

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

January 28, 2003

5 p.m.

CALL TO ORDER: The Board of Trustees of the Victor Valley Community College District met in special session on January 28, 2003, in the Board Room of the Administration Building. Dennis Henderson called the meeting to order at 5:02 p.m.

PLEDGE OF ALLEGIANCE: Kathleen Moore 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, Mitchell Greene, Kathleen Moore, Sandy Leyva, Sharon Frank, Robert Sewell, Bill Greulich, Kitty Bissell, Jack Thomas.

BREAK 5:03 p.m.– 5:07 p.m.

CLOSED SESSION The board moved to closed session to discuss conference with counsel—existing litigation: six potential cases of anticipated litigation, Della Harrison, Amy Leffew, Gloria Henderson, Robert Flome, Lois Kobz, Cath Halisky; public employment: vice president, student learning; director of fiscal services; and interim director of human resources; conference with labor negotiators—Peter Parra, Jim Williams, Peter Allan, agency designated representatives; CSEA and CCA employee organizations; and conference regarding salaries and benefits—interim superintendent/president, agency designated representatives; management employee group.

OPEN SESSION The board reconvened to open session at 6:47 p.m.

Maxine Moore returned at 6:48 p.m.

ACTION TAKEN AS A RESULT OF CLOSED SESSION:

On a motion by Dorothy Franke and seconded by Tom Elder, the board directed the interim superintendent/president to open the director of fiscal services and vice president of student learning for a nationwide search. The vote was 3-2, Betty Underhill and Maxine Moore abstained. The internal candidates were strongly encouraged to apply.

AGENDA ADDITIONS,

January 28, 2003

REVISIONS:

- 5e Academic Ratification of Eminence Requests
- 5i Non-Classified Employees
- 5l Administrative/management/Confidential Appointments

REPORTS:

Interim Superintendent/President

Dr. Jones announced that the presidential search continues through Thursday. Dr. Grace Mitchell asked Dr. Jones to hand out a tentative, proposed interview schedule for the board. Dr. Jones asked the board members to compare it with their calendars and let him know if that works. Tomorrow at 9 a.m. in the SAC, the college administration, in conjunction with the Foundation, is having Jim Roth give an overview of successful bond campaigns.

Dr. Jones asked Sharon Williams to give a report on the gym retrofit. Ms. Williams distributed a floor plan of the auxiliary gymnasium. A statewide survey of school buildings built prior to the 1971 Sylmar earthquake "red tagged" the exercise room, and it hasn't been used since 1997 except for storage. In July 2001, the state allocated money for seismic retrofit. Preliminary funds were received at that time and some additional geotechnical reports were done. Those reports, combined with more technical regulations, have complicated and impacted the original project for the auxiliary gym. There is currently \$1 million for construction; however, late last year the architect said that the project could cost double that amount. Since there isn't any additional funds to put toward that project, Ms. Walker met with the architect and structural engineer to see why it will cost more money. The 1997 inspector didn't have the new geotechnical reports and only observed visible damage which did not include the locker room area. The new geotechnical report indicates there are unseen hazards in that low bay portion. In the case of the worst case scenario—a 7.0 or greater earthquake in the season of high water level—the building could sink 7 inches and collapse. The entire building is at risk. The estimate to do the work is over \$3 million.

There are two ways to fix this: core along the existing 20' pilings and inject concrete to do chemical grouting. But there is no idea what is down there, and the cost would be between \$800,000 and \$2 million for concrete alone. An alternative is to drill a core and cast in place 55' pilings to support the building, costing \$3.1 million. We cannot proceed with this project without addressing the entire building. Walt Reno from the Chancellor's Office was asked the impact if the entire building were demolished and some other alternatives were explored. The architect estimated that the demolition would be about \$200,000. Mr. Reno suggested this alternative with no repercussions to the district. Ms. Williams asked the board to entertain sending a letter this Friday to the Chancellor's Office asking for re-appropriation for the \$1 million for demolition and asking for Phase 2 for seismic retrofit of the lockers and exercise room, which could be funded in the 2004-05 fiscal year.

Tom Elder asked if the building could be used as a warehouse to just store materials. Sharon Williams said the district has been storing things in that area inappropriately. Mitch Greene said classified employees are working in the building. If the tall portion of the building

would collapse, it would damage the locker areas used by students now. Debra Blanchard said there are many classes that could be offered and we are out of room. The whole reason we were in favor of this retrofit was to have more classroom space. Tom Elder said with the financial problem, there is no way we can put \$1 million into that building.

