



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

Date: April 8, 2008

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

CALL TO ORDER

5:30 p.m.

The Board of Trustees of Victor Valley Community College District met in Open Session on April 8, 2008 in the Board Room of the Administration building. Mr. Nelson, Board President called the meeting to order at 5:30 p.m.

TRUSTEE ROLL CALL: Present: Donald Nelson, Board President; Angela Valles, Vice President; Joe Range, Trustee, Dennis Henderson, Clerk, Bettye Underhill, Trustee

Heena Mehra arrived at 5:55 p.m.

MANAGEMENT PRESENT: Dr. Robert Silverman, Superintendent/President, Marion Boenheim, Vice President, Human Resources, Marianne Tortorici, Deputy Superintendent/Executive Vice President, Instruction; and Annette McComas (Recorder)

PLEDGE OF ALLEGIANCE

Peter Allan led the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ITEMS TO BE CONSIDERED IN CLOSED SESSION

Mr. Nelson, Board President, announced the agenda item that the Board would consider in closed session.

1. CLOSED SESSION

- (a) Conference with Legal Counsel – Existing Litigation – Government Code 54956.9(a)
N. Halisky and C. Halisky v. Victor Valley Community College District
San Bernardino County Superior Court Case No. VCVVS 026112

PUBLIC COMMENTS ON CLOSED SESSION ITEMS: None

At: 5:32 p.m., Board President, Mr. Nelson recessed to closed session.

2. RECONVENE TO OPEN SESSION (Business Meeting)

At 6:17 p.m., Mr. Nelson reconvened the meeting in open session.

BOARD OF TRUSTEES: Dennis Henderson, Donald Nelson, Joe Range, Bettye Underhill, Angela Valles, ASB Member

3. **Closed Session Report**

Mr. Nelson, Board President, announced that there was one motion to report out of closed session. In an action taken during closed session it was MSC (Valles/Underhill, 4-1) to approve the agreement between Victor Valley Community College District and Nicholas Halisky to settle all litigation between the parties. In addition, there is an amendment requesting SWAAC to assist with this situation.

Because there were no public comments cards submitted for item 11.1 Mr. Nelson moved this item forward so that Peter Allan could provide information on the agenda item.

11. **HUMAN RESOURCES**

11.1 Agreement – Stutz, Artiano, Shinoff & Holtz

Following an informational presentation by Peter Allan, It was MSC (Henderson/Underhill, 5-0) to approve the agreement with Stutz, Artiano, Schinoff & Holtz to provide legal counsel for the district. Fiscal Impact: Partners: \$250/hour, associates: \$215/hour, paralegals and law clerks: \$95/hour.

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

For the Superintendent/President's report, Dr. Silverman reported on the enrollment growth and felt that the college was doing well.

The benefits committee has been working on a benefit plan that seems to be pretty positive for all segments of employees represented on the committee. This benefit plan will be voted on in the next couple of weeks and if it turns out positive, this will be presented for consideration at the next board meeting.

- **Faculty Senate**
No report

PUBLIC COMMENTS RELATED TO AGENDA ITEMS: Margaret Kagy and Adrienne Reynoso

5. **CONSENT AGENDA**

It was MSC (Underhill/Nelson, 5-0) to approve the consent items in one motion. With item 5.30 and 5.33 pulled for separate discussion.

5.1 Approval of the minutes of the March 11, 2008 regular Board meeting

5.2 License Agreement - Scantron

Approval of the agreement between Scantron and Victor Valley Community College District from March 12, 2008 through March 12, 2009 for software to replace and update the current scanning system. Fiscal Impact: \$10,562.00 funded through Basic Skills, CAHSEE and the SSPIRE Grant.

5.3 Out of State Travel – Student Travel

Approval for student from the Political Science Department to travel to New York, New York to attend the National Model United Nations Conference from April 20, 2008 through April 27, 2008. Students participating in the filed trip are registered students at Victor Valley Community College. Fiscal Impact: \$3,612.00

