not on campus. Peter Allan expressed gratitude to John Sweet and his staff in auto for landing this contract. This is the first step towards a partnership with the Federal Bureau of Prisons.

It was MSC (Moore/Franke, 5-0) to approve the agreement with Raining Data Corporation to provide training in the use of UniBASIC programming, the programming code for the database for AccessVVC.

Memberships

It was MSC (Moore/Underhill, 5-0) to approve the following individual memberships: John Howard, Association of Certified Fraud Examiners, 1/1/02 – 12/31/03, \$95; and Gisela Erne, California Child Development Administrators Association, 2002-2003, \$200.

Surplus Property Donation

It was MSC (Moore/Underhill, 5-0) to declare the attached list of computer equipment and materials surplus and direct the district to dispose of these items.

Notice of Completion, Rottman Drilling Company

It was MSC (Moore/Franke, 5-0) to accept the work of Rottman Drilling Company for a new water well and begin the final payment process.

CTA Agreement

It was MSC (Moore/Underhill, 5-0) to approve the agreement with CTA for the period July 1, 2001, through June 30, 2003, as listed.

Classified Revised, New, Additional Position

It was MSC (Moore/Franke, 5-0) to approve the additional position of deaf and hard of hearing services specialist as listed.

Mitch Greene said this job description was discussed in College Assembly several times. This is an item addressed in the hourly lawsuit. Mr. Greene is glad to see this here at the board.

Classified Reclassification of Existing Positions

It was MSC (Moore/Franke, 5-0) to approve the following salary reclassifications:

Maintenance Worker (Bill Finch, Brian Howie, Tim Loomis, Art Casler), from Range 15.5 (\$2,902 - \$3,703) to Range 18 (\$3,284 - \$4,191), effective October 1, 2002.

Maintenance Technician (Dave King), from Range 17 (\$3,125 - \$3,991) to Range 18 (\$3,284 - \$4,191), effective October 1, 2002.

Lead Maintenance Worker (Doug Hannaman), from Range 19.5 (\$3,537 - \$4,513) to Range 20 (\$3,625 - \$4,626), effective October 1, 2002.

Vehicle and Equipment Mechanic (Laymon Jordan), from Range 17 (\$3,125 - \$3,991) to Range 18 (\$3,284 - \$4,191), effective October 1, 2002.

Maintenance Locksmith (Jack McGowan), From Range 16.5 (\$3,051 - \$3,892), to Range 18 (\$3,284 - \$4,191), effective October 1, 2002.

Maintenance and Operations Clerical Technician (Suzanne McGowan), From Range 14 (\$2,695 - \$3,440) to Range 14.5 (\$2,764 - \$3,526).

Part-Time Faculty Base Hourly Rates

It was MSC (Moore/Underhill, 5-0) to establish the base pay for credit instruction as \$36 per hour and for non-credit instruction as \$32 per hour. The current rate, which is above the base (\$40 per hour for credit and \$37 per hour for non-credit) is contingent upon continuing to receive state funding at no less than the current level of additional funding for part-time faculty compensation. Any reduction in the level of state funding for part-time faculty compensation will result in a proportionate reduction in the hourly rates above the base rate.

Dr. Jones explained that not all parity pay money received last year was spent. At first the district thought it would have to pay retroactively or return it to the state. As long as the district uses it for hourly teaching, it doesn't have to be returned to the state. The district has been paying \$40/hour based on assumption of receiving parity pay dollars. If funding is withdrawn this year, the money left over from last year could be used to pay this year. Dr. Jones asked that board reaffirm that in the event the district doesn't receive parity dollars, the salary schedule would return to what it was before. Dennis Henderson said there was no audit; the headline was misleading. The money was received and given out, based on figures that were provided by the prior vice president of student learning. Dr. Williams said the projection was based on 100,000 hours. Mr. Henderson said that figure was given to us by Mr. Williams and the prior vice president who is no longer here. Because the hours were wrong, the total amount was not spent. Every part-timer will receive every penny of that money--there was no other intention. Mr. Jones has done an excellent job straightening it out.

Debby Blanchard asked that the record to show that there has information in the mailboxes from AFT that the local union VVCFA stood by and watched as this money was stolen from part-time faculty. Since the injunction on the district, it is has not been possible to bargain any of these issues. We are in a position to trust the administration and board to do the right thing.

Peter Parra clarified that the district wasn't caught doing something inappropriate. Every district in the state was required to submit a report October 10 to the Chancellor's Office as to how those dollars were spent. In the process of preparing the report, all part-time hours paid in the fall and spring were counted. That led to our determining all of the money had not been spent. The district is looking at all legal and fiscal issues.

Bill Greulich said that issue was brought to the attention of the *Daily Press*. He has not seen a retraction, but this action tonight will be brought to its attention. Tom Elder suggested buying an ad. Ginger Ontiveros said that in spite of fact that we are unhappy with this one article, the *Daily Press* is a very strong supporter of this college. The "Link" tells positive stories; the *Daily Press* is a friend of ours.

Dennis Henderson suggested amending the motion to put an ad in the newspaper. After discussion, it was decided not to amend the motion—Mr. Greulich will try to get free coverage first.

ADJOURNMENT:

The meeting adjourned at 9:35 p.m.

Respectfully submitted,
Richard A. Jones, Ed.D.
Secretary

APPROVED:

President

Clerk