

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

March 11, 2003

5 p.m.

CALL TO ORDER:	The Board of Trustees of the Victor Valley Community College District met in regular session on March 11, 2003, in the Board Room of the Administration Building. Dennis Henderson called the meeting to order at 5 p.m.
PLEDGE OF ALLEGIANCE:	Dorothy Franke 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, Bill Greulich, Jack Thomas, Arlene Waldeck, Margaret Kagy, Sharon Frank, Dana Z. Pontius, Freddi Gold, Liz McGiffin, Beth Hopkins, Kitty Bissell, Sandy Clark, Mary Pringle, Joshua James, Mitchell Greene, Frank Foster.
Break	5:02 – 5:11 p.m.
CLOSED SESSION	The board moved to closed session to discuss conference with counsel—existing litigation: four potential cases of anticipated litigation, Gloria Henderson, Lois Kobz, VCVVS027394, Puckett vs. Victor Valley College, IRS audit; public employee discipline/dismissal/release; conference with labor negotiators—Jim Williams, Peter Allan, agency designated representatives; CSEA and CCA employee organizations; and public employee performance evaluation: 38 instructors; liability claim: Chris Wagenseller.
Break	6:00 – 6:10 p.m.
OPEN SESSION	The board reconvened to open session at 6:10 p.m.

March 11, 2003

GOVERNING BOARD

It was MSC (Franke/Moore, 5-0) to approve the minutes of the special board meeting of January 28, 2003, as amended.

AGENDA ADDITIONS,
REVISIONS:

Dr. Jones asked that Item 7.7d be moved to first item for consideration.

- 3.1 Page 103 of the minutes of January 28, 2003
- 7.7d Agreement, General Obligation Bond
- 7.12 Academic Second Year Contract Recommendations
- 7.13 Academic Tenure Recommendations

Agreements

Dr. Williams asked David Casnocha from Stradling Yocca Carlson & Rauth to give a brief overview of the importance of the feasibility study. Mr. Casnocha said he was a municipal bond attorney who has worked on 85-90% of the successful Proposition 39 general obligation bonds in California. All were well prepared to submit requests to voters to seek approval to authorize a tax to enhance educational facilities. Over a period of six to nine months the educational needs of the community, facility needs of the college, and input from all stakeholders in the community are gathered to be sure there is a consensus of what the college thinks its educational needs are and what can be afforded. After an educational needs assessment and facility needs assessment are completed, voter opinion surveys are undertaken to see if voters agree with the college's assessment of priority needs. Since the deadline to call an election is December 5, it is not too early to get started now. Many colleges find there is not enough support for 100% of their facility master plans and must prioritize their needs.

Bettye Underhill asked if the fact that Apple Valley USD is going for a bond in November would make a difference. Mr. Casnocha said each of them has had experience with K-12 seeking bonds concurrently or right around the same time, but there are different projects, perceptions, and mission statements. If the college presents a good job of needs that are separate and apart from K-12, the community would support both bonds.

Dr. Jones clarified that this item was amended to include the bond council agreement that was left out of the item.

Dennis Henderson asked if a bond issue would pass with the current mood of voters since taxes are going to be levied by the state. William Berry said that all the money from bonds are spent on local schools and are not part of statewide taxes. Instead of the big picture of why bonds shouldn't pass—economy, impending war, taxes—the voters need to trust that you're doing your job correctly and that the bond measure addresses important issues of higher education in the valley. David Casnocha said that a list of projects must be included so that voters are told specific projects their money will be spent on. An independent community oversight committee makes sure the money is only spent on those projects and not on teachers' or administration's salaries. A report must be made annually. If the money is not spent correctly, an injunction against the district spending further money can be obtained. Dennis Henderson asked if the state can withhold its money. David Casnocha said not currently. Dr. Williams said the opposite occurs—it awards more points. He clarified that the \$30,000 for the consultant comes from the general fund; \$25,000 was already budgeted this year.

It was MSC (Underhill/Elder, 5-0) to approve the general obligation bond team and the agreement with William Berry Campaigns in the amount of \$30,000 for the feasibility and planning of the possible general obligation bond March 2004.

Action as a Result of Closed Session

Dennis Henderson reported that in closed session during the regular meeting January 14, 2003, the board accepted a settlement agreement involving the suspension of Tammy Finch without pay for the period of the month beginning January 2, 2003, ending January 31, 2003. We failed to read that out at the time.

REPORTS:

Interim Superintendent/President

Dr. Jones introduced the newly hired interim director of human resources, Dr. William Schmidt. Dr. Schmidt thanked the members of the board for the opportunity to be here, even for a very short time. This is a terrific educational institution with a great faculty. The H.R. staff and payroll people are the very best, a joy to work with each day.

Dr. Jones shared an item from the chancellor about community

college budget cuts of 6.2%. Dr. Jones will talk to College Assembly about the process for budgeting. The district is not talking about layoffs because we're understaffed--a larger portion of the budget is not going into employee costs. Some community college districts are 85% to over 90% in personnel costs. Our district's personnel costs are around 76%, allowing more flexibility with discretionary dollars.

Complimented Dr. Lewallen and the screening committee for the superintendent/president on doing a great job. The board is welcome to attend the open forums, but our legal advisor said it's not a board meeting; the board can't sit together or ask questions.

Student Services

Willard Lewallen said Student Services is continuing to recognize employees. The employee of the month for November and December are Judi Dorval from Campus Police and Pat Thompson in the Athletic Department.

Recognized Willie Pringle who received a resolution from the Victorville City Council as one of the most influential Black leaders in the Victor Valley.

Because of confidentiality in the hiring process of the superintendent/president, the names of the final candidates cannot be revealed until Monday morning. A press package will be given to local media. Thanked those involved in the search process. It was a great committee, which worked very hard in a very collegial process.

Student Learning

Isaac Romero read a statement from Peter Allan endorsing the formation of a Department of Education & Technology. The benefits of forming this department are very clear. The department works in close partnership with CSU and other higher education programs, providing opportunities for growth in the teaching profession.

Complimented and acknowledged department chairs who were so cooperative with the summer and fall schedules. Also acknowledged the many full-time and associate faculty members who permitted students to enter classes after they were full.

Administrative Services

Dr. Williams said Peter Allan asked him to make a report on the Title 5 grant. Thanked those people who worked on compiling the grant. The purpose of the grant is to promote the

development of Hispanic-serving institutions. At least 25% of the district's FTEs is generated by Hispanic students and not less than 50% of these are low-income individuals. The purpose is to develop a math lab to improve Hispanic students' outcome and retention. Mr. Elder asked if this assumes that Hispanic students learn differently than other students. Dr. Williams said the purpose of the math lab is to explore and discover if Hispanic students learn math in a different manner. Dr. Jones said people have different learning modalities, sometimes culturally oriented. We are trying to locate centers in the highest density of Hispanic population. Achievement records in math based in ethnic divisions show differences. Tom Elder said you're saying Spanish kids have different brains. Any kind of low student has trouble learning. Dr. Williams said the major outcome is to improve the math skills. Mr. Elder asked if we will have another one for Polish kids and another for French. Debby Blanchard said the \$1.8 million in California state grants encourages colleges to search out and explore if in fact there is a learning difference. Their retention is lower than other groups. All it is research—they may or may not find a difference. Access or transportation could be reasons. She encouraged the board to support this grant 100%. Tom Elder said the reason we're concentrating on the Hispanic students is because that is the only way we can get the money. Ms. Blanchard said the reason is because now their retention rate is lower than what it should be, based on population. Mr. Elder said he thinks this is based on a faulty assumption. Debby Blanchard said the statistics are based on national ethnic backgrounds. No group is being cut out, but this particular group is being recognized as struggling with retention. We're trying to support education in all areas with all groups. We're fortunate to even qualify so that your faculty can partake in these evaluations to determine what may be causing this particular group to have lower retention. Tom Elder said we already know the answer to that question. We're not equipped to discover what functions of the brain in Hispanics keep them from learning. This is a highly complicated question. We can teach Hispanic kids just like other kids. Tutoring can be used, just like any kid. Dennis Henderson said he had all the faith in the world in Louis Shain and Eric Mayer. Tom Elder said they are strong instructors, not researchers.

Guy Patterson, Director of Public Works for the city of Victorville, explained an upcoming project with the college. One part of the three-part project to reduce traffic congestion on Bear

Valley Road includes a park and ride facility at the corner of Fish Hatchery Road and Bear Valley Road. Having 230 parking stalls in the area would generate more traffic at that entrance, so the project qualifies for the design and funding of a traffic signal at that intersection. Federal highway dollars and a match from the Air Quality District will be used—there will be no hard costs to the college. This signal will drastically improve the safety of that intersection. A lot of details have to be worked out and the board will continue to be updated as the project moves forward. Wilson So, who was hired to do the engineering of the park and ride, said construction should begin within one year. Two alternate sites were considered, but the college indicated this site was preferable. Mr. Patterson clarified that the traffic signal and the park and ride facility will be done at the same time, hopefully prior to the enlargement of the park and ride facility at I-15 and Amargosa.

Tom Elder left the meeting at 7:03 p.m.

Foundation

Ginger Ontiveros said Dr. Prem Reddy, one of our diamond legacy donors, already donated \$100,000. His initial, generous gift was the launching point for developing a plan for Allied Health. The Nursing Department is scheduled to be showcased at the April 10 President's Circle program.

Michael Smith will be explaining to the Advisory Council at noon tomorrow the Teaching Learning Center and the grant he received. The faculty grant program will again accept applications April 1. Grants of up to \$2500 will be given as they were last year.

Board of Trustees

Maxine Moore

Said there was a wonderful exhibit on African-American art in the Library. The exhibit includes mostly local artists and will be there until the first of May.

ASB

No report.

CCA

Debby Blanchard asked if CSEA could go next.

CSEA

Rita Jackson distributed a copy of Ed Code pertaining to the merit system and AB 500.

Tom Elder returned to the meeting at 7:13 p.m.

Mitch Greene said CSEA has been negotiating discipline. On this campus, classified staff is determined and will remove the VVC board as the final say--it's just going to be how. Mr. Greene requested the discipline article in the contract contain a merit statement with an arbitrator as the last and final word. To initiate the merit system on campus will be a budgetary cost to district and requires 50% of the voting population request it be put to a vote. The board then has 120 days to make it happen. Classified vote after at least one hearing on the merit system. It will pass. That is our position; this is for information only. Do not comment to me. This is information on what we're doing at the negotiations table.

Rita Jackson asked the board at what point and date is the district going to be in compliance with AB 500. Student workers are continually in the board agenda with no specifics as to what the substitutes are doing. AB 500 states that substitute worker means any person employed to replace any classified employee who is temporarily absent from duty. Ms. Jackson would like to know who they are and what is the intent of district. When is the district going to be in compliance with AB 500?

CCA

Debby Blanchard spoke on Item 7.15, the second reading on department chair evaluations. Faculty have ratified this tentative agreement from the negotiations table and are participating in this already. Each department chair is going to have every single faculty member and the dean and VP in their area evaluate. The VVC Faculty Association is donating two \$500 scholarships to the college, as last year. The faculty have tentatively agreed on the online MOU and department chair compensation and projector facilitator in Items 7.14. Even though she can't bargain for associate faculty due to the injunction, commends administration, Dr. Jones, Dr. Williams, and Peter Allan for the retro pay Item 7.1 for associate faculty. One grievance is going to arbitration April 9.

Faculty Senate

Debby Blanchard encouraged the board to vote "yes" on Item 7.1, the second and final reading of the faculty hiring procedure. Item 7.2, sabbatical leave requests, are now in final form. Louis Shahin and John Akins both have excellent ideas and we support them totally. Encouraged the board to approve Items 7.11, 7.12, and 7.13, tenure approvals. Faculty is 100% in support of the

new department listed on Item 7.6.

Management

Bill Greulich said the management team is in process of discussing the important issue of vacation accrual; all team members have been asked for recommendations. When consensus is reached, it will be brought forward to administration for consultation. Also working on reclassification for managers. When consensus is reached, it will be brought forward for consideration.

Public Comments:

Consent Agenda

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

- 5a Curriculum changes as listed.
- 5b Mentor teacher sites for spring 2003 as listed.
- 5c Videoconferencing Center Final Report as listed.
- 5d Budget Transfers and Payment Report as listed.
- 5e Monthly Financial Reports for the period ending January 31, 2003, as listed.
- 5f Quarterly Fiscal Status Report as listed.
- 5g Agreements as listed.
- 5h Academic Resignations: Nancy Green, Nursing Instructor, effective June 1, 2003; Paul Vegna, Mathematics Instructor, effective May 23, 2003; and Donald Buchanan, Physical Science Instructor, effective May 23, 2003.
- 5j Temporary Academic as listed.
- 5k Classified Resignations: SaeRyon Sedillo, CDC Permit Teacher, effective February 28, 2003.
- 5i Classified Bargaining Unit Appointments effective on or after March 12, 2003: Renee Reyes-Garcia, Accounting Technician 1, Fiscal Services; Stephanie Hunt, DSPS Office Assistant (50%); effective on or after March 18, 2003: Lucas Anderson, Instructional Network Computer Maintenance Tech.
- 5m Non-classified employees as listed.

UNFINISHED BUSINESS
NEW BUSINESS

Second Reading, Procedure for
Hiring Full-Time Faculty

It was MSC (Elder/Franke, 5-0) to adopt the proposed procedure for hiring full-time faculty as listed.

Maxine Moore suggested corrections on pages 7 and 8.

Sabbatical Leave Requests for Fall 2003

It was MSC (Elder/Underhill, 5-0) to grant sabbatical leave to John Akins, Librarian, and Louis Shahin, Mathematics Instructor, for fall 2003.

Consortium Agreements, Pell Grant

It was MSC (Moore/Underhill, 5-0) to approve the district's participation in consortium agreements for student financial assistance.

Postponement of AccessVVC Implementation

The decision to postpone the implementation of AccessVVC (Datatel Colleague software) to March 2004 in connection with the summer 2004 enrollment period was presented for information.

Student Travel

It was MSC (Franke/Moore, 5-0) to approve travel and payment of expenses for the following ASB council members and staff to travel to Washington, C.D. to attend the American Student Association of Community Colleges' National Conference from March 21 through 26, 2003: Jennifer Menser, Ernest Brown, Jr., Shane Marrone, Angel Ponticello, Micah Collard, Gary Hensler, YeJin Ki, James A. Criswell, Robert A. Sewell, Shirley Snell-Gonzalez, and Ed Heaberlin.

It was MSC (Franke/Elder, 5-0) to approve out-of-country travel for Pamela MacKay and approximately 20 biology students to participate in the Natural History of Belize course offered May 29 through June 6, 2003.

Pam MacKay stated Peter Allan said the class would be cancelled due to budget cuts. It has been in the spring schedule, and students have paid for deposits, passports, and vaccines. All expenses are paid except adjunct pay. Isaac Romero said several areas were listed where classes might be cancelled early, but that has died. Pam MacKay said Peter Allan never got back to her.

New Department/Department Chairperson

It was MSC (Moore/Elder, 5-0) to approve the establishment of an Education and Educational Technology Department and Michael Smith as the department chairperson effective 2003-2004.

Melissa Stenger read a statement from students testifying to the education the Teacher Learning Center offers. Debby Blanchard introduced Mike Smith.

Agreements

It was MSC (Franke/Underhill, 5-0) to accept the amendment to Child Care Grant #GPRE-2293 with the California Department of Education for \$213,391.

It was MSC (Franke/Elder, 5-0) to approve amending the agreement with John Cade from 100 to 150 hours for computer programming services as listed.

It was MSC (Elder/Franke, 5-0) to approve the agreement with Densmore Productions, F/S/O Mickey Rooney for October 25, 2003, at the cost of \$12,500 plus accommodations as listed.

Tom Elder asked why district money is spent on public entertainment. Bill Greulich said it won't cost the district any money. The program is supported by funds raised to support the entire VVC Presents program and through ticket sales and donations. Tom Elder asked Dr. Williams how much these programs cost the district over the year. Dr. Williams said every program does not make a profit, but they cross-fund each other, referring to this fiscal year. The design of the program is to be self-funding.

It was MSC (Moore/Underhill, 5-0) to accept the proposal from Hi Desert Transfer & Storage to remove, store, and move back furniture and equipment from the Art Building as listed.

Tom Elder asked Dr. Williams how many more buildings have asbestos. Dr. Williams said one more, the Liberal Arts Building. Sharon Williams said actually there is asbestos in places, but not exposed or friable, such as the Auxiliary Gym under the old floor and surrounding pipes. In other places it is not friable and there is no need to remove it. Asbestos is on sprayed on fireproofing in dropped ceilings.

It was MSC (Moore/Underhill, 5-0) to approve the agreement with Novacoast Professional Services to resolve network backup issues and develop backup strategies as indicated.

It was MSC (Moore/Franke, 5-0) to approve the maintenance agreement with Pacific Blue Micro to provide Netup Software

Systems maintenance as listed.

It was MSC (Moore/Underhill, 5-0) to approve the agreement retaining Stradlin, Yocca, Carlson and Rauth to represent the district regarding the IRS audit of the California Community College Financing Authority 2000 tax and revenue participation bonds.

It was MSC (Moore/Underhill, 5-0) to approve the amendment to the site and facility lease with the Victor Valley Community College District Financing Corporation to release the portion of real property for the construction of the Advanced Technology Building.

Tom Elder asked for an explanation--isn't this on our own property? Dr. Jones said that under the COPs, the property needs to be released to build a new building.

It was MSC (Elder/Franke, 5-0) to enter into a contract with Larry Malmberg Investigations to conduct background investigations on the finalists of the presidential search and submit a written and oral report on each to the board. Dennis Henderson said Mr. Malmberg will report to the board on this issue.

Bid Award, Asbestos Abatement And Reconstruction, Art Building

It was MSC (Underhill/Moore, 5-0) to reject all bids for the asbestos abatement and reconstruction of the Art Building and direct the district to modify and rebid the project.

Settlement Regarding IRS Audit Of the 1994 COPs

It was MSC (Franke/Elder, 5-0) to enter into a settlement agreement of \$3,090,326.37 with the Department of the Treasury, Internal Revenue Service, for the 1994 certificate of participation.

Retroactive Pay for Part-Time Faculty Parity

It was MSC (Moore/Franke, 5-0) to authorize \$173,532 in retroactive payment for part-time faculty parity for the fiscal year 2001-2002. Part-time faculty for fall 2001 will receive an increase up to \$40/hour for credit and \$37/hour for non-credit. The remaining money will be divided evenly among faculty who

worked part-time during fall 2001 and spring 2002. It is expected that this pay will be issued April 10, 2003.

Tom Elder asked how long it would be before they get the money. Dr. Jones said the checks will come with a letter of explanation. He hopes to have them by April 10, but certainly before the end of the school year.

Academic First Year Contract
Recommendations

It was MSC (Moore/Underhill, 5-0) to enter into a contract for the following academic year with the following first-year contract employees: Jaclyn Trost, DSPS counseling; Steve Toner, math; Hinrich Kaiser, biology; David Graham, music.

Academic Second Year Contract
Recommendations

It was MSC (Franke/Underhill, 5-0) to enter into a contract for the following two academic years with the following second-year contract employees:

David Bellomy, Admin of Justice	Leslie Huiner, Librarian
Neville Slade, Horticulture	Robert Feddersen, CIS
Joseph Pendleton, Reading Specialist	David Rodriguez, Dance
Bonnie Weathersby, Counseling	Brent Wood, Photography
Melody Ricci, Biology	Lynn Guardado, Dance
Jackie Augustine-Carreira, Speech	Patricia Teel, English
Shuron Taylor, Graphic Design	Jeff Ridge, Math
Anh Tran, Math	Claude Oliver, CIDG
Patricia Michaels, Psychology	Robert Carlson, Math

Tom Elder asked if it is true that every person that was a first year faculty member last year was recommended for the second year and that nobody was eliminated because they didn't show promise at the end of the first year? Dr. Jones said that is not true. We are paying attention to those people in the first year who aren't doing satisfactorily. Not everyone was recommended in the second year. Isaac Romero said they did recommend everyone in his area. Tom Elder said we're not doing a very good job of evaluations. Dr. Romero said students are involved in evaluations, faculty members visit—he thinks it is a superior process. Dorothy Franke said her experience is that the process used to evaluate the faculty is an excellent one. It is taken very seriously. Debby Blanchard said this is the first year the faculty have been totally in control of the recommendations. Previous to

the contract just ratified, faculty made recommendations to area administrators and the area administrator would make a recommendation. Now faculty members on the team make the recommendations for tenure. There was at least one, maybe two that were denied tenure this year.

Academic Tenure
Recommendations

It was MSC (Moore/Underhill, 5-0) to employ the following probationary employees as tenured employees:

Lisa Harvey, Biology	Sally Thibeault, Nursing
Peggy Nunez, EOPS Counseling	David Moser, Math
Cherie Reardon, Math	Ed Burg, CIS
Tim Adell, English	Patricia Wagner, English
James Wilson, English	Tracy Davis, History
Lisa Ellis, History	Dolores Hinson, Spanish
Manuel Gaytan, EOPS Counseling	Maria Ruiz, ESL
Lee Kinney, Anthropology/Geography	Jeff Redona, Math

Academic Memorandums
of Understanding

It was MSC (Underhill/Moore, 5-0) to ratify the MOU with the faculty association concerning project facilitators as listed.

It was MSC (Underhill/Franke, 5-0) to ratify the MOU with the faculty association concerning department chairperson compensation and reassigned time as listed.

Academic Agreement

It was MSC (Franke/Moore, 5-0) to approve the agreement with the faculty association concerning department chairperson evaluations as listed.

Classified Reclassification
of Existing Position

It was MSC (Moore/Franke, 5-0) to approve the salary classification of communications system technician from Range 12 (\$2,491 - \$3,178) to Range 14.5 (\$2,819 - \$3,597).

Classified Bargaining Unit
Transfer

It was MSC (Elder/Moore, 5-0) to approve the following transfers: Debra McConnehey, from Accounting Technician 1, Fiscal Services, to Accounting Technician 1, Purchasing, effective retroactively to February 2, 2003; and David Johnson, from Lead Grounds Maintenance Worker to Grounds Maintenance Worker, effective on or after March 12, 2003.

Classified Revised, New,
Additional Positions

It was MSC (Elder/Underhill, 5-0) to approve the revised job descriptions for campus police and public safety officer and sergeant, police and public safety.

Classified Memorandums
of Understanding

The MOU with CSEA concerning catastrophic leave for Michelle Conrad was presented for information.

The MOU with CSEA concerning change of working schedule for Michele Osburn was presented for information.

The MOU with CSEA concerning change of working schedule for Terrie Armstrong was presented for information.

Administrative/Management/
Confidential Revised, New,
Additional Position

It was MSC (Elder/Underhill, 5-0) to table until the April meeting Item 7.20a to eliminate the position of director of human resources and establish an additional vice president position.

It was MSC (Franke/Underhill, 5-0) to approve the elimination of the position of assistant director of maintenance and operations and the establishment of the new position of coordinator of maintenance and operations.

Tom Elder asked for clarification. Dr. Jones said the salary is being reduced, but the position is vacant at the moment. Instead of assistant director, the position is being lowered to coordinator. Dr. Williams said the assistant director of M & O position is not a budgeted position; the new coordinator of M & O will be budgeted next year. This will not take effect until July 1 in next year's budget. There are actually two savings. The assistant director is higher—there's savings there. There is a retirement taking effect July 1 which will free up dollars to fill this position. Between the two positions, between \$13,000 and \$14,000 will be saved. We are not increasing the number of management positions; that's what we attempted to communicate.

Claim for Contract Damages
and Personal Injury

It was MSC (Franke/Underhill, 5-0) to deny the claim from Chris Wagenseller.

Administrative/Management/

Confidential Revised Salary
Schedule

It was MSC (Franke/Underhill, 5-0) to remove the superintendent/president from the management salary schedule.

Dr. Jones said he put this in because he felt the board might want to negotiate a new contract with the new superintendent/president.

ADJOURNMENT:

The meeting adjourned at 8:25 p.m.

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

APPROVED:

President

Clerk