- 5.4 Agreement – Independent Contractor – Kenneth Robison
Ratification of Personal Services Agreement between Victor Valley Community College District and Kenneth Robison from July 11, 2007 through June 30, 2008. Fiscal Impact: Not to exceed \$713.61
- 5.5 Agreement – (Amended) – Independent Contractor – John Tonyan
Approval of the agreement between John Tonyan and Victor Valley Community College District to tune and service the music department and PAC pianos. The period of this agreement is from April 15, 2008 through April 30, 2008. Fiscal Impact: Not to exceed \$190.00
- 5.6 Contract Education Services – Sushiaru Restaurant
Ratification of the agreement between Victor Valley Community College District and Sushiaru Restaurant to obtain a food handlers certification card. The period of this agreement is from March 1, 2008 through March 1, 2009. Fiscal Impact: \$300.00 to the District.
- 5.7 Contract Education Services – Pho-Cali
Ratification of the agreement between Victor Valley Community College District and Pho-Cali to obtain a food handlers certification card. The period of this agreement is from February 19, 2008 through February 19, 2009. Fiscal Impact: \$300.00 to the District.
- 5.8 Contract Education Services – Los Domingos Restaurant
Ratification of the agreement between Victor Valley Community College District and Los Domingos Restaurant to obtain a food handlers certification card from March 10, 2008 through March 10, 2009. Fiscal Impact: \$300.00 to the District.
- 5.9 Contract Education Services – Domingo's Mexican and Seafood Restaurant
Ratification of the agreement between Victor Valley Community College District and Domingo's Mexican and Seafood Restaurant to obtain a food handlers certification card from March 15, 2008 through March 15, 2009. Fiscal Impact: \$300.00 to the District.
- 5.10 Contract Education Services – City of Victorville
Ratification of the agreement between Victor Valley Community College District and City of Victorville to obtain a food handlers certification card from March 28, 2008 through March 28, 2009. Fiscal Impact: \$300.00 to the District.
- 5.11 Contract Education Services – Fresh Wok
Ratification of an agreement between Victor Valley Community College District and Fresh Wok to obtain a food handlers certification card from February 12, 2008 through February 12, 2009. Fiscal Impact: \$350.00 to the District.
- 5.12 Agreement – Central Desert Industrial Medical Group, APC
Approval of the agreement with Central Desert Industrial Medical Group, APC, for medical services through June 30, 2008. Fiscal Impact: Budgeted, not to exceed \$5,000.
- 5.13 Agreement – Identix
Approval of the agreement with Identix, Inc. for electronic fingerprinting services. Fiscal Impact: Income to the District via a \$15 fingerprint rolling fee; cost to the District is \$2 per applicant record with a maximum of \$400/month.

- 5.14 Agreement Renewal – Sixten Associates
Ratification of the agreement with SixTen and Associates for State Mandate Claim Preparation for the 2008-2009 fiscal year. Fiscal Impact: Budgeted item, not to exceed \$10,000.00.
- 5.15 Agreement – Keenan & Associates
Ratification of an agreement with Keenan & Associates to provide labor compliance services for the Seismic Retrofit Auxiliary Gymnasium project. Fiscal Impact: \$29,680.00 – Fund 71 expenditure (This project is partially State funded and a portion of this may be reimbursable through the State. Any portion that is not reimbursable has been previously budgeted.)
- 5.16 Agreement – John Griffin Construction, Inc.
Ratification of the agreement with John Griffin Construction, Inc. to supply and install coaxial cable to complete the installation of the smart classrooms at the Advanced Technology Center and Speech/Drama Addition projects. Fiscal Impact: \$3,617.20 – Fund 71 expenditure.
- 5.17 Notice of Completion – Advanced Technology Center
Approval of the Notices of Completion for the Advanced Technology Center project. Fiscal Impact: None
- 5.18 Change Order (Credit) – EJ Enterprises – Advanced Technology Center
Ratification of the change order with EJ Enterprises. Fiscal Impact: (\$615.30) credit to the district.
- 5.19 Change Order Elljay Acoustics
Ratification of the change order with Elljay Acoustics. Fiscal Impact: \$556.00 – Fund 71 expenditure
- 5.20 Change Order – Continental Flooring – Advanced Technology Center
Ratification of the change order with Continental Flooring. Fiscal Impact: \$669.00 – Fund 71 expenditure.
- 5.21 Change Order (Credit) – Inland Empire Architectural Specialties – Advanced Technology Center
Ratification of change order with Inland Empire Architectural Specialties. Fiscal Impact: (\$1,058.00) credit to the district.
- 5.22 Change Order (Credit) – Worthington Construction – Advanced Technology Center
Ratification of change order with Worthington Construction. Fiscal Impact: (\$5,466.87) credit to the district.
- 5.23 Change Order (Credit) – KCB Towers – Advanced Technology Center
Ratification of change order with KCB Towers. Fiscal Impact: (\$8,355.42) credit to the district.
- 5.24 Change Order - Pro-Craft Plumbing Company – Advanced Technology Center
Ratification of change order with Pro-Craft Plumbing Company. Fiscal Impact: \$19,250.13 – Fund 71 expenditure.

- 5.25 Change Order – Caston Plastering & Drywall – Advanced Technology Center
Ratification of change order with Caston Plastering & Drywall. Fiscal Impact: \$3,433.55 – Fund 71 expenditure.
- 5.26 Board of Trustees Budget Transfer Request Report
Approval of the budget transfers as submitted. Fiscal Impact: None
- 5.27 Board of Trustees and Payments Report
Approval of the Board of Trustees and Payments Reports. Fiscal Impact: None
- 5.28 Foundation Donations
Acceptance of donations as college property from the Victor Valley District Foundation for a total amount of \$40,098.11.
- 5.29 Curriculum Changes
Approval of the curriculum changes that been recommended by the College Curriculum Committee. Fiscal Impact: None
- 5.30 Moved to 6.1 for separate discussion Department Chairperson's Pay for Fall, 2007.
Approval of payment for department chairperson's pay for the fall 2007 academic year. Fiscal impact: Budgeted Item, \$67,500.00
- 5.31 Clinical Affiliation Agreement
Approval of the clinical affiliation agreement between Arrowhead Regional Medical Center and Victor Valley Community College District. This agreement shall be effective for one (1) year term, commencing on the execution of this agreement by both parties and terminating one year later at which time the agreement shall automatically renew for successive one year terms thereafter. Fiscal Impact: None
- 5.32 Agreement– Independent Contractor – Allan Barbish
Approval of the agreement between Allan Barbish and Victor Valley Community College District to provide sound system for two commencement ceremonies. The period of this agreement is from June 5, 2008 through June 6, 2008. Fiscal Impact: Not to exceed \$3,000.00
- 5.33 Pulled for separate discussion. Classified New Position, Job Description – Classified Site Supervisor of Child Development Center
Approval of the new job description and placement on the classified salary schedule. Fiscal Impact: \$4310/month.
- 5.34 Management New Position, Job Description: Coordinator of Evening Operations and Programs
Approval of the new job description and placement on the management salary schedule. Fiscal Impact: \$4,652-\$5,938/month, plus benefits.
- 5.35 Rescind – Board Delegated Authorized Signatory
Approval to rescind all signatory authority for Mr. Bruce Baron, Vice President, Administrative Services effective March 31, 2008. Fiscal Impact: None
- 5.36 Electronic Signature Key
Approval of Josanna Orta as authorized electronic signature key user. Fiscal Impact: None

- 5.37 Ratification of Academic Equivalency Request – Melvin Dorrow
Ratification of the academic equivalency request for Melvin Dorrow – Fire Technology.
Fiscal Impact: None
- 5.38 Agreement – Independent Contractor – JoNell Larsen
Approval of the agreement between JoNell Larsen and Victor Valley Community College District to facilitate workshops for preparation of the California High School Examination. The period of this agreement is from April 2, 2008 through May 2, 2008. Fiscal Impact: Not to exceed \$532.00 funded by the CAHSEE Grant.
- 5.39 Disaster Preparedness Resolution
Adoption of the resolution and affirm its intention to comply with the National Incident Management System (NIMS) and the State Standardized Emergency Management System (SEMS).

6. BOARD OF TRUSTEES

- 6.1 Separate approval of items pulled from consent agenda.

5.30 Department Chairperson's Pay for Fall, 2007.

Following discussion, it was MSC (Range/Underhill, 5-0) to approve payment for department chairperson's pay for the fall 2007 academic year. Fiscal impact: Budgeted Item, \$67,500.00

- 5.33 Classified New Position, Job Description – Classified Site Supervisor of Child Development Center

It was MS (Underhill/Nelson) to approve the new job description and placement on the classified salary schedule. Fiscal Impact: \$4310/month.

Following discussion, it was MSC (Valles/Henderson, 5-0) to remove the fiscal impact of \$4310/month.

Following further discussion, it was MSC (Range/Underhill, 3-2, Valles, No, Henderson, No) to approve the new job description and placement on the classified salary schedule with the removal of the fiscal impact of \$4310/month.

- 6.2 CCCT Board Vote

Consider one vote for each of the ten vacancies for the CCCT board.

It was MSC (Underhill/Range, 5-0) to nominate Anita Grier, Edward Ortell, Paul Fong, Mary Figueroa, Katherine Albiani, Bill McMillin, Nancy Chadwick, Carolyn Batiste, Eva Kinsman and Donald Nelson to serve on the 2008 CCCT Board of Directors.

- 6.3 Spring Valley Lake Election

Consider selecting four (4) candidates for the election of the Spring Valley Lake Association's Board of Directors.

It was MS (Range/Valles) to vote for Spring Valley Lake Association Board of Directors candidates.

Following discussion it was MSC (Underhill/Range, 5-0) to vote for Ken Bodle, Kirt Mahlum, Ernie Martell and Jill Watson for the Spring Valley Lake Association Board of Directors candidates.

10. ADMINISTRATIVE SERVICES

10.1 Request to Adopt Negative Declaration and Identify Any Comments with Mitigations – 1 Megawatt Wind Turbine – Public Hearing

Approval to adopt the Negative Declaration for the proposed 1-megawatt wind turbine. Fiscal Impact: None

Mr. Nelson, Board President announced that the Victor Valley Community College District prepared a Draft Initial Study/Mitigated Negative Declaration for the proposed 1-megawatt Wind Turbine to be constructed on the lower campus of Victor Valley Community College. The proposed project would include removal of a temporary meteorological data collection tower, construction of the wind turbine, and underground electrical transmission line and access roadway improvements to the turbine. In accordance with California Environmental Quality Act requirements, Victor Valley Community College has prepared a Draft Initial Study for the proposed wind turbine. The Draft Initial Study (dated October 2007) was placed on public review from October 29, 2007 to December 2, 2007. Two comment letters were received on the Draft Initial Study/Mitigated Negative Declaration (from the California Regional Water Quality Control Board – Lahontan Region and from the Native American Heritage Commission.)

Mr. Nelson, Board President declared the hearing open. Mr. Jorn Larsen applauded Victor Valley College and its Board of Trustees for the forward thinking of the proposed wind turbine. Following comments, the Board President declared the meeting closed.

It was MSC (Range/Underhill, 5-0) to adopt the Negative Declaration for the proposed 1-megawatt wind turbine.

Following the approval by the Board of Trustees, Mr. Nelson, Board President, announced that the District has considered these comments on the proposed project. In consideration of these comments, the District has determined that the project will not have a significant effect on the environment. The mitigated Negative Declaration prepared for this project includes mitigation measures and best management practices to prevent or minimize potentially significant impacts resulting from the proposed project. A Mitigation Monitoring and Reporting Program has been prepared and implementation of this program is made a condition of project approval.

The District has considered the findings of the Initial Study/Negative Declaration for the 1-megawatt Wind turbine, and hereby adopts the Final Initial Study/Mitigated Negative Declaration dated March 2008. The document and record of project approval will be available for the general public at: Victor Valley Community College, President's Office, 18422 Bear Valley Rd. Victorville, CA 92395.

10.2 Amend Agreement – Chevron Energy Solutions Company

It was MSC (Underhill/Range, 5-0) to approve the amendment to the agreement with Chevron Energy Solutions, L.P. and expended the \$1,553,280.00 from Fund 71.

10.3 Agreement – Southern California Edison – Wind Turbine

It was MSC (Range/Underhill, 5-0) to ratify the agreement with Southern California Edison for a Self-Generation Incentive (SGI) Program. Fiscal Impact: \$1,500,000.00 – Revenue to the district.

10.4 Agreement – NTD Architecture

It was MSC (Underhill/Nelson, 5-0) to approve the agreement with NTD Architecture for technical planning services to complete a Final Project Proposal (FPP) for a new Science Laboratory Addition and an Initial Project Proposal (IPP) for a new Visual/Performing Arts Lab. Fiscal Impact: \$55,750.00 – Fund 71 expenditure.

12. INFORMATION/DISCUSSION

12.1 Monthly Financial Reports

Submitted as an informational item.

13. REPORTS (3 minute limit per report)

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

13.1 Foundation

No report

13.2 Employee Groups

a) CTA

No report

b) CSEA

Jim Murray

c) AFT Part-Time Faculty United

Cheryl Elsmore

14. TRUSTEE COMMENTS

ASB:

Heena Mehra reported on upcoming student activities.

Ms. Valles asked the board to consider removing or extending the 3 minute time limit for speakers. Until then she encouraged individuals to fill out comment cards so that she can understand what the issues are and where the staff stand on the issues. She said that it is disheartening to hear problems with the Child Development Center and hopes that the board will consider leaving the Child Development Center open and not increase costs.

Mr. Range said that he was looking forward to the accreditation report and the responses to the recommendations that were submitted. Student learning outcomes are really important and he is looking forward to the status of those outcomes.

Mr. Nelson congratulated Robert Sewell on the ASB and the outstanding groups of students this year.

15. **Public Comments Related to Non-Agenda Items:** Margaret Kagy and Rita Doyle

16. **Adjournment**

It was MSC (Underhill/Range, 5-0) to adjourn the meeting at 7:55 p.m. The motion carried unanimously.



Dennis Henderson, Clerk

5/13/08

Date Approved