



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**May 17, 2004**

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

President Paul Fong 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:**

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 individual listed below to discuss:

#### **PUBLIC EMPLOYMENT**

Position Title: President, De Anza College

#### **Executive Administrator Present:**

Martha Kanter, Chancellor

At 6:30 p.m. the closed session continued 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, 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

At 6:45 p.m. the closed session continued with the individuals listed below to discuss:

#### **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 cases

#### **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  
John Schulze, Executive Director of Facilities, Operations and Construction Management

**Legal Counsel Present:**

Phil Jaret

**RE-CONVENE PUBLIC SESSION**

President Fong re-convened the public session at 7:05 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>	Carlita Alamban	Robert Griffin	Jon O’Bergh
	Michael Almasi	Herlisa Hamp	Ines Pardo
	Walter Alvarado	Art Hand	Pamela Parker
	William Baldwin	Rich Hansen	Greg Parman
	Skip Barnes	Jeanine Hawk	Joan Pena-Ferrick
	Luis Barreto	Alex Hochstraser	Willie Pritchard
	Laura Bell	Pam Hodges	Mario Ramos
	Marcia Bhide	Wilbert Hollins	Zarina Razaqui
	Silvia Bichler	James Holstein	Carmen Redmond
	Larry Bloom	Ken Horowitz	Matilda Renteria
	Mike Brandy	Akemi Ishkawa	Cindy Romatz
	Debbie Cashman	Donna Jones-Dulin	Larry Rouse
	Nancy Chao	Martha Kanter	Terrance Rowe
	Melodie Cheney	Jeannie Kastelic	Javier Rueda
	Maureen Chenoweth	Marsha Kelly	Sylvia Rueda
	Jim Clow	Helen Kikoshima	Dina Savla
	Sheila Coyne	Jan Kuersten	John Schulze
	Stan Cross	Anne Leskinen	Stephanie Sherman
	Tricia Davoren	Becca Levin	Griselda Sigala-Aguilar
	Martha De La Cerda	Ron Levine	Bernata Slater
	Daniel Dishno	Tanya Lyumkis	Virginia Slayton
	Margo Dobbins	Rose Maestas-Hoohuli	Betty Snowden
	Jean Elwell	Christine Mangiamelli	Marisa Spatafore
	Jane Enright	Ellen Mann	Orva Stewart
	Christina Espinosa-Pieb	Yusuf Mathir	Steven Sum
	Lily Espinoza	Jose Menendez	Jane Swanson
	Bernadine Chuck Fong	Judy Miner	Paul Starer
	Willie Frieson	Dan Mitchell	Steve Walton
	Gigi Gallagher	Blanche Monary	Laureen Wong
	Robert Garcia	Diane Moore	Carmela Xuereb
	David Garrido	Nick Muntean	
	Phyllis Garrison	Leslye Noone	

*Press:* Clyde Noel, Los Altos Town Crier

<i>Students:</i>	Suzanne Bernardi	Nadine Foster	Valerie Post
	Kayla Castro	James Newberg	Ryan Straman
	Kate Crusher	Eric Ngo	Eddie Voss
	Melanie Dunn	Diane Nguyen	Carol Woranow, <i>La Voz</i>
<i>Public:</i>	Jim Atchison	Greg Pullman	Terry Terman
	Leah Berlanga	Nancy Rogers	Dale Weaver
	Laura Casas Frier	Steve Romatz	

## **REPORTING OUT FROM CLOSED SESSION**

President Fong reported that the Board took action in closed session to approve the employment of Dr. M. Brian Murphy as President of De Anza College effective July 1, 2004.

## **APPROVAL OF MINUTES**

The minutes of the May 3, 2004 meeting were approved as drafted.

## **AUDIT & FINANCE COMMITTEE REPORT**

Trustee Hay reported that members of the Audit & Finance Committee were given a tour of buildings under construction and met to discuss Measure E projects, management responses to audit findings, and a variety of other issues. He also reported that Foothill Instructor Ken Horowitz had asked the Committee to more aggressively exercise its oversight duties.

## **CORRESPONDENCE**

President Fong asked if there was any correspondence which should be brought to the Board's attention. Student Trustee Welch distributed two news releases concerning legislative bills that students were supporting through the "Share the Wealth" campaign.

