



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**SPECIAL MEETING**

**September 22, 2003**

### **CALL TO ORDER AND ROLL CALL**

President Mary Mason declared a quorum was present and called the meeting to order at 6:00 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

Mary Mason, President  
Judith Moss, Vice President  
Paul Fong  
Sandy Hay  
Andrea Leiderman

#### **for Public Session**

Adam Welch, De Anza College Student Trustee  
Sarah Wiehe, Foothill College Student Trustee

### **CLOSED SESSION**

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

#### **CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Jane Enright  
Employee Organizations: All Represented and Unrepresented Groups

#### **Executive Administrators Present:**

Martha Kanter, Chancellor  
Mike Brandy, Acting Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Bernadine Chuck Fong, President of Foothill College  
Judy Miner, Interim President of De Anza College

### **RE-CONVENE PUBLIC SESSION**

President Mason re-convened the public session at 7:03 p.m. in the District Board Room. She led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Silvia Bichler	Letha Jeanpierre	Willie Pritchard
	Kathy Blackwood	Donna Jones-Dulin	Ben Rodriguez
	Mike Brandy	Martha Kanter	Javier Rueda
	Jane Enright	Marsha Kelly	John Schulze
	Bernadine Chuck Fong	Karen Lemes	Marisa Spatafore
	Robert Griffin	Judy Miner	Paul Starer
	Rich Hansen	Dan Mitchell	Claudette Weber
	Ken Horowitz	Jon O’Bergh	

*Press:* Clyde Noel, Los Altos *Town Crier*

*Students:* none

<i>Public:</i>	Betsy Bechtel	Hal Plotkin
	Laura Casas Frier	Terry Terman

## **REPORTING OUT FROM CLOSED SESSION**

President Mason reported that no action was taken in closed session.

## **APPROVAL OF MINUTES**

The minutes of the September 8, 2003 meeting were approved as drafted.

## **CORRESPONDENCE**

President Mason asked if there was any correspondence which should be brought to the Board’s attention. There was none.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Trustees*

Student Trustee Welch reported that he attended a roundtable discussion with some of the authors of the Campaign for College Opportunity position paper. Trustee Moss mentioned a request from constituents that the Peninsula Astronomical Society publicize that parking requires eight quarters for events it holds on the Foothill campus. She also noted that she attended Opening Day and was impressed with the keynote speaker. She said that this year’s challenge will be to re-invent the colleges in response to the continuing state financial crisis. Trustee Fong reported that he attended the annual ACCT Convention and gave a presentation on diversity. He also reported on planning for the Chancellor’s Inauguration to be held on November 19, and underscored that no District funds will be used to pay for the event. President Mason noted that she attended Opening Day and was also impressed with the speaker.

### *Staff*

Chancellor Martha Kanter reported that Student Trustee Wiehe has been awarded a general excellence scholarship, the highest award given by the California Association of Postsecondary Education and Disability. She distributed a press release from the State Chancellor’s Office publicizing a press conference regarding the community college access crisis. She also announced a forum for school board and community college board candidates on October 23 sponsored by the League of Women Voters and AAUW. Foothill President Bernadine Fong congratulated Student Trustee Wiehe on her scholarship, and reported that former speech and debate team student Oscar Aparicio has been hired

as debate team coach for Santa Clara University. De Anza Interim President Judy Miner reported that De Anza ranks number one in transfer to UC and CSU. She and Foothill President Fong provided an update on Opening Day enrollment, noting a dramatic increase in wait lists.

Faculty Association President Rich Hansen commented on the number of security officers at the meeting and was dismayed at the message this appears to send. Trustee Leiderman asked to be informed when there are requests for security at Board meetings so she can provide input on the number of officers needed. Trustee Moss disagreed, saying that she has faith that campus security knows how best to respond to circumstances. Trustee Fong and President Mason agreed with Trustee Moss.

Students / Public

There were no students or members of the public who wished to address the Board on items not on the agenda.

**APPROVAL OF CONSENT CALENDAR**

At the request of Foothill instructor Ken Horowitz, Trustee Moss asked that Item #4 be removed from the Consent Calendar.

