



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

April 18, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay 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:

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

for Public Session

Melanie Dunn, De Anza College Student Trustee
Rodolfo Vazquez, Foothill College Student Trustee

Absent

Andrea Leiderman

President Hay led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

Staff:

Paul Aguilar	Jeanine Hawk	Jane Nyberg
Mike Brandy	Alex Hochstraser	Jon O'Bergh
Claudette Brero-Gow	Martha Kanter	Greg Parman
Bernadine Chuck Fong	Karen Lemes	Willie Pritchard
Martha De La Cerda	Ron Levine	Carmen Redmond
Marie Fox Ellison	Drake Lewis	Javier Rueda
Stephanie Franco	Sharon Luciw	John Schulze
Phyllis Garrison	Judy Miner	Griselda Sigala Aguilar
Robert Griffin	Dan Mitchell	Marisa Spatafore
Gerry Gyuire	Blanche Monary	Paul Starer
Art Hand	Brian Murphy	Kathleen Turner
Rich Hansen	Frank Nunez	Irwin Widiarta

Press: None

Students None

:

Public: Leah Berlanga
Bruce Swenson
Terry Terman

APPROVAL OF MINUTES

Trustee Bechtel corrected the date of the April 18 Board meeting listed under “Future Meetings.”

M/S/C: Bechtel/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved minutes of the April 4, 2005 meeting as corrected

CORRESPONDENCE

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

PUBLIC HEARING

Open Negotiations for 2005-2008 *Agreement* between the District and Service Employees International Union (SEIU), Local 715, Unit 1

President Hay opened the public hearing and asked if there was anyone who wished to speak on the matter. No one wished to address the Board. President Hay then closed the public hearing.

HEARINGS: ITEMS NOT ON THE AGENDA

Trustees

Trustee Fong reported on the April 15-16 California Community College Trustees (CCCT) Board meeting. He reported that the CCCT Board supports a bill which requires that two CCCT Board members always be on the Board of Governors. He shared information from a statewide survey of likely voters which showed high support for community colleges. Lastly, he mentioned that the State Chancellor’s Office would hold a meeting on May 3 in San Jose to solicit input for the development of the systemwide strategic plan. Chancellor Martha Kanter asked Board members to let her know if they were interested in attending. Regarding the voter survey, she pointed out that voters are not aware that the community college system is underfunded.

Staff / Students / Public

Chancellor Martha Kanter reported that Assemblymember Ira Ruskin visited Foothill and De Anza to learn more about the colleges and see the Measure E construction projects last week. She also reported that she would be traveling to Sacramento again this week to provide testimony for the Senate regarding several bills. Foothill President Bernadine Chuck Fong announced that Foothill Academic Senate President Paul Starer had been appointed to the Executive Committee of the Statewide Academic Senate.

De Anza Academic Senate President Dan Mitchell reported on the recent statewide Academic Senate plenary session, at which De Anza instructors Barbara Illowsky and Paul Setziol presented a session on textbook policies and the decision was made to recommend an increase in the statewide graduation standards for Math and English following the lead of Foothill-De Anza. Faculty Association President Rich Hansen reported that the Faculty Association of California Community Colleges (FACCC) is sponsoring Senate Bill 55, which would require boards of trustees to notice

items for information and action when academic senates pass a vote of no confidence in an administrator, trustee or board.

SEIU Chapter Chair Javier Rueda spoke about the difficult budget situation, acknowledging the diligent efforts to minimize the impact on staff and the hard work of the chief stewards and Chapter Council in meeting with SEIU members to listen to their concerns. He expressed hope that he could dissuade the Board from approving layoffs. Classified staff members Art Hand, Karen Lemes, Blanche Monary, and Griselda Sigala Aguilar provided their comments and perspectives as well, lauding efforts to find ways to keep individuals employed but criticizing the decision-making behind the intended layoffs. Leah Berlanga from SEIU urged the Board to use reserves to avoid layoffs. De Anza President Brian Murphy spoke about the difficulty of the layoff decisions and commended SEIU representatives for their principled and empathetic behavior in the various meetings.

APPROVAL OF CONSENT CALENDAR

President Hay removed Item 5 from the Consent Calendar for further discussion. He also removed from the agenda, under Item 8, the personnel action recommending an unpaid leave of absence for De Anza Instructor Ron Dunn.

M/S/C: Fong/Vazquez
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-4; Items 6 and 7; Item 8 without the personnel action for Ron Dunn; and Item 9 of the Consent Calendar as follows:

Item 1 — **Approved** EXTENSION OF MEDICAL LEAVE FOR TRUSTEE ANDREA LEIDERMAN FOR THE PERIOD APRIL 1, 2005 THROUGH JUNE 26, 2005

Item 2 — **Ratified** CONTRACTS AND AGREEMENTS

Item 3 — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR FEBRUARY AND MARCH 2005

Item 4 — **Approved** INDEPENDENT CONTRACTOR AGREEMENT WITH CATERINE AYERS

Item 6 — **Approved** NEW FOOTHILL TRANSFER PROGRAM IN CHINESE

Item 7 — **Approved** BID #957 – THREE-YEAR CONTRACT FOR PRINTING AND MAILING FOOTHILL COLLEGE SCHEDULE OF CLASSES
1) Rejected bid from O’Neill Data Systems as non-responsive
2) Authorized the Director of Purchasing Services to award a three-year contract to Casey Printing pursuant to Bid #957

Item 8 — **Approved** PERSONNEL ACTIONS:

Name: **Andrew Lee**
Position: Counselor/Instructor
College: Foothill
Division: Middlefield Campus
Action: **Employment** # of months: 11
Effective Date: August 29, 2005
Compensation: Column III, Step A @ \$5,048.07 per month

Name: **Bill Patterson**
Position: Vice President
College: Foothill
Division: Instruction and Institutional Research
Action: **Retirement**
Effective Date: August 26, 2005
Comments: In accordance with Chapter XIII of the Administrators Handbook

Name: **Bernata Slater**
Position: Director, Budget and Operations
College: Central Services
Division: Business Services
Action: **New Employment Contract**
Effective Date: May 1, 2005 to June 30, 2006

Name: **Rhoda Wang**
Position: Interim Director, Budget and Personnel
College: De Anza
Division: Finance and College Services
Action: **Extension of Interim Contract**
Effective Date: July 1, 2005 to December 31, 2005
Comments: In accordance with Chapter III of the Administrators Handbook

Item 9 — **Approved HUMAN RESOURCES REPORT**

Item 5

AGREEMENT WITH TEK-SYSTEMS FOR CONTRACT PERSONNEL TO PERFORM CALL CENTER STAFF DUTIES AS A TEMPORARY LEAVE REPLACEMENT

Vice Chancellor of Technology Willie Pritchard distributed supplemental information. He explained the urgency of filling the position, the lack of interest among Educational Technology Services staff to move into the position, and the decision by the tech services supervisors that the idea of a “rolling” call center using existing staff is not viable. He also pointed out the clause which allows the District to immediately cancel the contract. SEIU Chapter Chair Javier Rueda spoke in opposition to the contract, noting that some employees may not have expressed interest in the position because they did not realize their positions were being eliminated. After further discussion, trustees Bechtel, Plotkin and Fong and President Hay stated their expectation that any employees who are laid off and who are qualified and interested will be offered the position as a temporary leave replacement; Chancellor Martha Kanter and Vice Chancellor Pritchard acknowledged that this was the intent. Since the contract includes the provision for immediate termination to allow for an internal placement, Trustee Bechtel moved approval of the agreement.

M/S/C: Bechtel/Hay
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Agreement with TEK-systems for an amount no greater than \$60,000

Item 10

BOARD POLICY 9110.1 – NUMBER OF STUDENT TRUSTEES; TERM OF OFFICE; RIGHTS

Chancellor Martha Kanter noted that the Board was only being asked to take action regarding Board Policy 9110.1. However, she reviewed for the Board's information proposed changes to Administrative Procedure 9110.1 (Student Trustee Selection Procedure) that were being discussed by the Chancellor's Advisory Council: no change regarding the minimum 2.0 GPA; revised language to allow flexibility for the college president and student trustee to determine a mutually agreed-on meeting schedule; no change regarding voluntary attendance at social functions; and the additional requirement of a letter of reference, which was supported by DASB but is still under discussion by ASFC.

Trustee Plotkin voiced strong objection to additional qualifications which, in effect, reduce the power of students to determine who can best represent them. Chancellor Kanter clarified that the letter of reference was originally proposed to come from an employee, but it was now being recommended that the letter come from anyone in the college community. Student Trustee Vazquez asked about attendance at closed sessions and the stipend limit. Chancellor Kanter explained that student trustees are not allowed to attend closed sessions involving negotiations or personnel matters; she will further investigate the stipend question.

M/S/C:	Dunn/Plotkin
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Readopted Board Policy 9110.1 with no changes

Item 11

EXTENSION OF LAYOFF DATE FOR EMPLOYMENT TRAINING ADVISOR, OCCUPATIONAL TRAINING INSTITUTE

M/S/C:	Bechtel/Plotkin
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved extension of the effective date of the layoff of Paula Israel to June 30, 2005 and authorized District representatives to provide the affected employee with at least a 45-day notice of layoff

Item 12

PRESENTATION: NEW DIRECTIONS IN EDUCATIONAL TECHNOLOGY SERVICES

Vice Chancellor of Technology Willie Pritchard gave a presentation regarding Educational Technology Services. The presentation covered the aged information system and its problems; the growth in technology compared to reductions in the level of tech staffing; the role of budget cuts in putting more emphasis on technology to increase efficiency; and efforts to move into more modern technologies, including relational databases for better flexibility, identity management for better security, wireless technology, and a portal environment to allow more self-service for end users. He addressed questions from the Board and audience. Trustee Plotkin expressed some concerns about the "community source" approach for developing the portal environment. Vice Chancellor Pritchard explained that this approach does not have restrictions to the extent that Trustee Plotkin feared, and he offered to meet individually with Trustee Plotkin to explain it in more detail and allay his

concerns. Responding to a question about the high volume of spam email messages, Vice Chancellor Pritchard explained that an enormous number of such messages were successfully being filtered out, but it is an ongoing battle to devise new techniques in response to the efforts of spammers to break through filters.

Item 13

BUDGET UPDATE

Vice Chancellor of Business Services Mike Brandy reviewed changes to 2004-05 revenues and projected expenses, noting that the net operating deficit slightly improved to \$3.5 million; however, he cautioned that this figure could easily change up or down by as much as \$2 million. He reviewed the 2005-06 budget projections, explaining that a 19% increase for the cost of Kaiser health benefits had not yet been incorporated into the projections. He also reviewed possible solutions to close the \$8.4 million budget gap: reductions of \$3 million (including elimination of positions), extensive lobbying for equalization funding from the state, and working with the Benefits Committee to prepare options to address the spiraling cost of health benefits. Trustee Plotkin commended the District for postponing the effective date of a portion of the proposed layoffs for several general fund positions, not funded by grants or enterprise funds, so that there will be more certainty in state revenues, enrollment and fund balance prior to the effective date of the layoffs.

Item 14

MEASURE E CONSENT CALENDAR

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

A. *Title:* Change Order #2
Vendor: Jensen Corporation
Agreement Date: October 18, 2004
Campus: De Anza College
Project No.: 266
Project Name: Child Development Center Landscape – Tot Lot Play Area
Amount: \$22,960
For: Modifications to the retaining wall including vinyl coated fencing
Action: Ratification

B. *Title:* Tele/Data Design Contract
Vendor: Netcor Design Systems, Inc.
Agreement Date: April 1, 2005
Campus: De Anza College
Project No.: 217
Project Name: Forum Renovation
Amount: \$9,576
For: Telecommunications design and engineering
Action: Ratification

- C.** *Title:* Tele/Data Design Contract
Vendor: Netcor Design Systems, Inc.
Agreement Date: December 13, 2004
Campus: De Anza College
Project No.: 210
Project Name: Administration Modernization
Amount: \$17,615
For: Telecommunications design and engineering
Action: Ratification
- D.** *Title:* Change Order #11
Vendor: S.J. Amoroso
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$44,734
For: Miscellaneous construction changes including: plumbing, electrical, mechanical, architectural, and overtime for critical path activities
Action: Ratification
- E.** *Title:* PAA #D11
Vendor: Sandis Humber Jones
Agreement Date: March 16, 2005
Campus: De Anza College
Project No.: 210
Project Name: Administration Modernization
Amount: \$4,800
For: Topographic survey locating the administration buildings, surrounding buildings, and surface features
Action: Ratification
- F.** *Title:* Change Order #7
Vendor: Trident Builders
Agreement Date: February 24, 2004
Campus: Foothill College
Project No.: 115
Project Name: PE Renovations
Amount: \$16,939
For: Add for miscellaneous interior changes in buildings 21500 and 2800
Action: Ratification

- G.** *Title:* Change Order #3
Vendor: Vitton Construction
Agreement Date: December 14, 2003
Campus: De Anza College
Project No.: 224
Project Name: S-Quad Modernization
Amount: \$40,393
For: Miscellaneous carpentry, drywall and electrical work associated with Phase 1-A
Action: Ratification
- H.** *Title:* Revision #1 to PO #H352891
Vendor: Sugimura & Associates Architects, Inc.
Agreement Date: October 24, 2002
Campus: De Anza College
Project No.: 266
Project Name: Child Development Center Landscape – Tot Lot Play Area
Amount: \$16,000
For: Provide design and landscape architectural construction administration services
Action: Ratification
- I.** *Title:* Change Order #10
Vendor: S.J. Amoroso
Agreement Date: January 16, 2004
Campus: De Anza College
Project No.: 248
Project Name: Kirsch Center for Environmental Studies
Amount: \$24,976
For: Misc. construction changes including: door hardware revisions, revised backflow device for new water service; misc. metal work; and light switch relocations
Action: Ratification
- J.** *Title:* Budget Transfer
Campus: De Anza College
Project No.: 220
Project Name: P.E. Quad
For: Project-to-project budget transfer in the amount of \$400,000 from Project 246 Flood Control Pumps to Project 220 PE Quad to accommodate scope enhancement for mechanical, elevator and roofing systems
Action: Ratification

Item 15

AMENDMENT #2 TO INDEPENDENT CONTRACTOR AGREEMENT WITH STEPHEN P. DONOHUE FOR INSPECTION SERVICES

M/S/C: Fong/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Amendment #2 to the Independent Contractor Agreement with Stephen P. Donohue for a total contract amount not to exceed \$314,520

Item 16

AGREEMENT FOR PROFESSIONAL SERVICES WITH ARCHITECTURAL RESOURCES GROUP FOR CALIFORNIA HISTORY CENTER PROJECT #225

Executive Director of Facilities, Operations and Construction Management John Schulze asked that the Board approve the agreement contingent on changes to the contract to clarify the scope of work to a degree more consistent with the District’s practice.

M/S/C: Plotkin/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Awarded a contract for the restoration/repair of the historic California History Center to Architectural Resources Group for the amount of \$31,025, contingent on changes to the contract to clarify the scope of work to a degree more consistent with the District’s practice

DATES TO REMEMBER

May 2, 2005 — Regular Meeting
May 16, 2005 — Regular Meeting at Appreciation Hall, Foothill College

ADJOURNMENT

President Hay adjourned the meeting at 8:27 p.m.

jco
Approved: 5/2/05

Martha J. Kanter, Chancellor
Secretary, Board of Trustees