



# Victor Valley Community College District REGULAR MEETING OF THE BOARD OF TRUSTEES MINUTES

Date: February 13, 2007

Place: Board Room, Victor Valley College  
18422 Bear Valley Road, Victorville, CA 92395

## CALL TO ORDER/ROLL CALL:

3 p.m.

The Board of Trustees of Victor Valley Community College District met in Open Session on February 13, 2007 in the Board Room of the Administration building. Mr. Range, Board President, called the meeting to order at 3 p.m.

**TRUSTEE ROLL CALL:** Present: Joe Range, Board President; Dennis Henderson, Vice President; Thomas M. Elder II, Trustee, Dr. Bettye Underhill, Trustee, Donald Nelson, Clerk

Michael Koenig, Student Trustee arrived at 5:35 p.m.

**MANAGEMENT PRESENT:** Dr. Louis E. Zellers, Interim, Superintendent/President; Dr. Lewallen, Vice President, Administrative Services; Dr. Marion Boenheim, Vice President, Human Resources, Dr. Marianne Tortorici, Deputy Superintendent/ Executive Vice President, Instruction; Dr. Jack Lipton, General Counsel; and Annette McComas (Recorder)

**PLEDGE OF ALLEGIANCE:** Deedee Orta led the Pledge of Allegiance to the Flag.

## DELETIONS/CORRECTIONS TO AGENDA:

The Agenda was corrected with respect to item 5.6, - Out of State Travel for Nursing, the item has been corrected to correctly state that "Approval of out-of-state travel for Kay McKinley, Sally Thibeault and Jeanine Speakman to attend the 8<sup>th</sup> Annual Medical/Surgical Nursing Conference in Las Vegas, NV from March 25-28, 2007. Fiscal Impact: Prem Reddy donation: \$1,093.30, Staff Development \$1,000." This wording appeared correctly in the agenda packet

Agenda Item 10.1 and 10.2 would require a unanimous vote of the Board pursuant to Section 20654 of Public Contract Code.

Mr. Range, Board President, announced the agenda items that the Board would consider in Closed Session.

## 1. CLOSED SESSION

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

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- (a) CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION under Government Code Section 54956.9(a):
- (1) G. Henderson vs. Victor Valley Community College, San Bernardino County Superior Court Case No. VCVVS 030263
  - (2) N. Halisky and C. Halisky vs. Victor Valley Community College District, San Bernardino County Superior Court Case No. VCVVS 026112
  - (3) Victor Valley Community College District vs. Puckett, San Bernardino County Superior Court Case No. VCVVS 036483
  - (4) F. Freeman vs. Victor Valley Community College District, San Bernardino County Superior Court Case No. VCVVS 042951
  - (5) AFT/PTFU vs. Victor Valley Community College, PERB Case No. LA-IM-3391-E
  - (6) AFT PTFU vs. Victor Valley Community College PERB Case No. LA-CE-5019-E
  - (7) S. English vs. Victor Valley Community College, EEOC Charge No. 480-2007-00768
- (b) CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION  
Possible initiation of litigation under Government Code Section 54956.9(c): 1 case
- (c) CONFERENCE WITH LABOR NEGOTIATORS
- (1) Employee organization CSEA  
  
District's representatives: Dr. Marion Boenheim, Bruce Baron, and Willie Davis Pringle
  - (2) Employee organization CTA  
  
District's representatives: Drs. Marion Boenheim, Willard Lewallen, Marianne Tortorici, and John Rude
  - (3) Employee organization: AFT/PTFU  
District's representative: Drs. Lori Kildal, Marianne Tortorici, Marion Boenheim
- (d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Deans  
Director of EOPS and CARE  
Interim, Superintendent/President  
Deputy Superintendent/Executive Vice President/Instruction  
Vice President, Student Services  
Vice President, Administrative Services  
Vice President, Human Resources
- (e) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

**PUBLIC COMMENTS ON CLOSED SESSION AGENDA ITEMS:** None

At 3:06 p.m., Board President, Joe Range recessed to closed session.

**2. RECONVENE TO OPEN SESSION**

**6 p.m.**

At 6:11 p.m., Board President, Joe Range reconvened the meeting in open session and made the following report:

In the case of Henderson vs. Victor Valley Community College District, San Bernardino County Superior Court Case No. VCVVS 030263, the Board voted 3-0 with Trustee Henderson and Trustee Underhill recused, to file a Petition for Writ of Mandate with the California Court of Appeal.

**PUBLIC COMMENTS RELATED TO AGENDA ITEMS ONLY:** Margaret Kagy, Arlene Greene, Debby Blanchard, Art Bishop, Neal Kelsey, Joe Brady, Brian Hatchell, Justin Gatewood, and Jon Booth

It was MSC (Henderson/Nelson, 4-1, Elder, No) to extend an additional two minutes to the public comments section. As a result of the two minute extension the following individuals made comments Arlene Greene, Debra Blanchard and Jon Booth.

**3. GOVERNING BOARD**

**4. SUPERINTENDENT/PRESIDENT'S REPORT**

For the Superintendent/President's report, Dr. Zellers complimented the Admissions & Records department on a smooth admission for the Spring semester.

4.1 Deputy Superintendent/Executive Vice President/Instruction  
Drs. Tortorici and Kildal

4.2 Vice President, Student Services  
Dr. Lewallen

4.3 Vice President, Administrative Services  
Mr. Baron

4.4 Vice President, Human Resources  
No report

**5. CONSENT AGENDA**

It was MSC (Underhill/Elder, 5-0) to approve the consent items in one motion with agenda items as previously noted amended and agenda item 5.23 was pulled by Mr. Nelson for separate discussion.

5.1 Approval of the minutes of the January 9, 2007 regular Board meeting

5.2 Out of State Travel – Janet Long, Lorena Garcia

Approval of the out-of-state travel for Janet Long and Lorena Garcia to attend a TRIO Training seminar in Las Vegas, NV February 11-16, 2007. Fiscal Impact: Budgeted item, not to exceed \$635.00

- 5.3 Out-of-State Travel – Staff/Students – ASACC National Student Citizenship Conference  
Approval of the out-of-state travel for staff and students to attend the ASACC National Student Citizenship conference held March 17-21, 2007 in Washington, DC. Fiscal Impact: ASB budgeted item, not to exceed \$7,500.00.
- 5.4 Out-of-State Travel – Theatre Arts  
Ratification of the out-of-state travel for staff and students to attend the regional Kennedy Center American College Theatre Festival in Cedar City, Utah from February 12, 2007 through February 18, 2007. Fiscal Impact: Budgeted item, NTE \$12,700.50.
- 5.5 Out-of-State Travel - Paramedics  
Approval of the out-of-state travel for faculty David Oleson and Scott Jones to attend the EMS Today Conference in Baltimore, Maryland from March 7, 2007 through March 10, 2007. Fiscal Impact: Prem Reddy donation \$3,982.32.
- 5.6 Out-of-State Travel - Nursing  
Approval of the out-of-state travel for faculty David Oleson and Scott Jones to attend the EMS Today Conference in Baltimore, Maryland from March 7, 2007 through March 10, 2007. Fiscal Impact: Prem Reddy donation \$3,982.32.
- 5.7 Department Chairpersons for 2007-07  
Approval of the revised department chairpersons for the 2007-07 academic year. Fiscal Impact: budgeted.
- 5.8 Amended Agreement – Child Development Services CPRE-6303  
Approval of the amended agreement (Amendment 01) with the California Department of Education for Child Development Services Contract CPRE-6303 per the terms and conditions contained therein. Fiscal Impact: Additional \$13,484.00 to the District.
- 5.9 Amended Agreement – Child Development Services CCTR-6315  
Approval of the amended agreement (Amendment 01) with the California Department of Education for Child Development Services Contract CPRE-6315 per the terms and conditions contained therein. Fiscal Impact: Additional \$63,488.00 to the District.
- 5.10 Corrected Vendor Name  
Approval of the corrected vendor names from Notary Public Workshops to California State Notary Public and Gymnology Fitness Nutrition to Apple Valley Headstart. Fiscal Impact: None
- 5.11 Budget Calendar  
Approval of the proposed budget calendar for 2007-08. Fiscal Impact: N/A
- 5.12 Change Order – Pro-Craft Plumbing – Advanced Technology Center  
Approval of the Change Order No. 08-02. Fiscal Impact: \$5,977.42 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

- 5.13 Change Order – Vance Corporation – Advanced Technology Center  
Approval of the Change Order No. 01-01 for the removal and hauling away of four (4) existing trees and existing duct bank. This change order is necessary to meet ADA compliance for the walkway access that runs between the Advanced Technology Center and the Music building. Fiscal Impact: \$5,443.74 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)
- 5.14 Nonresident Tuition Fee  
Approval of the nonresident tuition rate of \$173 (statewide basis). This nonresident tuition fee will be effective for the fall semester 2007. Fiscal Impact: The District collects approximately \$230,000 annually in nonresident tuition.
- 5.15 Board of Trustees Budget Transfers  
Approval of the budget transfers as submitted.
- 5.16 Board of Trustees Payments Reports  
Approval of the Board of Trustees payments reports.
- 5.17 Donations  
Acceptance of donations as college property from the Victor Valley College District Foundation for the total amount of \$20,232.90.
- 5.18 Out-of-State Travel  
Approval of the out-of-state travel for Jon Booth, Brian Hatchell, Michael Stevulak, Thom Gilbert and Justin Gatewood to attend the Novell Brainshare 2007 conference and training from March 18 to March 23, 2007. Fiscal Impact: Budgeted item, not to exceed \$3,627.50.
- 5.19 2005-2006 Financial Audit  
Acceptance of the 2006-2006 audit. Fiscal Impact: none.
- 5.20 Revised Board Policy 5020 – Non-Resident Tuition – Second Reading  
Approval of the revised Board Policy 5020, Non-Resident Tuition, second reading.
- 5.21 Out-of-State Travel – John Rude  
Approval of out-of-state for John Rude to attend the Chair Academy's 16<sup>th</sup> Annual International Conference for Leaders in post-secondary education in Jacksonville, FL, March 6, 2007 through March 10, 2007. Fiscal Impact: Budgeted item, \$1,935.00.
- 5.22 Out-of-Country Travel – China  
Approval of out-of-country to allow Dr. Lori Kildal, Dr. Marion Boenheim and Dr. Marianne Tortorici to travel to China as part of the Concordia Partnership during the spring semester at the end of February beginning of March, 2007. Total travel time is for 7-10 days including weekends. Fiscal Impact: None to the District

5.23 **PULLED FOR SEPARATE DISCUSSION AND VOTE. TABLED** Ratification of the following contracts that were approved by Dr. Zellers, Interim Superintendent/President per Board Policy 2430. These contracts are available to the public in the Superintendent/President's office

VENDOR	DESCRIPTION	Amount
Data Impact	Document imaging Services	\$27,844
EUREKA	Career assessment and exploration software	\$ 4,310
St. Bernardine Medical Center	To provide clinical learning locations for students in the Nursing program – March 1, 2007- March 1, 2008	None to the District
Prime Healthcare Management. Inc.	To provide clinical learning locations for students of the Phlebotomy Program – January 1, 2007 through December 31, 2010	None to the District
Robert H. Ballard Rehabilitation Hospital	To provide clinical learning locations for students in the Nursing program – January 1, 2007-December 31, 2009	None to the District
USDA Forest Service	Training activities related to wildland fire suppression and related training activities through June 30, 2011	Not to exceed \$64,000
Contract Education Services	Contract Education Service courses	\$38,875.00
Luis Pena	Personal Services to conduct maintenance and repair on all weight room equipment.	\$ 3,700.00
SARS Software Products	Manages appointment scheduling for the counseling center	\$16,000

## ACTION AGENDA

### 6. BOARD OF TRUSTEES

6.1 Separate approval of items pulled from consent agenda.

5.23 **TABLED** Ratification of the following contracts that were approved by Dr. Zellers, Interim Superintendent/President per Board Policy 2430. These contracts are available to the public in the Superintendent/President's office

It was MSC (Henderson/Nelson, 5-0) to table the item pending the review of the contracts by General Counsel.

6.2 **TABLED** Board Meetings – Change in Start Time for Open Session

It was MSC (Henderson/Nelson, 5-0) to table the approval of the board meeting start time for open session for further discussion.

**10. ADMINISTRATIVE SERVICES**

**10.1 TABLED Request for Emergency Award of Contracts Without Bid**

It was MSC (Nelson/Henderson, 4-1, Elder, No) to table the approval of the emergency replacement of the gymnasium floor and direct the Superintendent/President to request approval of the County Superintendent of Schools to make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for this purpose, without advertising for or inviting bids.

**10.2 TABLED Signature Authority – Gymnasium Floor Project**

It was MSC (Henderson/Nelson, 3-2, Elder, No, Underhill, No, Henderson, Yes, Nelson, Yes, Range, Yes) to table the approval of the Superintendent/President to enter into a contract, not to exceed a total of \$300,000.00, for the gymnasium floor replacement project, as approved by the County Superintendent's Office as an emergency under Public Contract Code 20654. Fiscal Impact: None

**11. HUMAN RESOURCES**

**11.1 Deferred Compensation Plan and Third-Party Administration**

It was MSC (Nelson/Henderson, following discussion 5-0) to adopt the resolutions attached for a 403(b) tax sheltered annuity plan and governmental 457(b) deferred compensation plan, and the Elite Choice governmental 457(b) deferred compensation plan and the Elite Choice 403(b) tax sheltered annuity plan. Fiscal Impact: None to the District.

**11.2 AFT Mileage Stipend Payment**

It was MSC (Elder/Koenig, 5-0) to approve the payment of mileage stipends for eligible AFT PTFU unit members. Fiscal Impact: At this time, stipend applications have been submitted by 20 adjunct instructors for a total of \$8225.50.

**11.3 TABLED Amendment of Contract for Interim Superintendent/President**

It was MSC (Henderson/ Nelson, 3-2, Elder No, Underhill, No, Henderson, Yes, Range, Yes, Nelson, Yes) to table the approval of the adjustment to the annual salary indicated on the contract for the Interim Superintendent/President to reflect what the current rate of pay should be plus district retirement contribution Fiscal Impact: \$3,496.58 monthly.

**11.4 Classified In-House Promotions Settlement Agreement**

It was MSC (Elder/Underhill, 5-0) to approve the settlement agreement on CSMCS Case #ARB 06-0305.

**11.5 Collective Bargaining Agreement with AFT Part-Time Faculty United, Local 6286**

It was MSC (Henderson/Koenig, 5-0) to ratify the contract with AFT Part-Time Faculty United, Local 6286. Fiscal Impact: Budgeted item.

11.6 Deletion of Classified Positions

It was MSC (Elder/Underhill, 5-0) to approve the deletion of the classified positions no longer included on the current salary schedule.

Following discussion, Mr. Elder, who made the original motion and Dr. Underhill who made the second motion, accepted the amendment to change the motion minus the Media Services Coordinator.

11.7 **TABLED** Administrative Revised Position

It was MS (Elder/Underhill) to approve the revision of the position and salary of the Vice President, Administrative Services, to Assistant Superintendent and Executive Vice President of Administrative Services, effective March 1, 2007. Fiscal Impact: \$30,128.00

Following discussion, It was MSC (Range/Nelson, 3-2, Elder, No, Underhill, Yes, Henderson, No, Nelson, Yes, Range, Yes ) to table the approval of the revision of the position and salary of the Vice President, Administrative Services, to Assistant Superintendent and Executive Vice President of Administrative Services, effective March 1, 2007.

12. **INFORMATION/DISCUSSION**

Mr. Range read the following announcement prepared by the District's General Counsel pertaining to Items 12.2 and 12.3 "I want to take this opportunity to explain the general steps and procedures for commencing union negotiations. The first step is for the Board to confer with the negotiation team and discuss the District's proposal. The Board's conference with labor negotiators is conducted in closed session pursuant to the Brown Act. After the Board gives direction to the District's labor negotiators an initial proposal is developed. The next step is for the District's initial proposal to be presented for public comment. This is known as 'sunshining.' Under the Educational Employment Relations Act, both the District's initial proposal and the union's initial proposal must be sunshined before negotiations can commence."

12.1 Monthly Financial Reports

Submitted as an informational item.

12.2 CSEA Initial Negotiations Proposal

Submitted as an informational item.

12.3 District Initial Negotiations Proposal for CSEA Contract

Submitted as an informational item.

13. **REPORTS (3 minute limit per Report)**

The purpose of these reports it to inform the Board of Trustees regarding issues Pertaining to those constituency groups.

13.1 Governmental Relations

No report

13.2 Foundation

Ginger Ontiveros



13.3 Shared Governance

- a) ASB  
Michael Koenig
- b) Faculty Senate  
Debra Blanchard

13.4 Employee Groups

- a) CCA  
Michael Smith
- c) CSEA  
No report
- d) AFT Part-Time Faculty United  
Don Peavy
- e) Management  
No report

14. TRUSTEE COMMENTS

Dr. Underhill and on behalf of Michael Koenig, Heena Mehra.

**PUBLIC COMMENTS RELATED TO NON-AGENDA ITEMS:** Margaret Kagy

15. ADJOURNMENT

It was MSC (Underhill/Koenig 5-0) to adjourn the meeting at 8:11 p.m. The motion approved unanimously.

  
Donald Nelson, Clerk

3-13-07  
Date Approved