**M/S/C:** Moss/Welch  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-3 and 5-8 of the Consent Calendar as follows:

**Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 2** — **Approved** RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

**Item 3** — **Approved** MICROSOFT CAMPUS AGREEMENT IN THE AMOUNT OF \$88,384.05

**Item 5** — **Denied** CLAIM AGAINST THE DISTRICT BY MEMBERS OF PRO-LIFE DEMONSTRATIONS

**Item 6** — **Approved** PERSONNEL ACTIONS:

*Name:* **Adele Cruz**  
*Position:* CDC Teacher/Site Supervisor  
*College:* De Anza  
*Division:* Child Development and Education  
*Action:* **Unpaid Leave of Absence**  
*Effective Date:* September 22 – December 12, 2003  
*Comments:* In accordance with Article 16 of the *Agreement* between the District and the Faculty Association

*Name:* **Cara Miyasaki-Ching**  
*Position:* Instructor/Program Director, Dental Assisting  
*College:* Foothill  
*Division:* Biological and Health Sciences  
*Action:* **Reduction in Contract to 78%**  
*Effective Date:* September 18, 2003 – June 24, 2004      *# of Months:* 10

*Name:* **Ben Rodriguez, Jr.**  
*Position:* Director, Campus Safety and Security  
*College:* De Anza  
*Division:* District Safety and Security  
*Action:* **Temporary assignment of additional duties**  
*Effective Date:* September 1 – October 31, 2003  
*Compensation:* 5% adjustment to \$8338.44/month  
*Comments:* In accordance with Administrators Handbook, Chapter III

*Name:* **David Stringer**  
*Position:* Acting Dean  
*College:* De Anza  
*Division:* Business and Computer Systems  
*Action:* **Ratify Employment as Acting Dean**  
*Effective Date:* September 3, 2003 – December 31, 2003 # of Months: 12  
*Compensation:* Level K/Step 3 @ \$8,865.89/month

**Item 7** — **Approved** HUMAN RESOURCES REPORT ON SHORT-TERM EMPLOYEES

**Item 8** — **Approved** ADMINISTRATOR TRAINING-RETRAINING STIPEND FOR HECTOR QUINONEZ IN THE AMOUNT OF \$4,600 FOR 2003-04 ACADEMIC YEAR

#### **Item 4**

APPROVAL OF AGREEMENT WITH ACCT TO CONDUCT DE ANZA PRESIDENT SEARCH

Foothill Instructor Ken Horowitz urged the Board to reconsider this expenditure. Trustee Leiderman asked whether these unique times require a different approach and asked about managing the search internally. Chancellor Kanter responded that the District is hiring the firm largely for its national recruiting capability — that staff cannot provide — in order to obtain the best pool possible. Student Trustee Wiehe noted her experience with search consultant Del Anderson and observed how much work the consultant performs behind the scenes. Trustee Fong noted that managing the search internally could well end up costing more. He also reported that he is a board member of ACCT, but since he does not receive pay there is no conflict of interest.

**M/S/C:** Fong/Moss  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved agreement with ACCT to conduct the De Anza President Search in the amount of \$26,500 plus travel expenses

#### **Item 9**

REVISED BOARD POLICY 4200, “SALARY SCHEDULES”

Chancellor Kanter presented the proposed revision to Board Policy 4200 as a first reading for information only. She noted one minor correction. Faculty Association President Rich Hansen reported that the FA is concerned about Board policy linking benefits to salary schedules and he strongly urged the Board not to go down that road. SEIU Chapter Chair Javier Rueda echoed this concern, saying it sends the wrong message, and many other things make up compensation besides salary and benefits. The observation was made that the policy is misnamed and should be titled

“Compensation.” Student Trustee Welch stated his opinion that, if this represents a change in philosophy, more discussion is needed about what it means. President Mason requested that comments be sent to the Chancellor, but she emphasized that this is a Board policy and the Board has the ultimate authority to make changes.

### **Item 10**

RESPONSE TO GRAND JURY REPORT: *LISTING OF SPECIAL DISTRICTS, JOINT POWERS AGENCIES, DESIGNATED NON-PROFIT CORPORATIONS AND OTHER GOVERNMENTAL AGENCIES*

Vice Chancellor of Business Services Mike Brandy presented Item #10, noting that many of the findings and recommendations do not apply to Foothill-De Anza. Trustee Leiderman asked whether the District did anything to prompt the Grand Jury investigation, and Vice Chancellor Brandy responded no.

**M/S/C:** Moss/Leiderman  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved response to Grand Jury Report

### **Item 11**

BUDGET FORECAST FOR 2004-05

Vice Chancellor Brandy presented the budget forecast and responded to questions. He reminded the Board that no money is currently budgeted for mid-year cuts in 2003-04. Even without considering any changes in revenue from the state, the District’s expenses will result in a projected \$10.7 million deficit in 2004-05. Hardworking faculty and staff, excellent enrollment management by administrators, and Partnership for Excellence funding targeting student retention were acknowledged as contributing to the District’s strong productivity. President Mason and Trustee Leiderman complimented Mr. Brandy and Director of Budget Operations Kathy Blackwood for an excellently prepared presentation.

### **Item 12**

MEASURE E CONSENT CALENDAR

**M/S/C:** Hay/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure E Consent Calendar, A-F as follows:

- A. **Title:** Addendum #38
- Vendor:** Cleary Consultants, Inc.
- Agreement Date:** July 17, 2000
- Campus:** District
- Project No.:** 404 & 407
- Project Name:** Plant Services Addition to D160 and Mechanic Shop
- Amount:** \$2,800
- For:** Soil testing services
- Action:** Ratification

- B.** *Title:* Addendum #F-04  
*Vendor:* Signet Testing Labs, Inc.  
*Agreement Date:* December 3, 2001  
*Campus:* District  
*Project No.:* 404 & 407  
*Project Name:* Plant Services Addition to D160 and Mechanic Shop  
*Amount:* \$6,833  
*For:* Special inspection services and documentation  
*Action:* Ratification
- C.** *Title:* Change Order #6  
*Vendor:* West Coast Contractors  
*Agreement Date:* October 22, 2002  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$18,284  
*For:* Miscellaneous construction changes including lab piping, roofing and waterproofing  
*Action:* Ratification
- D.** *Title:* Construction Change Order #1  
*Vendor:* B & B Landscaping  
*Agreement Date:* July 17, 2003  
*Campus:* De Anza College  
*Project No.:* 266  
*Project Name:* Child Development Center – Landscaping  
*Amount:* \$5,486  
*For:* Addition of a backflow preventer, valves, miscellaneous landscape items  
*Action:* Ratification
- E.** *Title:* Revision #10  
*Vendor:* Cleary Consultants, Inc.  
*Agreement Date:* September 21, 2000  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Student and Community Services Building  
*Amount:* \$14,350  
*For:* Contract administration and inspection  
*Action:* Ratification

**F.** *Title:* Addendum #D06  
*Vendor:* Signet Testing Labs, Inc.  
*Agreement Date:* December 3, 2001  
*Campus:* De Anza College  
*Project No.:* 207  
*Project Name:* Lot C Improvements and Parking Structure  
*Amount:* \$65,913  
*For:* Testing and inspection services for concrete, masonry, steel, and asphalt  
*Action:* Approval

### **Item 13**

#### LAYOFF DUE TO REDUCTION IN FUNDING

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright reported that the District has been exploring other solutions to avoid the layoff, but none had yet been found. The District needs to move forward with the 30-day notice at this time but will continue to explore other solutions before October 31. SEIU Chapter Chair Javier Rueda noted that the affected employee was finally reached and he agreed with the statement made by Vice Chancellor Enright. Foothill classified staff member Karen Lemes expressed her concern about bumping the current Euphrat Museum employee. Trustee Leiderman reported that she is a member of the Euphrat Museum Board of Directors. She also asked what was being done to notify laid-off workers about temporary work opportunities in the District. Vice Chancellor Enright responded with the details; she said all laid-off employees are being contacted, but offered to verify that with her staff.

**M/S/C:** Moss/Fong  
**Advisory vote:** 2 yes  
**Board vote:** Fong, Hay, Mason and Moss voted yes; Leiderman abstained  
**Action:** Approved layoff due to lack of funding and authorized staff to provide the affected employees with a thirty (30) day notice of layoff

### **DATES TO REMEMBER**

October 6, 2003 — Regular Meeting  
October 20, 2003 — Regular Meeting

### **ADJOURNMENT**

President Mason adjourned the meeting at 8:46 p.m.

jco  
Approved: 10/6/03

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees