



# Victor Valley Community College District Board of Trustees Regular Meeting

## Minutes

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

April 11, 2006

4 p.m.

**CALL TO ORDER:** The Board of Trustees of Victor Valley Community College District met in Open Session on April 11, 2006, in the Board Room of the Administration Building. Mr. Range, Board President, called the meeting to order at 4:01 p.m.

**PLEDGE OF ALLEGIANCE:** Bettye Underhill led the audience in the Pledge of Allegiance to the flag.

**MEMBERS PRESENT:** Mr. Range, Board President; Mr. Dennis Henderson, Vice President; Mr. Donald Nelson, Clerk Trustee, Dr. Bettye Underhill, Trustee, Thomas M. Elder, II, Trustee, Michael Koenig substituted for Kimberlee Kelly ASB President and Student Trustee

**MEMBERS ABSENT:** Kimberlee Kelly

**STAFF/GUESTS PRESENT:** Dr. Spencer, Mr. Baron, Dr. Schmidt, Mr. Bill Greulich, Dr. Prystowsky, Dr. Lewallen, Annette McComas, Willie Davis Pringle, Pringle, Margaret West, Loretta Kagy, Andrew Caravella, Richard Stephan, Mary Pringle, Reed Davis, Kurt Lehrmann other staff, and members of the public.

**CLOSED SESSION:** Mr. Range recessed the Open Session at 4:01 p.m. and the Board met in Closed Session from 4:01 p.m. to 6:26 p.m. to discuss the following:

The Board moved to Closed Session from 4:01 p.m. to 6:26 p.m. to discuss the following:

### 1. CLOSED SESSION

- (a) Government Code Section 54956.9:  
CONFERENCE WITH LEGAL COUNSEL —  
EXISTING LITIGATION: six (6) cases

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

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- (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)
- (3)Carissa M. Warren, Gaye L. Giarmo, and Karen E. Salazar v. Victor Valley Community College District, Larry Boutcher and Does 1 through 100, VCVVS 027382
- (4)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper, Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore, and Does 1-1000;VCVVS 037295
- (5)Lynn Puckett vs. Victor Valley Community College District, Ron Krimper, Nick Halisky, Bettye Underhill, Dennis Henderson, Maxine Moore, and Does 1-1000; VCVVS 036483
- (6)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, Richard Prystowsky, Willie Davis Pringle, John Rude, Bruce Baron. Employee organizations: CSEA, CTA, AFT-PTFU
- (c) Government Code Section 54957:  
DISCIPLINE/DISMISSAL/RELEASE OF A PUBLIC EMPLOYEE:  
One (1) position
- (d) Government Code Section 54956.9  
POTENTIAL LITIGATION: Student Complaint
- (f) Government Code Section 54957; PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION
- (g) Government Code Section 54956.9 Conference with legal counsel – existing litigation  
(1)case  
1. Modification of study of hourly lawsuit settlement agreement with California School Employees Association in order to create Auxiliary Services Assistant position

## **2. RECONVENE TO OPEN SESSION**

**6 p.m.**

### **2.1 Action as a result of Closed Session**

Mr. Range reported that as a result of closed session he had one item to report out.

It was MSC (Nelson/Underhill, 5-0) that the board approve the revised settlement agreement between Victor Valley Community College District and CSEA 584 pertaining to the Auxiliary Services assistant position.

## **3. GOVERNING BOARD**

It was MSC (Underhill/Elder, 5-0) to approve the minutes of the March 28, 2006 special board meeting. Mr. Range announced that as a result of a comment made at the last board meeting, the government code concerning the discipline/dismissal/release of employee was reviewed and the title of the employee need not be identified.

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

Mr. Range reported that he had received 18 public comments requests. The public comment request that referenced agenda item 11.3 would be addressed when that item was presented.

- 3.3 Agenda Additions/Revisions

Dr. Spencer announced that items 5.g, 5.h, 5.i and 10.5 had amendments and that agenda item 7.1 would be moved to the beginning of the agenda

It was MSC (Elder/Underhill, 5-0) to accept the amendments as presented.

- 7.1 United We Stand Fund Designer's Challenge Monument

It was MSC (Underhill/Elder, 5-0) to approve the monument design presented by the Desert Valley Charitable Foundation.

#### **4. REPORTS**

- 4.1 Superintendent/President

Dr. Spencer announced that the groundbreaking ceremony for the Advanced Technology Center, will be held April 28<sup>th</sup> a 12 noon with a reception to follow. State Senator George Runner and Assemblywoman Sharon Runner will be the guest speakers. Mr. Steve Garcia was recognized for his efforts in this project. May 1 has been selected for the first meeting of the President's Blue Ribbon Advisory Group. The campus forums were well attended with a lot of input and suggestions. The two Town Hall meetings were held this semester with informative presentations.

- 4.2 Instruction

Dr. Prystowsky provided a brief report concerning next week's Department Chairs retreat. The class schedules should be available the beginning of next week. Justin Gatewood, the newly hired Webmaster and Robert Sewell were acknowledged for the newly developed website advertising the late start classes. The summer schedule is complete and is in its final proofing stage. A number of new sections were added in an attempt to meet growth targets.

- 4.3 Student Services

Dr. Lewallen provided an update regarding the commencement speaker and thanked Bill Greulich for making this happen. The speaker this year will be Senator Jeff Denham, State Senator who represents that 12<sup>th</sup> district.

Dr. Lewallen introduced Ms. Donna Willis, who was nominated by the college for a prestigious award for Phi Beta Kappa. She was selected for the All-USA Academic Team and had an opportunity to visit the State capitol and be recognized for her achievements.

#### 4.4 Administrative Services

Mr. Baron provided an update regarding the Datatel improvement project newsletter. He introduced Mr. Kurt Lehrman, Senior Project Manager, who will be replacing Mr. Davis who has been the Datatel executive mentor. Mr. Davis reported that the system had been stabilized, however, there is still a lot of work to do. Another major area that needs to be addressed would be in staff training. A student advisory committee was established as a result of Mr. Davis' recommendation.

Mr. Booth provided the board with a brief overview of a wireless technical voting device. A presentation will be conducted at the next board meeting April 25<sup>th</sup>

#### 4.5 Human Resources

No report.

#### 4.6 Governmental Relations

No report.

#### 4.7 Foundation

Mrs. O'Malley provided information regarding the upcoming board retreat scheduled May 12-13 in Henderson, NV which will focus on the future of the college. She reminded everyone of the brick fundraising campaign. The next Advisory Council luncheon will be held April 19 at the Planetarium. The Foundation will be launching the first VVC online auction with the first group taking advantage of the online auction process being the Athletics department.

#### 4.8 Board of Trustees

Because there has been some confusion in the past, Mr. Range read a prepared a statement regarding how he feels the board should operate and clarified the processes for input. Mr. Range asked that the board of trustees consider attending the Community College League of California in La Jolla, CA May 5-6.

Mr. Range thanked those individuals that participated in the forums. He said this is a great opportunity for everyone to get in on the ground floor.

#### 4.9 Constituency Representatives

##### a) ASB

On behalf of Ms. Kelly, Mr. Koenig reported on the various upcoming student events.

##### b) CCA

No report

c) CSEA

Mrs. Greene expressed her concern regarding the layoff of an employee due to lack of work and that there are four consultants that are now working in MIS.

Mrs. Greene read information regarding the Brown Act and public participation. She feels that the Brown Act is not being followed.

d) Faculty Senate

No report

e) AFT Part-Time Faculty United

Mr. Kelsey presented the awards that the AFT Part-Time Faculty United AFT received at the State convention in Sacramento .

f) Management

No report

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.

4.10 Public Comment

*Mr. Chip reported that employee # 764031406, senior program software developer was hired and laid off and never met his supervisor. This employee's March 31 pay warrant was not correct and did not have the health benefits on it. He also reported that an employee that was placed on administrative leave still has not been able to perform his full duties.*

4.10 Public Comment

*Mr. Kelsey reported on the contemporary religious studies lectures series that will begin April 26. He thanked ASB who provided the substantial funding for the honorium for these lecturers*

4.10 Public Comment

*Mrs. Margaret West would like to know if the board was seriously considering the wireless board meeting.*

4.10 Public Comment

*Mrs. Margaret West provided an update regarding the theft in Student Services II.*

5. **CONSENT AGENDA**

All matters listed under **Consent Agenda** are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as not to require additional discussion. Consent items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests a specific item be removed from the Consent Agenda for discussion and a separate vote. Public comment on Consent Agenda items from anyone completing an Agenda Discussion Form will be heard prior to the Board’s vote on the Consent Agenda.

It was MSC (Elder/Underhill, 4-1, Henderson, No) to approve the following consent items in one motion as amended. Dr. Spencer clarified that on the amendments, only those items that are bolded were up for approval. Dr. Schmidt clarified that placeholders appear on the board agenda to expedite the hiring of individuals.

a. Agreements

Consider approval of the agreements as listed. Fiscal Impact: Budgeted Item. See detailed listing below.

<b>Vendor/Consultant</b>	<b>Service</b>	<b>Amount</b>
3M Library Systems	Maintenance agreement. Renew library detection system for the period 5/7/06-5/6/07.	\$1,331.00
Taylor & Francis Group, LLC	License fees. Renew subscription to electronic database “Routledge Religion Resource” for the period 6/1/06-5/31/07.	\$1,876.00
OCLC, Inc.	Contract services. OCLC online cataloging and metadata services, interlibrary loan services.	\$1,500.00
	<b>TOTAL</b>	<b>\$4,707.00</b>

b. Agreements – Contract Education Services

Consider approval of the agreements for Contract Education Services courses with the contractors listed below. Fiscal Impact: \$15,700.00 to the District.

<b>VENDOR</b>	<b>COURSE</b>	<b>COURSE DATES</b>	<b>TENTATIVE AMOUNT RCVD</b>
California School of Notary Public	Become a California State Notary Public-Online	1/3/06-2/10/06	\$ 700.00
Learn CPR 4 Life	American Heart Association Healthcare Provider CPR	1/9/06-2/6/06	\$1,200.00
Learn CPR 4 Life	American Heart Association Heartsaver First Aid	1/9/06-2/6/06	\$2,000.00
California State Notary Public	Notary Public Workshop	6/24/06-8/5/06	\$3,000.00

California State Notary Public	Certified Loan Signing Agent	7/8/06	\$1,200.00
California State Notary Public	Notary Public Workshop	8/30/06-12/16/06	\$4,000.00
California State Notary Public	Certified Loan Signing Agent	8/30/06-12/16/06	\$3,600.00
		TOTAL	\$15,700.00

c. Student Travel – CAEYC Conference

Consider approval of travel for three students to attend the CAEYC conference in Anaheim, CA, April 21-22, 2006. Fiscal Impact: None to the District. The cost of approximately \$1,200 will be paid by TANF grant funds.

d. Board of Trustees and Payment Reports

Consider approval of the Board of Trustees transfers and payments reports.

e. Non-Classified Employees

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

*Public Comment: Mrs. Margaret West would like to know what Michael Spencer's capacity would be as a volunteer?*

f. Temporary Academic

Consider approval of the appointments as listed Fiscal impact: Budgeted

g. (Amended) Classified Bargaining Unit Appointments, Promotions, and/or Transfers

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

h. (Amended) Administrative/Management/Confidential Appointments

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

i. (Amended) Academic Appointments.

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

**ACTION AGENDA**

**6. BOARD OF TRUSTEES**

**7. SUPERINTENDENT/PRESIDENT**

- 7.1 [This item was moved to the beginning of the agenda] United We Stand Fund Designer's Challenge Monument

7.2 Second Reading: Revised Board Policy No. 2015 – Student Member

It was MSC (Elder/Underhill, 5-0) to accept for second reading the revised Board Policy No. 2015, Student Member.

7.3 Second Reading: Revised Board Policy No. 2315 – Closed Sessions

It was MSC (Nelson/Elder, 4-1, Henderson, No) to accept for second reading the revised Board Policy No. 2315, Closed Sessions.

*Public Comment: Mrs. Margaret West stated that at the last board meeting on March 28<sup>th</sup> she asked why the response to the final draft of bureau of state audits had to be done in closed session? To this date she has not received a response.*

*Mr. Dave Chip would like to know how the public would comment on closed session items?*

7.4 Second Reading: Revised Board Policy No. 2345 – Public Participation at Board Meetings

It was MSC (Underhill/Elder, 4-1, Henderson, No) to accept for second reading the revised Board Policy No. 2345, Public Participation at Board Meetings.