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

### *Trustees*

Trustee Plotkin reported that he met with De Anza Interim President Judy Miner and Foothill Vice President of Instruction and Institutional Research Bill Patterson to discuss the issue of public domain. Trustee Hay reported that he and another trustee would be meeting to interview finalists for the Trustee Scholarships, and one returning student from each college would be awarded a \$1,000 scholarship for 2004-05. He noted that donations for the scholarship had come from current and former trustees as well as other individuals.

Student Trustee Welch announced that he has been elected chair of CalSACC Region IV. He distributed copies of a student project on plus/minus grading for Math 10 at De Anza — which Instructor Barbara Illowsky discussed at a previous Board meeting — and pointed out that twice as many math students experienced a drop in their GPA as experienced an increase (the difference ranging from -0.3 to +0.3). He noted that it was the 50<sup>th</sup> anniversary of *Brown v. Board of Education*. Lastly, he announced that several students would be presenting information later in the meeting concerning sweatshops and the Worker Rights Consortium.

*Staff*

Chancellor Martha Kanter said she was delighted with the appointment of Dr. Murphy as President of De Anza; Foothill President Bernadine Chuck Fong and De Anza Interim Judy Miner both said they looked forward to working with him.

SEIU Chapter Chair Javier Rueda distributed a letter from SEIU to Vice Chancellor of Human Resources and Equal Opportunity Jane Enright declining the offer to negotiate further reductions to the hours and salaries of SEIU Local 715 represented classified staff, and urged the Board not to seek additional concessions. Classified staff members Jan Kuersten, Martha De La Cerda, Steven Sum, Phyllis Garrison, Griselda Sigala-Aguilar, Terry Rowe, Alex Hochstraser, Maureen Chenoweth and Silvia Bichler addressed the Board as well, expressing concerns about morale, feelings of being treated unfairly by the District, and urging the Board to honor the negotiated agreement. President Fong emphasized that the Board does care about classified staff. Chancellor Martha Kanter added that the decision to remove from the agenda a proposed action item on contract reductions demonstrates that the Board does listen to concerns. She also spoke briefly about how the difficult state financial situation is affecting everybody, and noted some hopeful signs in the Governor's May Revise.

Instructor Ken Horowitz expressed his displeasure over the decision to move the Board meeting time to 5:00 p.m. beginning in June.

*Students / Public*

De Anza students Eric Ngo, Dale Weaver, Valerie Post and James Newberg provided information about the Worker Rights Consortium (WRC). They asked the Board to support the resolution approved by the DASB Senate to join the WRC and ensure that the Bookstores do not carry products made in sweatshops.

**APPROVAL OF CONSENT CALENDAR**

Trustee Plotkin noted that he had a question concerning the two De Anza degrees (Items 5 and 6) but he would speak separately with Interim President Judy Miner.

**M/S/C:** Bechtel/Wiehe  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-8 of the Consent Calendar as follows:

- Item 1** — **Ratified** CONTRACTS AND AGREEMENTS
- Item 2** — **Acknowledged** LISTING OF DISTRICT INVESTMENTS AS OF MARCH 31, 2004
- Item 3** — **Approved** PERFORMING ARTS ALLIANCE CONTRACTS, JULY-DECEMBER 2004, Foothill College
- Item 4** — **Approved** SALE OF SURPLUS TRAILER FOR DE ANZA AUTOMOTIVE TECHNOLOGY — approved sale to Adam Marcinkowsky for \$450
- Item 5** — **Approved** REVISION OF DE ANZA LIBERAL ARTS ASSOCIATE DEGREE
- Item 6** — **Approved** DE ANZA UNIVERSITY TRANSFER STUDIES DEGREE
- Item 7** — **Approved** PERSONNEL ACTIONS:

*Name:* **Bernata Slater**  
*Position:* Director, Budget Operations  
*College:* Central Services  
*Division:* Business Services  
*Action:* **Promotion**  
*Effective Date:* May 1, 2004 *# of Months:* 12  
*Compensation:* Level I, Step 3 @ \$7,685.38  
*Comments:* In accordance with Chapter VI of the Administrator's Handbook

*Name:* **Michael Sullivan**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Social Sciences & Humanities  
*Action:* **Resignation for purposes of Retirement**  
*Effective Date:* June 25, 2004  
*Comments:* In accordance with Article 19, Retirement Incentive Program of the *Agreement* between the District and the Faculty Association

*Name:* **Diane Uyeda**  
*Position:* ESL Composition Instructor  
*College:* Foothill  
*Division:* Language Arts  
*Action:* **Employment**  
*Effective Date:* September 16, 2004 *# of Months:* 10  
*Compensation:* Column IV, Step E @ \$6,112.35

*Name:* **John W. Wanlass**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Business/Computer Information Systems  
*Action:* **Reduction in Contract to 78%**  
*Effective Date:* September 16, 2004 for five years  
*Comments:* In accordance with Article 18, Reduced Workload Program of the *Agreement* between the District and the Faculty Association

*Name:* **Ron Warnock**  
*Position:* Dean, Physical Education & Athletics  
*College:* De Anza  
*Division:* Physical Education & Athletics  
*Action:* **Resignation**  
*Effective Date:* August 31, 2004

## **Item 8** — **Approved HUMAN RESOURCES REPORT**

### **Item 9**

RESOLUTION IN SUPPORT OF EQUALIZATION FUNDING FOR CALIFORNIA'S COMMUNITY COLLEGE STUDENTS

Trustee Plotkin made a motion to approve the resolution, which was seconded by Student Trustee Wiehe. Some of the wording in the resolution was questioned, however, and changes suggested.

Trustee Plotkin then amended his motion to include the proposed changes, and Student Trustee Wiehe accepted the amended motion.

- M/S/C:** Plotkin/Wiehe  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2004-08 in support of equalization funding with the following changes:
- Replace “continuously” with “for many years” in the third paragraph;
  - Add “and equitable” after “comparable” and replace “students on a per student basis” with “districts” in the second bullet of the final paragraph

## **Item 10**

### REDUCTION IN EXECUTIVE SALARY

Trustees Plotkin and Leiderman commended the executive staff for proposing a reduction in their salaries, which Trustee Bechtel pointed out was the equivalent of 13 days of pay. Foothill Academic Senate President Paul Starer asked if the reduction would also apply to the salary of the new De Anza President, and Vice Chancellor of Human Resources and Equal Opportunity Jane Enright responded that the matter was under discussion. Student Trustee Welch said that the District should take a look at the management-to-staff ratio, which some students urged last year during discussions about layoffs.

- M/S/C:** Leiderman/Welch  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the following reduction affecting the salaries of the Chancellor, Vice Chancellors and Foothill President:
- For the 2004-05 year only, a 5% reduction in salary (gross) or a donation to the District in the amount equal to 5% of gross salary to be taken in the form of unpaid leave (13 days) or as a cash donation to the District

## **Item 11**

### LAYOFF DUE TO LACK OF WORK

SEIU Chapter Chair Javier Rueda said that he looks forward to working with the District to find the right position into which the affected employee is able to move.

- M/S/C:** Plotkin/Wiehe  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the elimination of the position of Executive Assistant for the unfilled Vice President for Workforce and Economic Development position at De Anza College effective July 2, 2004, and authorized District representatives to provide Jane Chavis with a forty-five (45) day notice of layoff

## **Item 12**

### LAYOFF DUE TO LACK OF WORK AND LACK OF FUNDS

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright distributed a revised submission for Item 12 removing the requested action for contract reductions for four positions in the De Anza Printing Services department but retaining the requested action for one layoff. There was a lengthy discussion about the proposed layoff. The affected employee, Walter Alvarado, expressed concern about quality control and the impact on service to part-time faculty, which was echoed by Faculty Association President Rich Hansen and Foothill Academic Senate President Paul Starer. De Anza Academic Senate President Dan Mitchell also questioned the accuracy of the term “no negative effect” in the backup material. Trustee Hay expressed his concern as well about the impact on faculty and students. He stated his understanding that the level of service will be monitored following the layoff and if there is a significant impact, the Board can consider remedying the situation.

Student Trustee Welch expressed his concern about the impact on students and noted that, since he did not believe there had been sufficient investigation into the possibility of investing in a digital printing press as a means of increasing business and revenue, he could not support the layoff. De Anza Vice President of Finance and College Services Jeanine Hawk responded by explaining that the college had performed an analysis and determined that the department would not even be able to cover the debt service with the additional revenue, so investing in a press was not a viable option at this time.