Debra Blanchard said this was approved many, many years ago. The students deserve to have a dance studio and adaptive PE section—they have no place to go. Dr. Jones said he supports going ahead with the demolition and state funding of the new building in 2004-2005 as opposed to taking any district money to redo it. We need to indicate that interest in a letter this week. Dorothy Franke agreed with making an attempt to get it retrofitted. Sharon Williams said that now that the district has been made aware that the locker room portion is as unsafe as the high bay portion, although not red tagged, the condition is known, and it becomes imperative that we move people out of that portion as well.

It was MSC (Elder/Underhill, 5-0), to direct the interim superintendent/president to write a letter indicating the district's wish to demolish the auxiliary gym and submit a letter of request to replace the building.

Student Services

Willard Lewallen asked Jack Thomas to recognize the campus police officers who handled a recent situation on campus appropriately and professionally. Jack Thomas said his department was contacted by a gang unit in Whittier looking for person with a \$500,000 warrant for attempted murder. After a student search, the subject was identified and located. The classroom was located in a proficient, quiet manner without panic, and the suspect was taken into custody without incident and booked into the Victorville jail. This could have been a serious incident. Officers Mike Keating and Rick Etheridge and reserve officers Art York and Skip Cera were given certificates by Dennis Henderson in recognition of outstanding service in protecting the students, faculty, and staff of Victor Valley College.

Student Learning

Peter Allan said the spring semester was going fine and a lot of students have enrolled, thanks to hard work by Student Services. A few sections have been added for students who need prerequisites in some programs. We are doing our best to accommodate all students.

Administrative Services

Dr. Williams thanked Paul Russ, vice president of Citizens Bank, for helping avoid a crisis in the Financial Aid Office. The college was about to issue \$2.8 million in checks to students when it was learned that the Federal Department of Education had complications in depositing the money locally. Citizens bank willingly absorbed \$500,000 while students' checks were posted and a special board meeting was avoided.

Dr. Williams said he is awaiting Assembly and Senate proposals for the governor to finalize mid-year cuts. The district is currently working from the Board of Governors' proposal and is beginning to address the mid-year cuts. The Assembly proposal has a provision for the Governor to

take back the apportionment for the month of June, which would wipe out our 5% ending balance.

FoundationGinger Ontiveros gave an update on the Legacy Campaign. Pledges and gifts are approaching \$900,000 toward the \$2.1 million goal set three months ago. Clear Channel is a new diamond legacy donor committed to providing over \$100,000 to the campaign. The Alumni Hall of Fame event last Thursday was very successful with more than 350 people. Dr. Bettye Underhill, Maxine Moore, Bill Greulich, and Sharon Williams were thanked.

The Foundation is working with the grants office to submit grants in the hopes of generating money.

Board of Trustees

Bettye Underhill

Saturday night was incredible; she has never seen the fairground building look so beautiful. Bill Greulich did a wonderful job of introducing everyone.

Maxine Moore

Attended the community college trustees board of directors' meeting last week in Sacramento. There is lots of gloom and doom.

Dennis Henderson

Thanked Jack Thomas for taking care of the recent incident. The college is getting more and more kinds of these folks and parolees on campus. If someone is threatened in any way, get in contact with campus police immediately. The whole point is that no one got hurt. The Police Department is doing an exemplary job.

ASB

No report.

CCA

Debby Blanchard spoke on Item 7.6, management benefits. Hopes the board considers giving all groups the same amount of health benefits. Encouraged the board to not approve cutting any faculty positions, especially replacement positions. Money is already allocated for faculty who have retired, resigned, or moved from one spot to another.

CSEA

Rita Jackson said that CSEA negotiated in good faith the agenda item to be approved tonight. Part of agreement was that the association would work with the district to make sure the benefit contributions would be equal across the board. The contract was ratified by a vote of 99-2. Looking forward to a new interim HR director so that other pressing issues may begin to be resolved.

Faculty Senate

Debby Blanchard said she and Dr. Jones worked on Items 7.7 and 7.8 for the past few weeks. The faculty and Dr. Jones agreed on the first attachment. The second attachment is what the district has in board policy right now. The third attachment is the past academic freedom policy. The fourth attachment is an example from South Orange Coast College--we're not interested in this. The second reading and vote will be at the next board meeting.

The first page in Item 7.8, academic collegial consultation, is what we wrote. Title 5 is on the next page.

The Faculty Senate meeting will be held February 6 at 3:30 in Liberal Arts 17. The board is invited for pizza.

Management

Robert Sewell, on behalf of management, thanked Jack Thomas and his staff for the professionalism and expedience they showed. Also thanked Dr. Jones for allowing management employees to meet and confer on salaries and benefits. As clarification, management feels there should be equity across the board. Would like the opportunity to sit and discuss equity when it comes to health benefits and salary. That's a topic that needs to be addressed.