*Public Comment:*

*Mr. Davie Chip felt that the Brown Act regarding public participation has not been followed.*

*Mrs. Margaret West expressed her concern regarding public participation at board meetings.*

7.5 Second Reading: Revised Board Policy No. 3410 – Nondiscrimination

It was MSC (Underhill/Elder, 5-0) to accept for second Reading the revised Board Policy No. 3410, Nondiscrimination.

7.6 Second Reading: Revised Board Policy No. 4020 – Program and Curriculum Development

It was MSC (Elder/Underhill, 5-0) to accept for second reading the revised Board Policy No. 4020, Program and Curriculum Development.

7.7 Second Reading: Revised Board Policy No. 5010 – Admissions and Concurrent Enrollment

It was MSC (Nelson/Underhill, 5-0) to accept for second reading the revised Board Policy No. 5010, Admissions and Concurrent Enrollment.

7.8 Second Reading: Revised Board Policy No. 5015 – Residence Determination

It was MSC (Underhill/Nelson, 5-0) to accept for second reading the revised Board Policy No. 5015, Residence Determination.

7.9 Second Reading: Revised Board Policy No. 5550 – Speech: Time, Place and Manner

It was MSC (Nelson/Elder, 5-0) to accept for second reading the revised Board Policy No. 5550, Speech: Time, Place and Manner.

*Public Comment:*

*Mrs. Margaret West would like the same courtesy extended to the classified employees that is extended to the students.*



7.10 Second Reading: Revised Board Policy No. 5700 – Athletics

It was MSC (Underhill/Nelson, 5-0) to accept for second reading the revised Board Policy No. 5700, Athletics

7.11 Second Reading: Revised Board Policy No. 6400 – Audits

It was MSC (Underhill/Nelson, 4-1, Henderson No) to accept for second reading the revised Board Policy No. 6400 Audits

*Public Comment:*

*Mrs. Margaret West asked why according to this policy, the Superintendent/President recommends a certified public accountancy firm with which to contract for the annual audit. Why is it not the Vice President of Administrative Services doing the recommendation? She feels that the Superintendent/President has relationship connections to accounting firms and it would appear to be a conflict of interest for the Superintendent/President to make such recommendations. She feels this task should be assigned to the Vice President of Administrative Services.*

*Dr. Spencer responded that she did not have a relation with any accounting firm.*

7.12 Second Reading: Revised Board Policy No. 6700 – Civic Center and Other Facilities Use

It was MSC (Nelson/Underhill, 5-0) to accept for second reading the revised Board Policy No. 6700, Civic Center and Other Facilities Use.

7.13 Second Reading: Proposed Administrative Procedure No. 6700 – Civic Center and Other Facilities Use

It was MSC (Elder/Underhill, 5-0) to accept for second reading the proposed Administrative Procedure No. 6700, Civic Center and Other Facilities Use.

7.14 Second Reading: Revised Board Policy No. 7100 – Commitment to Diversity

It was MSC (Nelson/Henderson, 5-0) to accept for second reading the revised Board Policy No. 7100, Commitment to Diversity.

7.15 Second Reading: Revised Board Policy No. 7120 – Recruitment and Selection

It was MSC (Elder/Underhill, 5-0) to accept for second reading the revised Board Policy No. 7120, Recruitment and Selection.

*Public Comment:*

*Mr. Dave Chip asked if this new policy would affect the recruitment of the classified employees? Dr. Spencer responded that the only addition to this policy, that has been in place since 2001 with the adoption of the CCLC regulation, is the addition of the equal opportunity plan. This does not have anything to do with the current or existing recruitment.*

7.16 Second Reading: Revised Board Policy No. 7210 – Academic Employees

It was MSC (Underhill/Elder, 5-0) to accept for second reading the revised Board Policy No. 7210, Academic Employees.

*Public Comment:*

*Mr. Kelsey requested additional information regarding the 75% rule. Dr. Spencer suggested that he contact her office for additional information.*

7.17 Second Reading: Revised Board Policy No. 7240 – Confidential Employees

It was MSC (Elder/Nelson, 5-0) to accept for second reading the revised Board Policy No. 7240, Confidential Employees.

7.18 Second Reading: Revised Board Policy No. 7370 – Political Activity

It was MSC (Underhill/Nelson, 5-0) to accept for second reading the revised Board Policy No. 7370, Political Activity.

*Public Comment:*

*Mrs. Margaret West asked if this policy was related to internal political actions of the cabinet. She asked if a policy was being developed to prohibit political action by the cabinet to the classified. Dr. Spencer responded that there was no policy being developed.*

**8. INSTRUCTION**

8.1 MOU – San Bernardino Superintendent of Schools

It was MSC (Henderson/Underhill, 5-0) to ratify the attached Memorandum of Understanding for the Central Eligibility List registration process for families to help them find available child care slots within the county. Fiscal Impact: None to the District.

**9. STUDENT SERVICES**

9.1 MOU – Western Research and Development (Addendum)

It was MSC (Underhill/Nelson, 5-0) to approve the addendum to the MOU with Western Research and Development. Fiscal impact: Budgeted Item, 10% of funds awarded, currently \$54,000 annually for the Title V HSI independent grant and \$30,000 annually for the Title V HSI cooperative grant.

*Public Comment:*

*Margaret West requested clarification on the actual role of the Western Research Development. Dr. Lewallen responded that this firm assists colleges with preparing, submitting and acquiring grants.*

9.2 2006-2007 Academic Calendar Revision

It was MSC (Underhill/Elder, 5-0) following discussion to approve the 2006-2007 Academic Calendar as listed.

## **10. ADMINISTRATIVE SERVICES**

### **10.1 Agreement**

It was MSC (Elder/Underhill, 5-0) to approve the agreement with Golden State Labor Compliance, LLC as submitted. Fiscal Impact: Not to exceed \$47,000. funds are 100% reimbursable from the state.

### **10.2 Agreement – Donations**

It was MSC (Henderson/Nelson, 5-0) to accept the donations as college property. Total donation amount \$43,192.56

### **10.3 Agreements – Water Rights Purchases**

It was MSC (Elder/Henderson, 5-0) to approve the agreements to purchase unused water rights as listed. Following discussion, the motion carried unanimously. Fiscal Impact: Budgeted Item, \$41,070

### **10.4 Tax and Revenue Anticipation Note Program**

It was MSC (Underhill/Nelson, 5-0) to approve the resolution authorizing the issuance of tax and revenue anticipation notes for the 2006-07 fiscal year. Following discussion, the motion carried unanimously. Budgeted item, estimated interest expense of \$20,000.00

### **10.5 (Amended) Bid Awards – Speech Drama Addition**

It was MSC (Underhill/Elder, 5-0) to award the bids to the designated companies/contractors as listed on the attachment. Following discussion the motion carried unanimously. Fiscal Impact: \$7,060,610.00 Fund 71 reimbursable expenditure.

## **11. HUMAN RESOURCES**

### **11.1 Public Hearing for CSEA Initial Negotiations Proposal**

It was MSC (Underhill/Elder, 5-0) to hold a public hearing on the initial proposal of the CSEA to the district as listed.

a) The board president hereby declared the hearing open

b) The public may now comment on the initial proposal

*Public Comment:*

*Mrs. Margaret West asked if the board of trustees had any questions concerning the proposal submitted. No questions were raised by the board of trustees.*

*Dr. Dave Chip provided information regarding fall enrollment figures to assist the board of trustees in their decision making.*

c) The board president hereby declared the hearing closed

## 12. FOR INFORMATION ONLY

### 12.1 Monthly Financial Reports

Provided as an informational item.

*Public Comment:*

*Mrs. Margaret West asked why the report was a month behind. Mr. Baron indicated that there is one month lag in the reporting because the county offices must close their books before fiscal services would be able to close their books. In addition, the timing of the board agenda deadlines also prevents timely submission.*

### 12.2 Substitutes Provided Through Contract

Provided as an informational item.

## 13. ADJOURNMENT

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.

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The meeting was adjourned at 8:41 p.m.

APPROVED:

\_\_\_\_\_  
Joe Range, President

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

\_\_\_\_\_  
Donald Nelson, Clerk

\_\_\_\_\_  
Date Approved

