



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

Date: July 10, 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 July 10, 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, Donald Nelson, Clerk,

Absent: Dr. Bettye Underhill, Trustee

**MANAGEMENT PRESENT:** Dr. Robert Silverman, Superintendent/President; Mr. Bruce Baron, Vice President Administrative Services; Dr. Marion Boenheim, Vice President, Human Resources, Dr. Marianne Tortorici, Deputy Superintendent/Executive Vice President, Instruction; Linda Jenson, General Counsel; and Annette McComas (Recorder)

**PLEDGE OF ALLEGIANCE:** Bill Greulich led the Pledge of Allegiance to the Flag.

Bettye Underhill arrived at 3:04 p.m.

Heena Mehra arrived at 6 p.m.

- (1) Under item 5.1, the following vendors that are listed: Law Offices of Dennis Walsh, Andelson, Atkinson, Loya, Ruud & Romo, Lynberg & Watkins, Norman A. Traub and, Burke Williams & Sorensen are being deleted from the agenda
- (2) 11.2 (Agreement – Liebert, Cassidy Whitmore) is being deleted.

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

## 1. CLOSED SESSION

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

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

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- (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) F. Freeman vs. Victor Valley Community College District, San Bernardino County Superior Court Case No. VCVVS 042951
- (4) Wilkett vs. VVCC, EEOCC Charge No. 550-2007-00976
- (b) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION under Government Code Section 54956.9 (b): 3 cases (3 discrimination cases)
- (c) CONFERENCE WITH LABOR NEGOTIATORS
  - (1) Employee organization CSEA  
  
District's representatives: Dr. Jean Malone, Dr. Marion Boenheim, Willie Davis Pringle and Jack Thomas.
  - (2) Employee organization CTA  
  
District's representatives: Drs. Marion Boenheim, Marianne Tortorici, and John Rude
  - (3) Employee organization: AFT/PTFU  
District's representative: Drs. Lori Kildal, Marianne Tortorici, Marion Boenheim
  - (4) Employee organization: Management  
District's representative: Dr. Jean Malone, Dr. Marianne Tortorici, Jeffrey Holmes, Robert Sewell, Sheri Nolan-Foster, Jaye Tashima
- (d) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- (e) PUBLIC EMPLOYEE APPOINTMENT, Government Code Section 54957  
Instructor, Physics  
Bilingual Counselor  
Associate Director, CDC  
Project Activity Director
- (f) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Superintendent/President

**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**

At 6 p.m., Board President, Joe Range reconvened the meeting in open session and introduced Dr. Silverman, Superintendent/President.

- (1) Under item 5.1, the following vendors that are listed: Law Offices of Dennis Walsh, Andelson, Atkinson, Loya, Ruud & Romo, Lynberg & Watkins, Norman A. Traub and, Burke Williams & Sorensen are being deleted from the agenda
- (2) 11.2 (Agreement – Liebert, Cassidy Whitmore) is being deleted.
- (3) 5.14 (Administrative/Management/Confidential Payment of Accrued Vacation Days) is being deleted.

On behalf of Board of Trustees, Mr. Range introduced Dr. Silverman and welcomed him to his first board meeting.

Mr. Range announced that there was no report out of Closed Session.

**PUBLIC COMMENTS RELATED TO AGENDA ITEMS ONLY:** Margaret Kagy (5.1 and 11.1), Dave Chip (5.10 and 11.1), Karen Erdmann (11.1), Arlene Greene (11.1), Teresa Robillard (11.1), Christian Zambrano, (11.1), Margaret Kagy, (11.2),

### 3. GOVERNING BOARD

Mr. Elder suggested that future board meetings should begin at 4:30 p.m. instead of 3 p.m. Dr. Underhill supported Mr. Elder's suggestion. Mr. Henderson recalls that the public has been left sitting until 6:30 p.m. Mr. Nelson felt that 4 p.m. should be the latest the meeting should begin. Mr. Range agreed with Mr. Elder and Dr. Underhill that future board meetings should begin at 4:30 p.m.

### 4. SUPERINTENDENT/PRESIDENT'S REPORT

- 4.1 Dr. Silverman announced that he was glad to be here and points out that there are many challenges to be met.
- 4.2 Deputy Superintendent/Executive Vice President/Instruction  
No report
- 4.3 Vice President, Student Services  
No report
- 4.4 Vice President, Administrative Services  
No report
- 4.5 Vice President, Human Resources  
No report

### 5. CONSENT AGENDA

It was MSC (Elder /Underhill, 5-0) to approve the consent items in one motion as amended with the following vendors under item 5.1 deleted Dennis Walsh, Andelson, Atkinson, Loya, Ruud & Romo, Lynberg & Watkins, Norman A. Traub and Burke, Williams and Sorensen and items 11.2 (Agreement – Liebert, Cassidy, Whitmore) and 5.14 (Administrative/Confidential Payment of Accrued Vacation Days) deleted.

5.1 Ratification of the following contracts that were approved by Dr. Louis E. Zellers, Interim Superintendent/President or his designee per Board Policy 2430. These contracts are available to the public in the Superintendent/President's office

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>Amount</b>	<b>Approved by Legal Counsel</b>	<b>Reimbursable</b>
Johanna Black	Facilitate workshops on California High School Exit Exam preparation	\$3,000.00	N/A	YES
Nancy Noyer	Facilitate workshops on California High School Exit Exam preparation	\$3,000.00	N/A	YES
Jonell Larsen	Facilitate workshops on California High School Exit Exam preparation	\$3,000.00	N/A	YES
Isabela Hoegerman	Facilitate workshops on California High School Exit Exam preparation	\$3,000.00	N/A	YES
Gary Williams	Provide training for faculty teams on student learning outcomes assessment	\$1,000.00	N/A	YES
Candi Hill	Participate in workshop to develop Bridge Program for 2007-08 (June 25-27, 2007)	\$1,200.00	N/A	YES
Keenan & Associates	Renewal Loss Control – perform certified inspections, research, reports	\$7,500.00	N/A	YES
Keenan & Associates	Renewal Loss Control – safety training/daily rate per training	\$7,500.00	N/A	YES
Contract Education Services	Notary Public Seminars and Execu Dress course	\$8,485.00	N/A	YES
Hershey Systems, Inc.	Amended agreement to reflect additional index module license (original agreement was \$33,155 now \$37,355)	\$4,200	N/A	NO
<b>DELETED</b> Law Offices of Dennis J. Walsh	Legal consulting services	\$50,000.00	N/A	NO
<b>DELETED</b> Adelson, Atkinson, Loya, Ruud & Romo	Legal consulting services	\$10,000	N/A	NO
<b>DELETED</b> Lynberg & Watkins	Legal consulting services	\$30,000	N/A	NO
<b>DELETED</b> Norman A. Traub Associates	Provide investigation of discrimination and/or harassment complaints and to provide testimony at	\$20,000	NO	NO

	personnel hearings, executive sessions, depositions, or court proceedings.			
Desert Valley Medical Group	To provide medical services from July 1, 2007 through June 30, 2008	Not to exceed \$64,000	<b>NO</b>	
CMS Inc.	Software agreement	\$34,083.31	<b>YES</b>	<b>NO</b>
Cooperative Organization for the Development of Employee Selection Procedures	Membership renewal	\$1,750.00	<b>N/A</b>	<b>NO</b>
<b>DELETED</b> Burke, Williams & Sorensen	Specialized legal consulting services	Not to exceed \$60,000	<b>N/A</b>	<b>NO</b>
Joseph M. Ho. M.D. Inc	Provide medical services from July 1, 2007 through June 30, 2008	Not to exceed \$64,000	<b>NO</b>	<b>NO</b>

5.2 Change Order – ASR Constructors – Speech/Drama Addition

Approval of the Change Order No. 01-01. Total Fiscal Impact: \$57,629.72 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.3 Change Order – Caston Plastering & Drywall – Speech/Drama Addition

Approval of the Change Order No. 13-01. Total Fiscal Impact: \$16,711.36 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.4 Change Order – Inland Building Companies, Div. Inland Acoustics– Speech/Drama Addition

Approval of the Change Order No. 06-01. Total Fiscal Impact: \$6,806.29 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.5 Change Order – United Contractors– Speech/Drama Addition

Approval of the Change Order No. 18-01. Total Fiscal Impact: \$1,853.00 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.6 Change Order – Dan Worley Plumbing– Speech/Drama Addition

Approval of the Change Order No. 08-01. Total Fiscal Impact: \$38,173.00 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.7 Change Order – T.B. Penick & Sons, Inc. – Advanced Technology Center

Approval of the Change Order No. 02-02. Total Fiscal Impact: \$144,281.24 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)

5.8 Board of Trustees Budget Transfers

Approval of the Board of Trustees budget transfers.

- 5.9 Board of Trustees Payments Report  
Approval of the Board of Trustees Payments report.
- 5.10 Revised – Child Development Center Parent Handbook  
Approval of the revised Child Development Center Parent Handbook. Fiscal Impact: None
- 5.11 Revised ASB Constitution  
Approval of the revised ASB constitution. Fiscal Impact: None
- 5.12 Academic Ratification of Equivalency Requests  
Ratification of the equivalency for David Olson, Counseling. Fiscal Impact: None
- 5.13 Disaster Planning  
Identify a future date to receive a short presentation on disaster planning. Fiscal Impact: N/A
- 5.14 ~~Administrative/Management/Confidential Payment of Accrued Vacation Days~~  
Approval of the accrued vacation hours for Willard Lewallen, Vice President of Student Services, Louis Zellers, Interim, Superintendent/President. Fiscal Impact: Budgeted
- 5.15 Approval of the minutes of the June 12, 2007 regular Board meeting.

## **ACTION AGENDA**

### **6. BOARD OF TRUSTEES**

- 6.1 Separate approval of items pulled from consent agenda

### **10. ADMINISTRATIVE SERVICES**

- 10.1 Bid Award – Emergency Generator System – Advanced Technology Center  
It was MSC (Underhill/Elder, 5-0) to approve the bid award to RDM Electric Company, Inc. in the amount of \$169,600.00 for the Emergency Generator System for the Advanced Technology Center Project. Fiscal Impact: Fund 71 expenditure \$169,600 (This project is State funded and will be 100% reimbursable to the District through Fund 71 up to the approved contract amount.)
- 10.2 Cooperative Bid – Trustees of the California State University, Vizual Symphony  
It was MSC (Underhill/Nelson, 5-0) to approve the purchase of Epson Data video projector products and services under the terms and conditions of the Trustees of the California State University, Agreement #50738, utilizing Vizual Symphony. Fiscal Impact: Budgeted
- 10.3 Agreement – Official Payments Corporation  
It was MSC (Nelson/Underhill, 5-0) to approve the agreement with Official Payments Corporation to provide IVR, POS, and WEB support for student payments. Fiscal Impact: \$55,000.00 per year for a total of \$165,000.00 for three years, budgeted item from the General Fund. Fiscal Impact: Budgeted

- 10.4 Five-Year Facilities Plan  
It was MSC (Nelson/Elder, 5-0) to approve of the five-year facilities plan. Fiscal Impact: None
- 10.5 Renewal Agreement – Novell Software License Renewal  
It was MSC (Underhill/Elder, 5-0) to approve the renewal annual agreement with Novell for software maintenance through June 30, 2008. Fiscal Impact: Budgeted item, not to exceed \$132,469.00
- 10.6 Furniture Purchase – Computer Comforts, Inc.  
It was MSC (Elder/Underhill, 5-0) to approve to participate with Computer Comforts Inc. for classroom furniture and services under the terms and conditions of the U.S. General Services Administration Schedules Program. Fiscal Impact: Not to exceed \$500,000.00. (These projects are State funded and will be 100% reimbursable to the District through Fund 71.)
- 10.7 Amend Agreement – M. Klein Inspections  
It was MSC (Elder/Underhill, 5-0) to approve the amendment to the agreement with M. Klein Inspections to provide Class II Department of State Architects inspection services. Fiscal Impact: The Total Impact: The total Fiscal Impact is projected not to exceed \$36,000.00. (This project is State funded and will be 100% reimbursable to the District through fund 71.)
- 10.8 Agreement - Response to Request for Proposals for Exclusive Beverage Service - Pepsi Bottling Group.  
It was MSC (Elder/Nelson, 5-0) to approve the contract for exclusive beverage services to Pepsi Bottling Group. Fiscal Impact: Monthly commission + \$20,000.00. Exclusivity commission over course of contract.
- 11. HUMAN RESOURCES**
- 11.1 Classified Layoff For Lack of Funds  
It was MSC (Elder/Nelson, 4-1, Henderson, No) to adopt the resolution to layoff for lack of funds five positions of associate teacher in the Child Development Center, and authorize and direct the Vice President of Human Resources to give notice of layoff to the five (5) associate teachers in the Child Development Center. Fiscal Impact: Budgeted
- 11.2 DELETED Agreement – Liebert Cassidy Whitmore  
Ratification of the agreement with Liebert Cassidy Whitmore for legal consulting services as indicated in the agreement.
- 11.3 Foundation Employment Agreements  
It was MSC (Elder/Nelson, 5-0) to ratify the agreement with the Foundation for the employment of the Foundation's Executive and Executive/Financial Assistant. Fiscal Impact: Funds are reimbursed by the Foundation; no fiscal impact to the District.
- 12. INFORMATION/DISCUSSION**
- 12.1 Quarterly Financial Status Report (CCFS-311Q)  
Submitted as an informational item.

12.2 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 Governmental Relations**

no report

**13.2 Foundation**  
Ginger Ontiveros

**13.3 Shared Governance**

a) ASB  
Heena Mehra

b) Faculty Senate  
No report

**13.4 Employee Groups**

a) CCA  
None

b) CSEA  
Arlene Greene

c) AFT Part-Time Faculty United  
Neal Kelsey

d) Management  
No report

**14. TRUSTEE COMMENTS**

Don Nelson, Dennis Henderson, Bettye Underhill, Tom Elder, Joe Range

**PUBLIC COMMENTS RELATED TO NON-AGENDA ITEMS:** The following individuals made comments with respect to non-agendized items: Joyce Sweet, Margaret Kagy, Dave Chip, and Nord Embroden

**15. ADJOURNMENT**

It was MSC (Henderson/Underhill, 5-0) to adjourn the meeting at 7:38 p.m. The motion carried unanimously.

  
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Donald Nelson, Clerk

8-14-07  
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Date Approved