



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**February 17, 2004**

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

President Paul Fong declared a quorum was present and called the meeting to order at 5:30 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:**

Paul Fong, President  
Andrea Leiderman, Vice President  
Betsy Bechtel  
Sandy Hay  
Hal Plotkin

#### **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 LEGAL COUNSEL – EXISTING LITIGATION**

Name of Case: Foothill-De Anza Community College District v. Northwest Pipe  
Company et al., No. C-00-20749-JF (N.D. Cal.)

Name of Case: Enron Corp. et al. v. Debtors, Chapter 11 Case No. 01-16034 (AJG)

#### **Individuals Present:**

Martha Kanter, Chancellor  
Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Bernadine Chuck Fong, President of Foothill College  
Phil Jaret, Legal Counsel  
Judy Miner, Interim President of De Anza College  
John Schulze, Executive Director of Facilities, Operations & Construction Management

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

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

#### **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE**

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

Martha Kanter, Chancellor  
Mike Brandy, 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 Fong re-convened the public session at 7:03 p.m. in the District Board Room. He 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>	Mike Brandy	Ken Horowitz	Jon O’Bergh
	Jane Enright	Martha Kanter	Willie Pritchard
	Christina Espinosa-Pieb	Marsha Kelly	Javier Rueda
	Robert Griffin	Jim Ladd	John Schulze
	Rich Hansen	Judy Miner	Vivian Sinou
	Alan Harvey	Dan Mitchell	Marisa Spatafore

*Press:* None

<i>Students:</i>	Jonathan Edwards, <i>La Voz</i>	Ali Rahnoma
	Nadine Foster-Mahar	Luke Stangel, <i>La Voz</i>

<i>Public:</i>	Glenn Brown	Laura Casas-Frier
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## **REPORTING OUT FROM CLOSED SESSION**

President Fong reported that the Board took the following actions in closed session:

- 1) Approved an offer of settlement in the case of Foothill-De Anza Community College District v. Northwest Pipe Company et al., Case No. C-00-20749-JF (N.D. Cal.);
- 2) Approved an offer of settlement in the case of Enron Corporation et al. v. Debtors, Chapter 11 Case No. 01-16034 (AJG).

## **APPROVAL OF MINUTES**

The minutes of the February 2, 2004 meeting were approved as drafted.

## **CORRESPONDENCE**

President Fong 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*

Trustee Bechtel reported that she and Trustee Leiderman attended an event sponsored by the League of Women Voters and distributed material from Senator Byron Sher’s office promoting Cal Grants. She also reminded everyone to vote for Propositions 55, 56, 57 and 58 on the March 2 ballot. Trustee Leiderman reported that she attended Foothill’s Dallas Black Dance performance. She also reported that the wife of Congressman Mike Honda recently died, and suggested that the meeting be adjourned in her memory; President Fong asked the Chancellor to send a note of condolence. Student Trustee Welch inquired about a controversial article in the Foothill Sentinel; Chancellor Martha Kanter and Foothill Vice President of Educational Resources and Instruction Alan Harvey — who was representing Foothill President Bernadine Chuck Fong — provided a brief update on the

situation and the college's response. President Paul Fong reported on his attendance at the Association of Community College Trustees conference.

*Staff*

Chancellor Martha Kanter commended Foothill student Louis Robinson and Foothill administrators Don Dorsey and Rose Myers for Foothill's hosting of the Black Student Caucus conference, at which she spoke. She reminded the Board that a tour of Foothill College would be held for the trustees on February 24. Finally, she invited the Board to attend a Joint Venture forum on Tax and Fiscal Policy Issues on February 27. De Anza Interim President Judy Miner reported that the college received a Congressional grant of \$75,000 for the planetarium thanks to the efforts of Congressman Mike Honda. Foothill Vice President of Educational Resources and Instruction Alan Harvey reported that the classified staff organized a successful Spirit Day in support of college athletics. Vice Chancellor of Technology Willie Pritchard, following up on the proposal regarding plus/minus grading that was made at the previous meeting, reported that implementation of the proposal was reasonably affordable and would require about 87 hours of staff programming time and about 80 hours of Institutional Research time.

*Students / Public*

De Anza student Ali Rahnoma, representing Students for Justice, addressed the Board regarding student concerns about decreasing access to resources to help students attain the new math standards.

## **APPROVAL OF CONSENT CALENDAR**

At the request of Foothill Instructor Ken Horowitz, Trustee Leiderman asked that Item 4, "Personnel Actions," be removed from the Consent Calendar. Chancellor Martha Kanter removed the personnel action concerning Foothill Vice President Penny Patz from the agenda, explaining that it needed further review.

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

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

**Item 2** — **Ratified** BOOKSTORE PURCHASES

**Item 3** — **Approved** NEW DEGREE IN INDIVIDUAL STUDIES-TRANSFER, FOOHILL COLLEGE

**Item 5** — **Approved** HUMAN RESOURCES REPORT

## **Item 4**

### PERSONNEL ACTIONS

Foothill Instructor Ken Horowitz expressed concern about compensation for administrators performing additional duties in light of the budget climate. Vice Chancellor of Human Resources and Affirmative Action Jane Enright responded that the proposed compensation adheres to the Administrators Handbook and parallels how a faculty or classified staff member would be

compensated for a temporary assignment. Trustee Leiderman requested that backup material describing additional duties be included for future requests and also expressed concern about being asked to approve something retroactively. Trustee Hay echoed her comments. Chancellor Kanter and Vice President Harvey briefly explained the nature of the additional duties assumed by Frances Gusman, and Student Trustee Wiehe lauded Ms. Gusman for assisting students with financial aid.

**M/S/C:** Plotkin/Leiderman  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved personnel actions as follows:

*Name:* **Carol George**  
*Position:* Counselor  
*College:* Foothill  
*Division:* Counseling and Student Services  
*Action:* **Unpaid Leave**  
*Effective Date:* January 5, 2004 – March 26, 2004  
*Comments:* In accordance with Article 16.27 of the *Agreement* between the District and the Faculty Association

*Name:* **Frances Gusman**  
*Position:* Dean, Student Outreach & Retention  
*College:* Foothill  
*Division:* Student Outreach & Retention  
*Action:* **Temporary assignment of additional duties**  
*Effective Date:* September 1, 2003 – June 30, 2004  
*Compensation:* 5% Adjustment  
*Comments:* In accordance with Administrators Handbook, Chapter III

*Name:* **Matthew Kritscher**  
*Position:* Dean, Counseling & Matriculation  
*College:* De Anza  
*Division:* Counseling and Matriculation  
*Action:* **Extend Employment Contract**  
*Effective Date:* January 13, 2004 – January 12, 2005  
*Comments:* In accordance with Administrators Handbook, Chapter III

*Name:* **Jefferson Shirley**  
*Position:* Instructor, Mathematics  
*College:* De Anza  
*Division:* Physical Sciences, Math and Engineering  
*Action:* **Cancel unpaid leave**  
*Effective Date:* September 16, 2004

## **Item 6**

### **PUBLIC DOMAIN OPPORTUNITIES FOR COMMUNITY COLLEGES**

Trustee Plotkin introduced Glenn Brown of Creative Commons, who gave a presentation on public domain opportunities for community colleges and responded to questions from the trustees. There

was a discussion of how public domain, through the support of participatory governance, can be used as a financial strategy to lower the cost of textbooks. Student Trustee Welch commended Trustee Plotkin for initiating this discussion and noted that the student senates are interested in being involved. Chancellor Martha Kanter agreed to discuss the issue with the governance leaders, using Trustee Plotkin's proposed policy as a starting point, and bring the issue back to the Board in spring quarter.

There was also a discussion of the Hewlett Foundation grant to help the colleges move into a more robust online course management system.

## **Item 7**

### 2004-05 BOARD LEGISLATIVE GOALS

Chancellor Martha Kanter presented draft legislative goals and requested feedback from the Board. President Fong asked that Pell Grant tuition sensitivity be included. Trustee Plotkin and Student Trustee Welch expressed reservation about the issue of local fee increases as it waters down the message of full funding of community college needs; however, trustees Bechtel, Hay, Fong, Leiderman and Student Trustee Wiehe argued to retain this goal, supporting flexibility to increase certain fees rather than cut services supported by those fees. Trustee Leiderman added that there should be sensitivity to means testing. She proposed that, since the issue of fees falls under local control, it does not need a separate section. Trustee Plotkin and Student Trustee Welch said they were more comfortable with that approach. Faculty Association President Rich Hansen advised that the District should focus on the big issues, which currently are the differential fee and the tuition increase. Chancellor Kanter agreed to edit the goals based on the Board's comments and bring the document back for endorsement at a subsequent meeting.

## **Item 8**

### MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Independent Contractor Agreement  
*Vendor:* Robert J. Mibach  
*Agreement Date:* February 17, 2004  
*Campus:* Foothill College  
*Project No.:* 765-501  
*Project Name:* Physical Education and Athletic Fields  
*Amount:* NTE \$20,000  
*For:* Expert consultation on physical education and athletic fields; review of plans and specifications; construction oversight.  
*Action:* Ratification

- B.** *Title:* Change Order #10  
*Vendor:* West Coast Contractors  
*Agreement Date:* October 22, 2002  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$46,153  
*For:* Miscellaneous construction changes which include irrigation controls, additional utility valves, additional building insulation and changes to the rolled metal roof.  
*Action:* Ratification
- C.** *Title:* Change Order #11  
*Vendor:* West Coast Contractors  
*Agreement Date:* October 22, 2002  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$26,064  
*For:* Miscellaneous construction changes, which include DSA required canopy bracing and revisions to the Pavilion sill flashing.  
*Action:* Ratification
- D.** *Title:* Civil Engineering revisions for Synthetic Turf  
*Vendor:* Sandis Humber Jones  
*Agreement Date:* January 27, 2004  
*Campus:* De Anza College  
*Project No.:* 234  
*Project Name:* Athletic Fields  
*Amount:* \$14,000  
*For:* Additional engineering services with regards to grading and utilities for Project 234; athletic fields as required to accommodate synthetic turf.  
*Action:* Ratification
- E.** *Title:* A-Quad Phase III – HVAC & Electrical Systems Assessments  
*Vendor:* Salas O'Brien Engineering, Inc.  
*Agreement Date:* February 17, 2004  
*Campus:* De Anza College  
*Project No.:* 268  
*Project Name:* A-Quad Phase III  
*Amount:* \$9,675  
*For:* Provide HVAC and electrical system assessment and planning services for the A8 building. Included in the scope are site work, zoning, analysis, cost estimating, and load calculations.  
*Action:* Ratification

- F.** *Title:* Project Assignment Amendment #30  
*Vendor:* Sandis Humber Jones  
*Agreement Date:* January 8, 2001  
*Campus:* Foothill College  
*Project No.:* 132  
*Project Name:* Irrigation Mainline Replacement  
*Amount:* \$34,697  
*For:* Professional services to include design and engineering work for schematic design, construction documents, bid and award, and construction administration.  
*Action:* Ratification

## **Item 9**

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 924-115, PHYSICAL EDUCATION RENOVATION, FOOTHILL COLLEGE

- M/S/C:** Bechtel/Hay  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract for the base bid in the amount of \$3,343,542 to the lowest responsive bidder, Trident Buildings, Inc.

## **DATES TO REMEMBER**

March 1 and 15, 2004 — Regular Meeting  
March 8, 2004 — Special Meeting

## **ADJOURNMENT / RE-CONVENING OF CLOSED SESSION**

President Fong adjourned the public meeting at 8:55 p.m. in memory of the wife of Congressman Mike Honda and re-convened the closed session briefly to continue discussion of an item from the closed session agenda. At 9:00 p.m., President Fong re-convened the public session, reported that no action was taken in closed session, and adjourned the meeting.

jco

Approved: 3/1/04

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees