



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

May 2, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 5:00 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

CLOSED SESSION

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright
Employee Organizations: SEIU

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
Brian Murphy, President of De Anza College

RE-CONVENE PUBLIC SESSION

President Hay re-convened the public session at 6:00 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>	Paul Aguilar Dorie Anderson Margaret Bdzil Mike Brandy Ed Breault Claudette Brero-Gow Bev Buranek John Christenson John Cognetta Martha De La Cerda Cynthia Denman Jeff Dickard Al Dominguez Don Dorsey Jane Enright Christina Epinosa-Pieb Bernadine Chuck Fong Marie Fox Ellison Maureen Gates Robert Griffin Agnes Hamilton Art Hand	Rich Hansen Jeanine Hawk Diane Hawley Alex Hochstraser Ken Horowitz Martha Kanter Shirley Kawazoe Karen Lemes Rebecca Levin Ron Levine Mary Jo Lomax Ellen Lyon Judy Miner Dan Mitchell Blanche Monary Brian Murphy Barbara Nunez Frank Nunez Jo Ann Okabe-Kubo Jon O’Bergh Mike Paccioretti Pam Parker	Maria Perezalonso Willie Pritchard Carmen Redmond Julie Riggins Jan Rindfleisch Larry Rouse Javier Rueda Shelley Schreiber Virginia Slayton Daphne Small Marisa Spatafore Paul Starer Trung Thai Lori Thomas Kathleen Turner Steve Walton Bret Watson Janice Winkel Lauren Wong LaDonna Yumori-Kaku
<i>Press:</i>	None		
<i>Students</i> :	Kee Hoon Chung Chris Custer Nadine Foster-Mahar Nancy Gell	Andrew Heath Henna Khan Marcus Lam Valentino Lin	Mohamed Traore Michael Warrington Joseph Wong Marie-Paule Yao
<i>Public:</i>	Laura Casas Frier Helen Lewis Julia Miller	Brian Parks Nick Steinmeier Victoria Strelnikova	Bruce Swenson Terry Terman Sarah Wiehe

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

Trustee Bechtel made one correction to the minutes of the April 18, 2005 meeting regarding the discussion of Item 5.

- M/S/C:** Bechtel/Vazquez
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved minutes of the April 18, 2005 with the correction as noted

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

Trustees Bechtel, Fong, Plotkin and Vazquez reported on the Annual Trustees Conference and the informative presentations they attended. Trustee Plotkin mentioned in particular a presentation on San Francisco City College's program that takes advantage of legally permissible strategies to do more business with small, local businesses, which tend to be owned by minorities and women. He suggested that a presentation on the program be given for the District. He also reported on a presentation concerning a survey of likely voters which revealed high support for community colleges but a lack of awareness that community colleges are severely underfunded. Trustee Fong reported that he attended a dinner sponsored by a local organization at which Trustee Leiderman was awarded "Volunteer of the Year" for her role as a volunteer in the community over the past two decades.

Staff

Chancellor Martha Kanter announced that an Economic Impact Study of the District was underway and the results would be reported at a Board meeting in the Fall. She reminded the Board of the May 3 California Community Colleges Strategic Planning meeting in San Jose and invited the Board to attend. She reported that she attended a meeting of underfunded districts at the annual California Community College Trustees conference and updated the Board on efforts to increase the District's funding to a level closer to the statewide average. She noted that information from the Governor's May Report should be available to share at the May 16 Board meeting.

Foothill President Bernadine Chuck Fong invited the Board to the commemorative brick ceremony to benefit the Krause Center for Innovation. She announced a variety of events in celebration of Latino Heritage Month and distributed information on the Sofia Project, cooperative work experience, and Financial Aid. Lastly, she announced that the California Virtual Campus awarded Foothill instructor Carolyn Brown second place for her online teaching site.

De Anza President Brian Murphy announced events in celebration of Latino Heritage Month and reported on recent meetings he attended with Chancellor Kanter, President Bernadine Chuck Fong and colleagues at the University of California, Santa Cruz and California State University, East Bay to discuss enhancing collaborative efforts between the systems of higher education.

Foothill instructor Ken Horowitz expressed concerns regarding 1) safety and the perimeter road, and 2) the Board's approval of the Pepsi contract in light of the nation's obesity problem.

Students / Public

A De Anza student who gave his name as Michael Warrington addressed the Board to urge scheduling meetings in a larger facility when an overflow crowd is expected.

APPROVAL OF CONSENT CALENDAR

M/S/C: Vazquez/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-5 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Approved** DE ANZA CHILD DEVELOPMENT STUDY TRIP

Item 3 — **Approved** AWARD OF CONTRACT FOR NEW ULTRASOUND MACHINE, BID #993 AND SALE/DISPOSAL OF OBSOLETE DIAGNOSTIC ULTRASOUND MACHINE as follows:

- 1) Authorized the District Purchasing Director to award the contract to G.E. Healthcare for the amount of \$99,482; and
- 2) Authorized the District Purchasing Director to sell or recycle the old machine pursuant to Education Code 81452

Item 4 — **Approved** PERSONNEL ACTIONS:

Name: **Sukari Ivester**
Position: Instructor
College: Foothill
Division: Business and Social Sciences
Action: **Resignation**
Effective Date: June 24, 2005

Name: **Shirley Bowles Kendall**
Position: Instructor
College: De Anza
Division: Workforce and Economic Development
Action: **Employment** # of months: 12
Effective Date: July 1, 2005 – June 30, 2006
Compensation: Column II, Step M @ \$7,664.41 per month
Comments: In accordance with Education Code Section 87470

Name: **Motosuke Ohtake**
Position: Instructor
College: De Anza
Division: Creative Arts
Action: **Employment** # of months: 10
Effective Date: September 22, 2005
Compensation: Column II, Step A @ \$4,801.22 per month

Name: **Randolf Splitter**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Reduction in Contract of 34.5%**
Effective Date: September 22, 2005 – June 30, 2006
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Name: **Deborah Stern**
Position: Instructor
College: De Anza
Division: Special Education
Action: **Reduction in Contract of 10%**
Effective Date: September 22, 2005 – June 30, 2006
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Name: **Kella Svetich**
Position: Instructor
College: Foothill
Division: Language Arts
Action: **Employment** # of months: 10
Effective Date: September 22, 2005
Compensation: Column V, Step C @ \$6,016.61 per month

Item 5 — **Approved HUMAN RESOURCES REPORT**

Item 6

APPROVAL OF 2005-06 ASFC BUDGET

Officers of the Associated Students of Foothill College (ASFC) — President Kee Hoon Chung, Fundraising Coordinator Valentino Lin, Vice President of Finance Mohamed Traore, Vice President of Administration Chris Custer and Finance Board Agent Marie-Paule Yao — presented the 2005-06 ASFC budget. Student Trustees Dunn and Vazquez commended the students on the presentation. Student Trustee Vazquez asked ASFC President Chung to elaborate on the expansion of a program to fund the purchase of textbooks that are available to students through the library. Foothill President Bernadine Chuck Fong added that matching funds for this program are being provided by the Foundation. She thanked the students for their patience this year in light of the closure of the campus center. Commending the students on their efforts and professionalism, Trustees Bechtel and Plotkin urged them to remember the Foundation after they have become successful in their careers.

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

Item 7

APPROVAL OF 2005-06 DASB BUDGET

De Anza Associated Student Body (DASB) President Nadine Foster-Mahar and ASFC President Chung acknowledged the collaboration between the two student body organizations during the year and expressed hope for continued collaboration in future years to better serve students. DASB President Foster-Mahar and Vice President of Budget and Finance Henna Khan then presented the 2005-06 DASB Budget. Student Trustee Dunn pointed out that students in the coming year will benefit from the decisions made by DASB and thanked them for their hard work. President Hay also thanked the students for their presentation.

M/S/C:	Dunn/Vazquez
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the 2005-06 DASB Budget

Item 8

LAYOFF DUE TO LACK OF FUNDS

President Hay opened discussion of the agenda item, underscoring how unpleasant it was for the Board to be faced with this decision. Vice Chancellor of Human Resources and Equal Opportunity Jane Enright pointed out that the name of Cynthia Dowling was on the list due to a clerical error and should be removed. She spoke of the painful decision-making that occurred throughout the District in recommending the necessary reductions. She noted that there are no longer funds available for temporary fixes and stressed that the real culprit is the state's underfunding of California community colleges. She also pointed out the ways in which all employee groups are being affected by the budget problems, including the elimination of administrator positions, faculty positions that have gone unfilled, increased employee workload, and reductions affecting part-time faculty.

Vice Chancellor Enright indicated that the first effective date for the proposed elimination of positions — June 30 — reflected necessary structural changes and reductions in categorical funding. The second effective date — August 31 — will allow the District greater flexibility to react to the governor's recommendations in the May revise, which may include some additional funding. Whether and how much additional funding may be included will be unclear until the state budget is finalized in the summer. Vice Chancellor Enright emphasized that the District continues to search for solutions for employees directly affected, noting that the employment services staff is providing assistance to each employee and the Employee Assistance Program (EAP) has been notified that employees may require additional counseling and referrals.

Chancellor Martha Kanter emphasized the professionalism and dedication of all involved in the grueling process and again highlighted the inadequate level of state funding. Trustee Fong inquired about alternative solutions such as a parcel tax. Vice Chancellor of Business Services Mike Brandy responded that no community college has passed a parcel tax because of the high threshold for passage. He also mentioned that, were Foothill-De Anza to be funded at the national average for community colleges, the District would have an additional \$120 million annually.

Part of the discussion revolved around Foothill's creation of positions for staff who would otherwise have "bumping" rights to positions held by current Foothill employees. Foothill President Bernadine Chuck Fong noted that the college is covering its share of cuts with its ending balance and that the

newly created positions will be funded through dollars accumulated by holding open vacant positions. In response to a question from Trustee Plotkin, she noted that she worked closely with Vice Chancellor Enright and De Anza President Brian Murphy on the transition plan. Trustee Plotkin urged an analysis of where positions would most benefit students.

Foothill student Victoria Strelnikova; employees Paul Aguilar, Dorie Anderson, Margaret Bdzil, John Christenson, Martha De La Cerda, Agnes Hamilton, Art Hand, Rich Hansen, Alex Hochstraser, Rebecca Levin, Blanche Monary, Maria Perezalonso, Jan Rindfleisch, Larry Rouse, and Javier Rueda; Euphrat Chair Helen Lewis; and SEIU representative Nick Steinmeier each addressed different aspects of the issue, including the impact of layoffs, concerns about how management decisions were made, the structural changes represented by the layoffs, the use of reserves and other solutions. Trustees Bechtel and Plotkin expressed concern about some accusations raised by a couple of staff members who addressed the Board and urged the District to follow up.

Trustee Plotkin explained how he has been seeking alternative solutions to avoid layoffs, including many of the suggestions offered tonight, and explained how those solutions do not provide the necessary relief. Trustee Fong asked about delaying the layoff notices and was advised by Vice Chancellors Brandy and Enright that in order to comply with the law and give employees as much time as possible to plan, the notices should be sent now, but could be rescinded later if the budget situation improves. Trustee Bechtel spoke about the use of reserve funds, noting how they would provide only very limited relief and could result in the state taking control of the District's finances and decision-making. She also pointed out that revenues and expenses are structurally out of balance, and while the District has tried to postpone addressing the issue in hopes of an improving revenue situation, there are no longer resources available to allow action to be postponed. She asked about the director's positions for the Euphrat Museum and the California History Center. De Anza President Brian Murphy explained how the college was able to retain the position at the History Center with an alternative funding source; a similar discussion was underway regarding the position at the Euphrat. Trustees Bechtel, Fong, Plotkin and President Hay all expressed deep regret at the necessity of acting on the proposal before them, but expressed hope that the state would provide the funding needed to rescind the layoffs in the coming months.

M/S/C:	Bechtel/Plotkin
Advisory vote:	2 no
Board vote:	unanimous
Action:	Approved the elimination of the positions and authorized District representatives to provide the employees listed below with 45-day notices of layoff:

Effective July 1, 2005, the following classified employees are subject to layoff for lack of funding:

- Donna Lambrecht, Administrative Assistant Senior
- Kenneth DiMare, Bookstore Buyer/Gen Merchandise
- Diane Hawley, Bookstore Lead Buyer
- Blanche Monary, Employment Training Advisor
- Chong Le, EOPS Service Coordinator
- Janet Rindfleisch, Executive Director, Museum
- Trung Thai, Press Operator II
- Thelma Redmon, Program Coordinator I
- Jane Chavis, Program Coordinator I
- Janice Winkel, Media Relations/Edit Coordinator

William Lewis, District Utility Coordinator
Vicki Criddle, Staffing and Facilities Coordinator
Dorie Anderson, Testing Proctor

Effective September 1, 2005, the following classified employees are subject to layoff for lack of funding:

Rebecca Levin, Academic Advisor
Maria Perezalonso, Academic Advisor
Barbara Dahlke, Academic Advisor
Regina Zoloyeva, Accounts Payable Assistant
Martha De La Cerda, Budget Analyst
Thomas Costa, Business Analyst
Natalia Jimenez, Human Resources Technician
Marilyn Booye, Employment and Classification Coordinator
Paul Aguilar, Technology Services Technician
John Christenson, Workstation & Systems Support Technician I
Mark Zlotkowski, Apprentice I, Heat/Vent/AC
Michael Vines, Grounds Gardener IV

Whereas, the above listed employees may exercise “bumping rights” into other classified positions in accordance with the Education Code and their respective collective bargaining Agreements with the District, the following employees may be subject to layoff:

Lucy Rodriguez, Administrative Assistant, Senior
Amelia Sanchez, Secretary, Senior
Susan Almendarez, Admissions and Records Assistant
Joyce Henderson McLeod, Testing Proctor
Patricia Whelan, Communications Operator/Receptionist
Amelia Quiros, Bookstore Courseware Coordinator
Marie Findrick, Program Coordinator
Rosalinda Jen, Division Administrative Assistant
Jeffrey Dickard, Employment Training Advisor
Dawna O’Malley, Financial Aid Assistant
Jose Mardueno, District Construction Laborer
Frante Corrales, Custodian III
Ha Nguyen, Custodian II
Reyes Hernandez, Grounds Gardener IV
Alberto Navarro, Grounds Gardener II
Rosa Sousa, Custodian II
Jesus Solorzano, Custodian I
Jackie Minns Smith, Accounts Payable Assistant
Becki DiGregorio, Division Administrative Assistant
Deborah Haynes, Human Resources Technician
Caryn Plum, Financial Aid Assistant
Patricia Conens, Human Resources Specialist

Item 9

AWARD OF CONTRACT FOR STUDENT ID CARD SYSTEM PURSUANT TO BID #971

Student Trustee Dunn asked two questions about the current system. Vice Chancellor of Business Services Mike Brandy responded that the cost of the current contract is \$283,000 per year, and Director of Purchasing and Material Services Carmen Redmond explained that there have been problems with the system, so Bid #971 was written to address those shortcomings.

M/S/C: Bechtel/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the Director of Purchasing Services to award a contract to Capture Technologies pursuant to Bid #971

Item 10

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Revision #1 to PO M555766
Vendor: Salas O'Brien Engineers
Agreement Date: April 6, 2005
Campus: De Anza College
Project No.: 218
Project Name: Learning Center
Amount: \$2,250
For: Perform selected controls review and re-commissioning of selected HVAC equipment
Action: Ratification
- B.** *Title:* Revision #2 to PO H352883
Vendor: DES Architects
Agreement Date: October 30, 2002
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$1,430
For: Sub consultants (ENCON) services to provide lighting for PE-1, Room 13
Action: Ratification

- C.** *Title:* Revision #1 to PO M555752
Vendor: Cleary Consultants
Agreement Date: August 2, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$4,300
For: Sitework observation and testing for sewer lateral trenches, under-floor plumbing and electrical trenches, and fire water trench; subgrade preparation and baserock compaction for south deck and main entry; and remaining concrete flatwork and AC re-paving
Action: Ratification
- D.** *Title:* Change Order #11
Vendor: SJ Amoroso
Agreement Date: January 16, 2004
Campus: De Anza College
Project No.: 220
Project Name: Kirsch Center for Environmental Studies
Amount: \$28,736
For: Miscellaneous construction changes including: additional reinforcing steel, revised projector mounts, additional outlets for speakers, added window sealants, and miscellaneous drywall
Action: Ratification
- E.** *Title:* Revision #5 to PO M453102
Vendor: Sugimura & Associates
Agreement Date: June 19, 2003
Campus: Foothill College
Project No.: 133
Project Name: Sciences II
Amount: \$2,794
For: Additional scope for design revision including 6100
Action: Ratification
- F.** *Title:* Revision #1 to Project Assignment Amendment #10
Vendor: ECS
Agreement Date: December 18, 2001
Campus: Foothill College
Project No.: 115
Project Name: Physical Education Renovation
Amount: \$2,500
For: Additional services for testing and other services due to asbestos abatement work
Action: Ratification

G. *Title:* Change Order #8
Vendor: Trident Builders
Agreement Date: February 24, 2004
Campus: Foothill College
Project No.: 115
Project Name: Physical Education Renovation
Amount: \$9,861
For: Add for asbestos abatement work in 2800, 2500, and utility tunnels
Action: Ratification

H. *Title:* Revision #5 to Project Assignment Amendment #20
Vendor: Perkins & Will
Agreement Date: October 30, 2000
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$5,533
For: Supplemental structural engineering to provide lengths of steel reinforcing for drilled concrete piers, based on additional sub-surface boring information now available to due to demolition of existing building
Action: Ratification

Item 11

AGREEMENT FOR CONSULTANT SERVICES WITH ARCHITERRA, LLP

Trustee Fong asked about the minimum contract amount needing Board approval. Director of Purchasing Services Carmen Redmond responded that there is no minimum for construction contracts, which all must be approved by the Board, but in other cases the minimum is \$20,000.

M/S/C: Fong/Vazquez
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Agreement with Architerra, LLP in the amount, including reimbursable expenses, not to exceed \$16,000

Item 12

AWARD OF CONTRACT PURSUANT TO BID #961-146 – FIELDHOUSE AND RESTROOMS, Foothill College

Director of Construction Program Management Claudette Brero-Gow explained that the project qualified for partial funding by state capital outlay funds since its relocation was necessary due to the earthquake fault. Foothill instructor Ken Horowitz expressed concern about construction projects being over budget. Foothill President Bernadine Chuck Fong responded that all projects are carefully scrutinized, and that material and labor costs can quickly change due to market conditions between the time professional estimators prepare estimates and the bids are finally received. She emphasized that the bid coming in over budget was not due to any lack of oversight. Trustee Fong acknowledged how the recent increase in steel prices, the availability of contractors to perform the work, and other variables affect construction costs and are beyond the District's control.

M/S/C: Plotkin/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the Director of Purchasing Services to award a contract not to exceed the amount of \$2,375,000 for the Base Bid Amount to the lowest responsible bidder, Aztec Consultants, contingent upon the bid award approval by the State of California

DATES TO REMEMBER

May 16, 2005 — Regular Meeting
June 6, 2005 — Regular Meeting

ADJOURNMENT

President Hay adjourned the meeting at 9:35 p.m.

jco
Approved: 5/16/05

Martha J. Kanter, Chancellor
Secretary, Board of Trustees