



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

September 8, 2003

CALL TO ORDER AND ROLL CALL

President Mary Mason declared a quorum was present and called the meeting to order at 6:30 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

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:

PUBLIC EMPLOYEE EVALUATION

Position: Chancellor

Executive Administrator Present:

Martha Kanter, Chancellor

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

Executive Administrators Present:

Martha Kanter, Chancellor

Mike Brandy, Vice Chancellor of Business Services

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity

Bernadine 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 7:02 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:

Staff: Silvia Bichler Marsha Kelly Javier Rueda
Kathy Blackwood Judy Miner John Schulze
Mike Brandy Dan Mitchell Marisa Spatafore
Pat Cornely Jon O’Bergh Kristin Sullivan
Jane Enright Julie Phillips Claudette Weber
Robert Griffin Willie Pritchard
Martha Kanter Carmen Redmond

Press: Clyde Noel, Los Altos *Town Crier*

Students: Pedro Paulo Viegas de Sa

Public: Laura Casas Frier Hal Plotkin

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

The minutes of the August 25, 2003 meeting were approved as drafted.

AUDIT & FINANCE COMMITTEE REPORT

Trustee Hay provided a report on the Audit & Finance Committee meeting that took place earlier in the day. Trustee Moss asked about an item reported in the minutes of the July 21 Audit & Finance Committee meeting regarding a state audit of the District’s claim for mandated cost reimbursements. Vice Chancellor of Business Services Mike Brandy reported that the District plans to challenge any negative ruling that may result, and it will likely take a few years to resolve. The amount being contested by the state is not reflected in the budget.

CORRESPONDENCE

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

HEARINGS: ITEMS NOT ON THE AGENDA

Trustees

Trustee Hay requested that an agenda item be scheduled for an upcoming Board meeting, at which the presidents should report, in very specific terms, what is being done at the level of each academic division to evaluate and promote the effectiveness of teaching and learning. In the event that within some divisions nothing much is underway at present, then specific plans for near-future undertakings should be discussed. The presidents asked him to elaborate, and he clarified that he is not looking for data but rather what activities are being undertaken. In particular, he would like to know about efforts to work with Institutional Research to measure effectiveness. Other Board members agreed that it would be useful to hear this presentation, so it will be scheduled for the Fall.

Student Trustee Wiehe reported that the Peninsula Astronomical Society, with the help of volunteers, accommodated approximately 10,000 community members at the Foothill observatory who wished to view Mars.

Staff

Chancellor Martha Kanter noted that the District solicited proposals from 12 search firms to conduct the De Anza President Search, and five firms responded. Based on a cost/benefit analysis, she will recommend at the September 22 meeting that the Board approve a contract for the services of the Association of Community College Trustees (ACCT) with Del Anderson as the search consultant. She asked for comments from the Board concerning the contract. Trustee Moss requested a clause specifying that, in the event that the search does not result in a successful hiring, ACCT will conduct a second search for no additional fee other than expenses. Trustee Leiderman requested a clause specifying that contacts and outreach efforts be documented. President Mason wished to ensure that the contract would be contingent on the services of Del Anderson.

Chancellor Kanter distributed a press release concerning a Board of Governors meeting to discuss enrollment and the crisis in access. De Anza Interim President Judy Miner distributed the new Workforce Education Career Resource Guide. Foothill President Bernadine Fong distributed an invitation to the Bamboo Festival, the latest edition of *The Heights*, and a newsletter for Krause Center for Innovation donors.

Students / Public

De Anza student Pedro Paula Viegas de Sa, representing Students for Justice, read a statement expressing dissatisfaction with the tone of the letter from former Interim Chancellor Callahan, written on behalf of the Board, concerning conduct at Board meetings.

APPROVAL OF CONSENT CALENDAR

Trustee Hay requested that Item #5 be removed.

M/S/C: Fong/Hay
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-4 and Item 6 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACT EDUCATION AGREEMENTS SIGNED IN JUNE 2003

Item 2 — **Acknowledged as information** LISTING OF DISTRICT INVESTMENTS AS OF JUNE 30, 2003

Item 3 — **Approved** REVISED BOARD POLICY 2212, “ACTING CHANCELLOR IN ABSENCE OF CHANCELLOR”

Item 4 — **Approved** REVISED BOARD POLICY 4145, “BOARD ADVISED OF EVALUATIONS”

Item 6 — **Approved** HUMAN RESOURCES REPORT

Item 5

PERSONNEL ACTIONS

Trustee Hay asked De Anza Interim President Miner to comment on the hiring of an Auto Tech instructor. Dr. Miner explained that the Academic Senate and deans supported a proposal to trade

an FTE resulting from another retirement in order to hire a faculty member to fill one of the three vacant position in the Auto Tech program. Trustee Leiderman asked about minimum qualifications, and Dr. Miner responded that the law permits that an Associate Degree and experience may substitute for a Bachelor’s Degree in vocational areas such as Auto Tech; she added that the individual has completed his Associate Degree and meets the minimum qualification of six years of experience.

