



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

June 20, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 5:30 p.m. in Room 1401 of Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022.

Trustees Present:

Sandy Hay, President
Betsy Bechtel, Vice President
Paul Fong
Andrea Leiderman (for closed session only)
Hal Plotkin

for Public Session

Bridget Howe, Foothill College Student Trustee
Maryam Noor, De Anza College Student Trustee

CLOSED SESSION

The Board immediately adjourned into closed session in Room 1405 with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Number of Potential Cases: 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: FPPC No. 02/363

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
Brian Murphy, President of De Anza College

RE-CONVENE PUBLIC SESSION

President Hay re-convened the public session at 6:03 p.m. in Room 1401. 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>	Shirley Barker	Rob Johnstone	Frank Nunez
	Mike Brandy	Martha Kanter	Jon O’Bergh
	Claudette Brero-Gow	Marsha Kelly	Willie Pritchard
	Robert Cormia	Naomi Kitajima	Carmen Redmond
	Dolores Davison	Chuong Le	Javier Rueda
	Jeff Dickard	Ron Levine	John Schulze
	Jane Enright	Mary Jo Lomax	Griselda Sigala-Aguilar
	Bernadine Chuck Fong	Christine Mangiamelli	Bernata Slater
	Andy Fraknoi	Judy Miner	Marisa Spatafore
	Robert Griffin	Dan Mitchell	Paul Starer
	Rich Hansen	Blanche Monary	Susan Tavernetti
	Robert Hartwell	Brian Murphy	Bret Watson
	Jeanine Hawk	Rose Myers	

Press: None

Students : Adrian Diaz
Thoi Trinh

<i>Public:</i>	Leah Berlanga	Linda Montgomery	Bruce Swenson
	Laura Casas Frier	Stephen Pond	Terry Terman
	Danny Le	Robert C. Smithwick	
	Julia Miller	Nick Steierup	

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

M/S/C: Bechtel/Plotkin
Advisory vote: 1 yes (Howe); Noor absent
Board vote: unanimous
Action: Approved minutes of the June 6, 2005 meeting

AUDIT & FINANCE COMMITTEE REPORT

Trustee Plotkin reported that the Audit & Finance Committee was provided updates on the budget, Measure E projects, retiree medical benefits liability, and the 2004-05 audit. He expressed hope that the District would work collaboratively with the Faculty Association to address concerns about how to address the unfunded retiree medical benefits liability. Trustee Fong noted that the Committee also discussed additional facility needs and a possible bond measure.

CORRESPONDENCE

President Hay 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 Plotkin requested that the Board schedule an agenda item at the next meeting to discuss the findings of the Office of Civil Rights concerning a complaint of discrimination filed by Foothill soccer students as a result of a game held at another college. Student Trustee Howe introduced the new ASFC President, Adrian Diaz. Trustee Fong reported that he attended a CCCT Board meeting and an ACCT Board meeting. He also co-chaired a meeting of Advocates for a Better Cupertino, which is fighting no-growth measures, and chaired the annual AACI dinner. President Hay announced that Trustee Fong agreed to act as a mentor for Student Trustee Noor, and Trustee Bechtel would mentor Student Trustee Howe.

Staff

Chancellor Martha Kanter acknowledged founding trustee Robert C. Smithwick, who was in the audience. She thanked Foothill Vice President of Educational Resources and Instruction Alan Harvey for arranging a tour of the college's facilities for an architectural heritage non-profit organization. She reported that she attended the AACI dinner and a piano recital fund-raiser for De Anza scholarships sponsored by the Iranian Federated Women's Committee. She also visited Sutter Health Services to learn about its partnership with the Los Rios Community College District's nursing program.

De Anza President Brian Murphy reported that the college was awarded a small business development center grant by the federal Small Business Administration for a program that serves the District. Foothill President Bernadine Chuck Fong reported the sad news that longtime counselor Jean Thomas, founder of the Pass the Torch program, passed away.

Executive Director of Facilities, Operations and Construction Management John Schulze requested that Item 17 be moved up on the agenda for the benefit of the presenter, architect Nick Steierup.

Students / Public

Robert C. Smithwick expressed his pleasure to learn that Foothill College, which won several architectural awards when it first opened, is still being recognized for its architectural heritage.

De Anza EOPS students Thoi Trinh and Danny Le, classified staff member Griselda Sigala-Aguilar and EOPS Services Coordinator Chuong Le spoke about the value provided to students by that position, which had been identified for elimination due to budget constraints. SEIU representative Leah Berlanga commended the Board, Human Resources and De Anza President Murphy for their work to rescind some of the layoffs, but asked for the Board's help in assuring the placement of laid-off employees in new positions. She also spoke in support of Blanche Monary, who provides a valuable service helping students find jobs. Ms. Monary, supported by De Anza alumnus Linda Montgomery, also addressed the Board regarding her proposed layoff and urged the Board to seek an alternative solution. SEIU Chapter Chair Javier Rueda spoke about the value provided by the employees whose positions were slated for elimination.

APPROVAL OF CONSENT CALENDAR

President Hay removed Item 10 from the Consent Calendar. Trustee Plotkin noted with sadness the retirement of De Anza instructor John Lovas.

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-9 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** B WARRANTS FOR APRIL AND MAY 2005

Item 3 — **Approved** GANN APPROPRIATION LIMIT AT \$207,576,218 FOR 2005-06

Item 4 — **Approved** RENEWAL OF PLANNED PARENTHOOD MAR MONTE CONTRACT FOR 2005-06

Item 5 — **Approved** RENEWAL OF OF CONTRACT WITH STANFORD UNIVERSITY FOR PRIMARY CARE ASSOCIATE PROGRAM

Item 6 — **Approved** PURCHASE OF CHAIRS FOR THE DE ANZA COLLEGE STUDENT AND COMMUNITY SERVICES BUILDING
Authorized the District Purchasing Director to issue purchase orders to Pivot Interiors not to exceed \$79,831 pursuant to Santa Clara County Contract #5500000640

Item 7 — **Approved** FOOTHILL COLLEGE STUDENT EQUITY PLAN AND DE ANZA COLLEGE STUDENT EQUITY PLAN

Item 8 — **Approved** REVISED BOARD POLICY 3217 — NON-SMOKING POLICY

Item 9 — **Approved** PERSONNEL ACTIONS:

Name: **John Lovas**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Retirement**
Effective Date: June 24, 2005
Comments: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association.

Name: **Tesha McCord Poe**
Position: Instructor
College: De Anza
Division: Social Science and Humanities
Action: **Employment** # of months: 10
Effective Date: September 22, 2005
Compensation: Column V, Step A @ \$5,530.45 per month

Name: **Tobias Nava**
Position: Psychological Services Counselor
College: Foothill
Division: Counseling
Action: **Employment**
Effective Date: August 1, 2005 # of Months: 11
Compensation: Column III, Step F @ \$6,259.66 per month

Name: **Tisa Abshire Walker**
Position: Instructor
College: De Anza
Division: Social Science and Humanities
Action: **Retirement**
Effective Date: June 24, 2005
Comments: In accordance with Article 21 of the *Agreement* between the District and the Faculty Association.

Item 10

HUMAN RESOURCES REPORT

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright clarified that the three employees whose positions were listed in the Human Resources Report for elimination do not have bumping rights, but they are participating in the internal placement process. She added that interviews are still occurring. If further positions become vacant, the internal placement process would be used, as agreed with SEIU. De Anza President Brian Murphy spoke of the need to make budget decisions from an institutional perspective and reiterated his commitment that, as positions open up, those positions will be made available for interview to employees who have been laid off. Trustee Fong asked if the elimination of the EOPS position would result in no Vietnamese-speaking staff, and De Anza Vice President of Student Services Robert Griffin explained that there are still three counselors who are fluent in Vietnamese. He also explained details of the funding for the EOPS position and the reorganization in light of the elimination of the position.

Trustee Plotkin said that none of the trustees want to lay off a single employee, but pointed out that dilemma posed by the fact that expenses exceed revenue. He added that he has great respect for the integrity of De Anza President Murphy and is reassured that Dr. Murphy’s commitment to make every effort possible to place laid-off employees. Trustee Bechtel noted how much care staff has exhibited to reduce the impact of layoffs. She also pointed out that the category “Permanent Contract Increases” in the report should read “Permanent Contract Decreases.”

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Human Resources Report

Item 11

HUMAN RESOURCES REPORT

Foothill President Bernadine Chuck Fong and Chancellor Martha Kanter presented Foothill instructor Andrew Fraknoi with the 2005 Innovation of the Year Award. Dr. Fraknoi spoke about

the value and gratification he receives teaching at Foothill. Board members shared anecdotes and commended Dr. Fraknoi on his award.

Item 12

PRESENTATION — LEARNING MATTERS MOST: ENABLING STUDENT SUCCESS

Chancellor Martha Kanter pointed out that the Board’s work ties back to the mission of the District, as exemplified by presentations such as this which focus on pedagogy and learning strategies that enable student success. De Anza Film/TV Instructor Susan Tavernetti gave a teaching demonstration, followed by a teaching demonstration by Foothill Music Instructor Robert Hartwell. Both presentations served as examples of excellent teaching that fosters high learning outcomes and student success.

Item 17

PRESENTATION ON DESIGN FOR MULTIPURPOSE DISTRICT FACILITIES

Perkins and Will architect Nick Steierup presented a proposal for a new two-story District office building on the site of the Griffin House. He noted that goals of the design are to preserve parking, preserve mature trees, take into consideration the high visibility of the site, and provide a strong relationship to the architecture of the current District building and the rest of the campus. The Board Room would serve multiple purposes, including classroom space. Trustee Plotkin asked about photovoltaics on the roof; Mr. Steierup explained that it would be possible, but current pricing makes this choice difficult. He added that other ways to make the building environmentally sustainable — e.g., LEED (Leadership in Energy and Environmental Design) certified — are being considered. Trustee Bechtel pointed out the importance of not placing the screen behind the Board seats. Executive Director of Facilities, Operations and Construction Management John Schulze explained that additional parking will need to be provided.

Item 13

FOOTHILL SELF-STUDY FEPORT FOR RE-ACCREDITATION; DE ANZA SELF-STUDY REPORT FOR RE-ACCREDITATION

Foothill President Bernadine Chuck Fong and De Anza President Brian Murphy presented the college accreditation self-study reports and reviewed the accreditation process. Dr. Murphy distributed some textual amendments for the De Anza accreditation self-study. Trustees Bechtel and Plotkin commended the colleges on their hard work. Chancellor Martha Kanter pointed out that the critical elements of each self-study are the planning recommendations at the end of each section, which informs how the colleges and District will approach the implementation of its Educational Master Plans.

- M/S/C:** Plotkin/Fong
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved the Foothill and De Anza Self-Study Reports for Re-Accreditation

Item 14

PAYMENT TO UNFUNDED RETIREE MEDICAL LIABILITY

Vice Chancellor of Business Services Mike Brandy explained that the money would be moved into a District account but the move would not be irrevocable; however, as the GASB compliance date draws near, he will be recommending that the Board transfer the funds into either an irrevocable trust within the District or a joint powers agency irrevocable trust. President Hay asked if there were any comments from the Audit & Finance Committee, and Vice Chancellor Brandy noted the request to work collaboratively with the Faculty Association to address concerns about how the liability is addressed.

Faculty Association (FA) President Rich Hansen stated that he does not approve of the transfer in light of the recent layoffs, stressing that it is not a good use of District funds at this time. He said FA does recognize that the unfunded liability is a problem and is eager to work with the District to address the issue, then he distributed a graph that provided a different interpretation of the extent of the problem. SEIU Chapter Chair Javier Rueda also voiced his opposition, saying the funds could be used to prevent layoffs.

Trustee Fong said he needed time to understand the information presented by Rich Hansen, and wanted to make a decision that keeps the District solvent. Trustee Plotkin expressed his view that, since the funds would not be transferred irrevocably, he was inclined to support the action, and there would be time for the District and FA to work collaboratively without making a decision that cannot be changed. Trustee Bechtel shared Hansen's concerns, but said the District needs to take steps now to prevent a terrible problem later. President Hay said he would like Rich Hansen and Mike Brandy to work with the data and come to a common understanding.

M/S/C:	Plotkin/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the transfer of \$500,000 from the General Fund to a new District fund to use for unfunded retiree medical benefits

President Hay called a five minute recess at 8:42 p.m., then reconvened the meeting at 8:47 p.m.

Item 15

2005-06 TENTATIVE BUDGET

Vice Chancellor of Business Services Mike Brandy presented the tentative budget. He noted the projected 2004-05 unrestricted ending balance of \$729,000 that would roll forward to 2005-06. Based on a number of assumptions, the projected 6/30/06 ending balance for the tentative budget is \$1.8 million. He explained that the District will be trying to grow back to its enrollment base; there is the potential to grow above the base, but that is not built into the budget. He emphasized that not achieving the enrollment base would jeopardize funds that the District is counting on. He reviewed significant revenue and expense items, including \$640,000 budgeted for the unfunded retiree medical benefit liability. He reviewed other funds, including special education, grants, parking, enterprise funds, Flint Center, and the Child Development Center. He pointed out that the District will be able to serve an estimated 34,458 FTES, provide adequate support services to assist with student success, and maintain 5% reserves.

Trustee Bechtel thanked Vice Chancellor Brandy and Director of Budget Operations Bernata Slater for including additional information in the budget document that she requested. She asked if it is realistic for the District to try to reach the enrollment level experienced when unemployment was higher several years ago. Vice Chancellor Brandy said he believes the projections are attainable, and Chancellor Martha Kanter said that experts believe there is latent demand now that the enrollment fee increase is a year old.

M/S/C: Fong/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the 2005-06 Tentative Budget

Item 16

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #13
Vendor: S. J. Amoroso Construction Company
Agreement Date: January 16, 2004
Campus: De Anza College
Project No.: 248
Project Name: Kirsch Center for Environmental Studies
Amount: \$31,584
For: Structural steel revisions
Action: Ratification
- B.** *Title:* Change Order #14
Vendor: S. J. Amoroso Construction Company
Agreement Date: January 16, 2004
Campus: De Anza College
Project No.: 248
Project Name: Kirsch Center for Environmental Studies
Amount: \$8,613
For: Miscellaneous construction changes including roofing, steel bracing and concrete pad
Action: Ratification
- C.** *Title:* Change Order #1
Vendor: O. C. Jones & Sons, Inc.
Agreement Date: February 17, 2005
Campus: De Anza College
Project No.: 234
Project Name: Athletic Fields
Amount: \$25,075
For: Off haul 6” of unsuitable topsoil for athletic fields
Action: Ratification

- D.** *Title:* Change Order #12 (Revision)
Vendor: California Plus Engineering, Inc.
Agreement Date: January 5, 2004
Campus: De Anza College
Project No.: 267
Project Name: A-Quad Modernization Phase II
Amount: \$9,544
For: Change Order #12 revision supersedes Change Order #12 submitted on May 15, for miscellaneous changes which included painting, data lines, electrical, and carpentry
Action: Ratification
- E.** *Title:* Change Order #16
Vendor: Hensel Phelps Construction Co.
Agreement Date: November 25, 2003
Campus: De Anza College
Project No.: 203
Project Name: Student and Community Services
Amount: \$48,681
For: Added exterior door card readers, lock cylinders, grading and landscape elevation & scope adjustments, and additional fiber port patch panel
Action: Ratification

Item 18

INDEPENDENT CONSTRUCTION SERVICES AGREEMENT WITH QUALI-CON ENTERPRISES, INC.

- M/S/C:** Plotkin/Howe
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved an agreement for general construction inspection services with Quali-Con Enterprises, Inc. for an amount not to exceed \$533,200

DATES TO REMEMBER

July 11, 2005 — Regular Meeting and Study Session
August 1, 2005 — Regular Meeting and Study Session

ADJOURNMENT

President Hay adjourned the meeting at 9:23 p.m.

jco
Approved: 7/11/05

Martha J. Kanter, Chancellor
Secretary, Board of Trustees