<b>M/S/C:</b>	Bechtel/Hay
<b>Advisory vote:</b>	1 yes (Wiehe); 1 no (Welch)
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the elimination of the position of Press Operator I, Printing Services, effective July 2, 2004, and authorized District representatives to provide Walter Alvarado with a forty-five (45) day notice of layoff

## **Item 13**

### REDUCTION IN ADMINISTRATIVE POSITION

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright noted that the statement “Therefore, Printing Services will eliminate the position of Press Operator I and reduce the remaining staff positions by 2 hours per week” did not apply to this item and should be struck.

<b>M/S/C:</b>	Bechtel/Leiderman
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved a reduction in contract from 100% to 95% for the Director of Printing Services effective July 3, 2004, and authorized District representatives to provide a forty-five (45) notice of reduction in contract to Jose Menendez

## **Item 14**

### ACCEPTANCE OF TRAINING/RETRAINING STIPENDS

It was pointed out that the name of Foothill Instructor James Whearty was misspelled.

**M/S/C:** Plotkin/Wiehe  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved 2004-05 Training/Retraining stipends totaling \$12,948.95

### **Item 15**

#### ACCEPTANCE OF PROFESSIONAL DEVELOPMENT LEAVE REPORT

**M/S/C:** Leiderman/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Professional Development Leave Report from William Dillon

### **Item 16**

#### EMPLOYMENT: PRESIDENT, DE ANZA COLLEGE

**M/S/C:** Plotkin/Hay  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved employment of M. Brian Murphy as President of De Anza College effective July 1, 2004, at an annual salary of \$153,000

### **Item 17**

#### RESULTS OF BID 941, SALE OF GRIFFIN HOUSE

Director of Purchasing and Material Services Carmen Redmond reported the results of efforts to find a buyer for the Griffin House property on the Foothill campus and, since no bids were submitted, described the two options for future consideration: private sale without advertising or disposal of the property. Trustee Leiderman pointed out that the item was mistakenly listed on the agenda for action but no action was recommended at this time.

### **Item 18**

#### REJECTION OF ALL BIDS FOR BID 919, DISTRICT-WIDE CARD SYSTEM

Trustee Leiderman asked about the rejection of all bids under the circumstances to ensure that the District could not be accused of an unfair practice; Director of Purchasing and Material Services Carmen Redmond responded that the rejection is legally valid and she had not received any complaints from the vendors. Student Trustee Welch stated that the previous card system was tied to corporate promises of revenue that did not materialize, and students had not supported the system from the beginning; however, De Anza Vice President of Student Services Robert Griffin contested the accuracy of the statement and offered to provide information to any of the trustees who had questions.

**M/S/C:** Hay/Welch  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Director of Purchasing Services to reject all bids for Bid 919, District-Wide Card System, and call for new bids

At 9:15 p.m., President Fong recessed the meeting for a short break, reconvening the meeting at 9:25 p.m.

## **Item 19**

### 2003-04 THIRD QUARTER REPORT

Vice Chancellor of Business Services Mike Brandy presented the Third Quarter Report and responded to questions from the trustees. The idea of a credit card fee for online registration was discussed in the context of increased expenses resulting from merchant fees. Trustee Leiderman said that efforts should be made to inform students about the high finance charges frequently associated with credit cards. De Anza Vice President of Student Services Robert Griffin noted that such educational efforts are indeed underway. Vice Chancellor Brandy discussed the Governor's May Revise, noting additional funding for equalization and a slightly higher COLA. The imposition of a differential fee for students with Bachelor's degrees and higher, however, is still being proposed by the Governor, which may impact the District's ability to grow.

## **Item 20**

### RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

**M/S/C:** Hay/Welch  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2004-09, "Budget Revisions," and #2004-10, "Budget Transfers"

## **Item 21**

### MEASURE E CONSENT CALENDAR

Trustee Plotkin made a motion to approve the Measure E Consent Calendar as presented, which was seconded by Student Trustee Wiehe. Executive Director of Facilities, Operations and Construction Management John Schulze noted a correction for Item 21-E: the correct contract completion date is October 5, 2004. Trustee Plotkin amended his motion to include the correction, and Student Trustee Wiehe accepted the amended motion.