M/S/C: Hay/Wiehe
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved Personnel Actions as follows:

Name: **David Capitolo**
Position: Instructor
College: De Anza College
Division: Applied Technologies Division
Action: **Employment**
Compensation: Column I, Step G — \$5,875.02/month # of months: 10

Name: **Alice L. Nelson**
Position: Instructor
College: De Anza
Division: Business and Computer Science
Action: **Retirement**
Effective Date: September 15, 2003

Item 7

RESOLUTION IN OPPOSITION TO “RACIAL PRIVACY INITIATIVE”

Trustee Paul Fong addressed Item #7 and recommended that the Board adopt the resolution. Speaking also in support of the resolution, Trustee Hay offered his opinion that the Board should only adopt resolutions that affect the District, and emphasized that this initiative would directly impact the District’s ability to perform its work. Trustee Moss noted the growing percentage of students who do not report ethnicity and asked if the District were considering how to address the issue. Chancellor Kanter responded that Institutional Research was working on a special study.

M/S/C: Leiderman/Moss
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved Resolution #2003-14 in opposition to the California Race, Ethnic, Color, and National Origin Initiative, also known as the “Racial Privacy Initiative.”

Item 8

RESOLUTION IN SUPPORT OF AB 1417 — BACKFILL

Vice Chancellor of Business Services Mike Brandy emphasized that backfill is a significant issue for community colleges, and that they should be treated the same as K-12.

M/S/C: Fong Leiderman
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved Resolution #2003-15 in support of AB 1417

Item 9

ADOPTION OF 2003-04 BUDGET

Vice Chancellor of Business Services Mike Brandy presented the 2003-04 Budget. He mentioned that a recommendation will be made to the Board — probably in October — on how to close the \$1 million budget gap. Vice Chancellor Brandy noted that state has unexpectedly decided to reduce the budget for community colleges due to concurrent high school/college enrollment. Although such enrollment comprises only 1% of Foothill-De Anza’s enrollment, the District’s share means a loss of \$700,000.

Projections for 2004-05 were discussed, and Vice Chancellor Brandy pointed out that expenses are increasing dramatically. He reviewed the factors contributing to the increase (primarily rising benefits costs and fixed costs such as utilities). This year the District will need to address the gap between ongoing revenues and expenses.

President Mason thanked Vice Chancellor Brandy and Director of Budget Operations Kathy Blackwood for providing information over the past several months that was easy to absorb and understand.

M/S/C: Moss/Hay
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved 2003-04 Budget

Item 10

MEASURE E CONSENT CALENDAR

M/S/C: Leiderman/Fong
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved / Ratified the Measure E Consent Calendar, A-H as follows:

- A.** *Title:* Addendum #D04
Vendor: Signet Testing Labs, Inc.
Agreement Date: August 19, 2003
Campus: De Anza College
Project No.: 765-203
Project Name: Student and Community Services
Amount: \$39,769
For: See Addendum #D04; Item #1 Consultant Services
Action: Approval

- B.** *Title:* Project Assignment Amendment #D11
Vendor: Allana Lippert, Inc.
Agreement Date: August 19, 2003
Campus: De Anza College
Project No.: 765-207
Project Name: Lot C Improvements and Parking Structure
Amount: \$2,840
For: Document review services for weatherability.
Action: Ratification
- C.** *Title:* Construction Change Order #3
Vendor: Pacific West Sound
Agreement Date: July 10, 2003
Campus: De Anza College
Project No.: 412
Project Name: Flint Center AV Upgrades
Amount: \$7,438
For: Add Digital Signal Processor (DSP) to provide essential system back-up. Install new panels to accommodate the second DSP. Eliminate non-essential sound processor.
Action: Ratification
- D.** *Title:* Revision #1 to P.O. M249340
Vendor: Sandis Humber Jones
Agreement Date: October 9, 2001
Campus: De Anza College
Project No.: 765-202
Project Name: Science Center
Amount: \$2,875
For: Additional survey and engineering work.
Action: Ratification
- E.** *Title:* Change Order #1
Vendor: Top Grade Construction
Agreement Date: June 2, 2003
Campus: De Anza College
Project No.: 765-262
Project Name: Parking Lot A & B and Stelling Reconfiguration
Amount: \$8,911
For: Additional tree removal and lowering of detention chamber inlet.
Action: Ratification

- F.** *Title:* Agreement for Professional Services
Vendor: Netcor Design Systems, Inc.
Agreement Date: May 1, 2003
Campus: Foothill College
Project No.: 133
Project Name: Sciences Phase II Project
Amount: \$13,182
For: Services for voice/data, telecommunications, audio/visual design and contract administration.
Action: Approval
- G.** *Title:* Contractor Change Order #5
Vendor: Tinney Construction Inc.
Agreement Date: September 20, 2002
Campus: Foothill College
Project No.: 109
Project Name: Business and Social Sciences Project
Amount: <\$930>
For: Install additional windows at building 3400 and miscellaneous electrical credits.
Action: Ratification
- H.** *Title:* Contractor Change Order #1
Vendor: O'Grady Paving, Inc.
Agreement Date: June 30, 2003
Campus: Foothill College
Project No.: 159
Project Name: KCI Entry/Loop Road Crossing
Amount: \$10,845
For: Additional work including changing stakes, repairing and extending asphalt swale and concrete pads.
Action: Ratification

Item 11

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #910-119R, FINE ARTS – PHASE II REBID, Foothill College

Trustee Moss asked whether the contractors were prequalified, and Director of Purchasing and Material Services Carmen Redmond responded that they were not, but references were checked.

- M/S/C:** Hay/Wiehe
Advisory vote: 1 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract for the Base Bid and Additive Alternate #1 in the aggregate amount of \$2,270,000 to the lowest responsive bidder, Zovich Construction

Item 12

ACCEPTANCE OF LIST OF GENERAL CONTRACTORS AS PREQUALIFIED TO BID ON KIRSCH CENTER FOR ENVIRONMENTAL STUDIES, DE ANZA

Trustee Mason asked if there is an expiration date for prequalification, and Director of Purchasing and Material Services Carmen Redmond responded that the prequalification only applies to this project.

- M/S/C:** Hay/Fong
Advisory vote: 1 yes
Board vote: unanimous
Action:
- 1) Approved the list of nine (9) general contractors who met all of the prequalification requirements as the only contractors who are “prequalified” to bid as prime contractors on the Kirsch Center for Environmental Studies project, and
 - 2) Determined that BRCO Constructors, Inc. and Zolman Construction & Development, Inc. are disqualified to bid as prime contractors for the same project

Item 13

PROJECT ASSIGNMENT AMENDMENT #27 FOR PROJECT #152.2, BOILER CONSOLIDATION PROJECT ASSOCIATED WITH LOWER CAMPUS COMPLEX PROJECT, FOOTHILL COLLEGE

- M/S/C:** Hay/Leiderman
Advisory vote: 1 yes
Board vote: unanimous
Action: Approved Project Assignment Amendment #27 for Project #152.2, Boiler Consolidation Project associated with Lower Campus Complex Project, Foothill College, in the amount of \$54,338

Item 14

LAYOFF DUE TO REDUCTION IN FUNDING

Trustee Leiderman expressed concern that the Euphrat Museum position requires specific skills. Vice Chancellor of Human Resources and Equal Opportunity Jane Enright responded that the classifications are the same for the two positions, so the Ed. Code requires allowing the employee to bump into the position; the District will provide necessary training for the employee to be successful. SEIU Chapter Chair Javier Rueda addressed the Board, urging that action be deferred while a solution is sought to avoid layoff. Vice Chancellor Enright explained that the District has until the end of September to provide the required 30-day notice of layoff and is continuing to pursue alternate resolutions.

- M/S/C:** Fong/Hay
Advisory vote: 1 yes
Board vote: unanimous
Action: Deferred action on the layoff until the September 22 meeting

Item 15

2003 FACULTY ASSOCIATION SUPPLEMENT

The supplement was acknowledged as information.

DATES TO REMEMBER

September 22, 2003 — Regular Meeting

October 6, 2003 — Regular Meeting

ADJOURNMENT

President Mason adjourned the meeting at 8:35 p.m.

jco

Approved: 9/22/03

Martha J. Kanter, Chancellor
Secretary, Board of Trustees