Public Comments:

Consent Agenda

It was MSC (Franke/Underhill, 5-0) to approve the following items on the consent agenda as listed. Dr. Jones announced that the recommendation in Item 5l should include that in addition to approving the appointment as listed, the board authorized submittal of an application to the State Teachers' Retirement System for an exemption from the post retirement earnings limitation for Dr. William Schmidt to serve as Interim Director of Human Resources.

- 5a Agreements as listed.
- 5d Temporary Academic as listed.
- 5e Academic Eminence as listed.
- 5h Classified Bargaining Unit Appointments: Arthur Lopez, Custodian (night shift 10 p.m. – 6:30 a.m.), effective on or after January 21, 2003.
- 5i Non-classified employees as listed.
- 5j Classified Memorandums of Understanding as listed
- 5l Administrative/management/Confidential Appointment: William H. Schmidt, Ed.D., Interim Director of Human Resources, Academic, effective February 19, 2003, pending completion of required documentation.

UNFINISHED BUSINESS
NEW BUSINESS

Agreements

It was MSC (Moore/Franke, 5-0) to approve the agreement with Gale/Jordan Associates, Inc., for industrial hygiene services during the abatement of the Art Building.

It was MSC (Franke/Underhill, 5-0) to approve the agreement with MAAS Companies to provide professional services and consultation per the terms of the agreement.

Mr. Michael Maas introduced Dr. Joyce Black, who will attend the Foundation meeting tomorrow morning. Dr. Black has worked successfully many times with Jim Roth in bond campaigns.

It was MSC (Elder/Underhill, 5-0) to approve the agreement with Warren Construction to construct and install plastic laminated cabinets and countertops in the infant/toddler classrooms as listed.

Agriculture and Natural Resources
Partnerships—Environmental Field

Studies Program

It was MSC (Moore/Elder, 5-0) to approve the MOU with Mitsubishi Cement as listed.

Neville Slade explained the tremendous need for VVC to support natural resources in the Mojave Desert. Students do applied research in working partnerships that are three-year commitments. Mr. Slade appreciates the great opportunity to work on environmental resources on campus.

Classified Classification
of New Position

It was MSC (Elder/Underhill, 5-0) to approve the salary classification for web assistant on Range 21 (\$3,808-\$4,860).

Classified Bargaining Unit
Transfer

It was MSC (Moore/Elder, 4-1, Henderson voting no) to approve the transfer of Michele Osburn to the position of Instructional

Assistant 3, Basic Skills, from Instructional Assistant 3, Language Lab, effective on or after January 29, 2003.

Dr. Jones stated this item was pulled from the last agenda. It is simply a lateral move from one lab to another. Deans Yong and Romero were involved in the screening and interview process.

Classified Approval of Agreement

It was MSC (Moore/Elder, 5-0) to approve the agreement with CSEA Chapter 584 for salary and benefits for the academic year 2002-2003 as listed.

Dr. Jones said Item #3 on the second page of this item addresses that the association and district will work together to equalize the benefit contribution by the district to all groups. That's what we're committed to working on. The statement is we will work to negotiate in the ensuing months, not change it tonight.

Sheri Foster said she completely concurs with Robert, Rita, and Debby. Management benefits were set into motion last May and can't be changed now—they are bound by regulation.

Mitch Greene, as a member of the negotiating team, asked why the management group issues were never announced to the CSEA classified group at the negotiating table. This flies in the face of the spirit of what was talked about at the table and is very upsetting.

Willard Lewallen said he's been here almost four years. Until just recently, the management group has never been asked what it even wanted and has never sat down with the president until Dr. Jones arrived. We don't collectively bargain, but we deserve representation.

Bill Greulich said that several years ago management had the same cafeteria plan as CSEA and the faculty—coverage was chosen by employees and left-over money went into a TSA plan. A couple of years ago, the management team was forced by the leadership of the college to accept a plan covered by everyone and had to do away with the cafeteria plan. The costs of our small group happens to be higher. That's how it all came about.

Robert Sewell said that other represented groups would like equity across the board, and that's exactly what management wants: longevity, etc. Management would like to make this equitable across the board so that it's not a topic that needs to be discussed.

Rita Jackson said classified negotiated this in good faith and are going to hold the district accountable for what they put in writing. We hope you will adhere to your word.

Dennis Henderson said it should be brought into compliance and was told it couldn't be changed because it was already put in motion. Mr. Henderson said he didn't know about it until two to three weeks ago and was as surprised as everyone else.

Dorothy Franke said she certainly understood the frustration of people who have seen inequities over the years. She believes that there is real, honest effort to be as fair and equitable with every employee. If commitments were made in May, we can't change the law or insurance companies' minds. Dr. Franke thinks the actual honest feeling of this board is to be as equitable as it can. Let's work together on that.

Dr. Jones suggested congratulating each other on this agreement and moving forward on a positive note.

Salary Schedule and Benefits, Unrepresented Managers

It was MSC (Moore/Underhill, 4-1, Henderson opposed) to authorize a salary increase of 2.5% effective July 1, 2002, and longevity benefits effective January 1, 2003.

Dennis Henderson said this is supposed to be sunshined so that everyone can see it--getting it out to the public. Dr. Jones described the longevity schedule, which is the same as CSEA's. In terms of equity, this makes sure that all employees are treated in like fashion. At least 12% of current managers came from the CSEA ranks.

Mitch Greene said CSEA almost 11 months ago made a promise to negotiate only for COLA and health benefits. COLA came in at 2%--why is it different for others? Dr. Jones clarified that the dollar amount was \$105,783.

Dorothy Franke asked if the item could be postponed for two weeks to give the audience a chance to look at the longevity scale. Dr. Jones said this longevity scale is what most people are familiar with. The total percentage increase of each group is within a point or two. From the standpoint of morale, Dr. Jones would like to see this item passed.

Mitch Greene said that almost 18 months ago members of the insurance committee were told that health coverage was going up between 20-30%. CSEA agreed to negotiate for COLA and coverage. Now another group is going outside of these boundaries. Classified are not fully covered, but pay for benefits. Maxine Moore said this proposal has nothing to do with health benefits.

Dorothy Franke said you can take the same argument with any other group. It's clear to her that if you're a full professor working summer school, you're going to be making a lot more money than someone coming into an entry-level job, no matter how dignified. Some things do cost the same—that's where the equality issue really hits the road. We can't have the same salaries. Why is it so difficult to realize that it takes time to reach salary. The salaries are never going to be the same, and sometimes the communication pattern doesn't work. I really think that you all understand this. It's tougher than nails to pull out of your pocket and deal with your health care. Every attempt has been made to deal with this equitably.

Dr. Jones clarified that he looked at the bottom line of total cost increase for the faculty, classified, and management settlements.

Debby Blanchard questioned the lack of fiscal impact on the cover page of the agenda item. Dr. Jones said that number and the longevity schedule was not available.

Sheri Foster said that last year when the classified settled, there was an adjustment in longevity and a step added. The step was included in the board agenda, but the longevity was not—just as it was not a part here.

Dennis Henderson was dismayed that as a board member he didn't know this happened in May. Robert Sewell said the board receives the same health benefits as the management group. Maxine Moore said this is not under consideration tonight. We have to wait until the time when it is relevant. Sheri Foster Nolan said the JPAs must be notified more than six months in advance of a possible change. There is already a dilemma for next year. Every year a budget is created for management benefits. She's not sure it can be fixed for next year—that's the problem with being in a trust arrangement. Last year there was some divisiveness and two groups split out because premiums were affected.

Dennis Henderson thought handing this out at the last second was a violation of the Brown Act. Dr. Jones said he had to present the board the numbers and it had to come to some concurrence in a closed session discussion first.

First Reading, Proposed New
Policy 4030, Academic Freedom

Proposed new policy #4030, Academic Freedom, was presented as a first reading.

Dr. Jones explained that only Attachment A would be brought back when this item is brought back for action. Attachment D is the shortest version that meets all legal requirements of the state.

First Reading, Proposed New Policy, Academic Collegial Consultation

The proposed new policy on academic collegial consultation was presented as a first reading.

Action taken as a result of closed session

Dr. Jones recommended that the board accept the resignation of Gwen Hall effective January 14, 2003, subject to getting final documents in writing. The district has been notified by the family several times. It was MSC (Underhill/Franke, 5-0) to accept the resignation of Gwen Hall effective January 14, 2003, subject to receiving the resignation in writing.

Mitch Greene suggested the board reject accepting the resignation and fire for cause—the campus has a 100% no drug policy. Dorothy Franke said that’s a negotiated agreement among the police, institution, and district. There are all sorts of negotiations with a plea bargain that wouldn’t be discussed in open session.

Debby Blanchard asked how the board can take action on anything not on the agenda. Dr. Jones explained it was discussed in closed session under Item 1e, public employee discipline, dismissal/release.

Debby Blanchard asked if the resignation is accepted, would she have any rights to come back. Dr. Jones said felons cannot come back.

ADJOURNMENT:

The meeting adjourned at 8:24 p.m.

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

APPROVED:

President

Clerk