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

- A.** *Title:* Contractor Change Order #4  
*Vendor:* Zovich Construction, Inc.  
*Agreement Date:* September 18, 2003  
*Campus:* Foothill College  
*Project No.:* 119  
*Project Name:* Fine Arts Phase II  
*Amount:* \$10  
*For:* Fur out the existing wall to accommodate water line for new FCU, and credit for light fixture sconces in building 1500  
*Action:* Ratification
- B.** *Title:* Change Order #3  
*Vendor:* Top Grade Construction  
*Agreement Date:* June 2, 2003  
*Campus:* De Anza College  
*Project No.:* 262  
*Project Name:* Lots A & B and Stelling Entry Configuration  
*Amount:* \$47,137  
*For:* Site grading changes for unforeseen utilities, additional striping for temporary routing, and fire hydrant relocation  
*Action:* Ratification
- C.** *Title:* Change Order #4 – Final  
*Vendor:* Top Grade Construction  
*Agreement Date:* June 2, 2003  
*Campus:* De Anza College  
*Project No.:* 262  
*Project Name:* Lots A & B and Stelling Entry Configuration  
*Amount:* \$10,780  
*For:* Repair for unforeseen underground utilities, additional tree removal, and adjust unforeseen manholes to grade  
*Action:* Ratification
- D.** *Title:* Change Order #3  
*Vendor:* Hensel Phelps  
*Agreement Date:* November 25, 2003  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Student and Community Services  
*Amount:* \$14,848  
*For:* Site utilities, hydronic piping revisions, deletion of vaults  
*Action:* Ratification

- E.** *Title:* Change Order #3  
*Vendor:* SJ Amoroso  
*Agreement Date:* December 1, 2003  
*Campus:* De Anza College  
*Project No.:* 207  
*Project Name:* Lot C Parking Structure  
*Amount:* \$37,021  
*For:* Changes in electrical work, concrete reinforcement, data cabling and addition of tamper switches  
*Action:* Ratification
- F.** *Title:* Project Assignment Amendment #14  
*Vendor:* Sugimura & Associates  
*Agreement Date:* December 18, 2001  
*Campus:* Foothill College  
*Project No.:* 168  
*Project Name:* Fine Arts I, Stage II  
*Amount:* \$12,633  
*For:* Professional services for design of Project 168  
*Action:* Ratification

## **Item 22**

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 950, MANUFACTURE OF UTILITY LIDS FOR REPLACEMENT, Foothill College

Trustee Bechtel asked for the estimated cost. Executive Director of Facilities, Operations and Construction Management John Schulze responded that he did not have the precise figure, but he did confirm that it was within the budgeted amount. Responding to questions from Trustee Plotkin and Trustee Bechtel, the new design for the utility lids and their setting in terms of improved safety were discussed. Responding to a question from Trustee Leiderman, Director of Purchasing and Material Services Carmen Redmond confirmed that the company was reputable.

- M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract pursuant to Bid 950, Manufacture of Utility Lids for Replacement at Foothill College, to Teichert Brooks for 1) 710 each 4' x 8' utility lids in the amount of \$476,400 including sales tax, and 2) 17 each 4' x 12' utility lids in the amount of \$12,019 plus \$991.57 sales tax, for a total not to exceed \$489,410.57

## **Item 23**

CHANGE ORDER #16, WEST COAST CONTRACTORS, MODIFICATIONS TO CHEMISTRY STORAGE CASEWORK AT DE ANZA

De Anza Dean of Biological, Health Sciences and Workforce Development Stephanie Sherman explained the circumstances surrounding the design problem of the drawers for student use in the new Science building and how the design process has been changed to prevent similar problems in the

future. She also demonstrated how, even with creative efforts to accommodate the smaller drawers, there remained the need to increase the clearance between drawers as well as provide additional numbers of drawers.

**M/S/C:** Plotkin/Hay  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #16 for West Coast Contractors for modifications to Chemistry Storage Casework at De Anza in the amount of \$98,842

### **DATES TO REMEMBER**

June 7, 2004 — Regular Meeting (new start time at 5:00 p.m.)  
June 21, 2004 — Regular Meeting

### **ADJOURNMENT**

President Fong and the Board thanked student trustees Welch and Wiehe for their service on the Board, noting that two new student trustees would be seated at the next meeting. President Fong adjourned the meeting at 10:10 p.m.

jco  
Approved: 6/7/04

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees