



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

October 3, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 2:30 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:

Sandy Hay, President
Betsy Bechtel, Vice President
Paul Fong
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 the Chancellor's Office 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
Brian Murphy, President of De Anza College
Rose Myers, Vice President of Student Development and Instruction, Foothill College

RE-CONVENE PUBLIC SESSION

President Hay re-convened the public session at 3:30 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 Claudette Brero-Gow Jane Enright Rich Hansen Jeanine Hawk Martha Kanter	Marsha Kelly Judy Miner Brian Murphy Rose Myers Jon O’Bergh Willie Pritchard	Carmen Redmond Javier Rueda Marisa Spatafore Paul Starer Mona Voss
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Press: None

Students Jim Lohse

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<i>Public:</i>	Leah Berlanga Laura Casas Frier Barry Chang	Ron Levine Julia Miller	Bruce Swenson Terry Terman
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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:	2 yes
Board vote:	unanimous
Action:	Approved the minutes of the September 19, 2005 meeting

FOUNDATION BOARD REPORT

Trustee Bechtel reported that the Foundation Board and staff welcomed a new Board member and revised the endowment policy; she noted that the Foundation’s investments are doing well. She added that the Foundation Board met at the De Anza Planetarium to learn about the college fund-raising needs for that program. Foundation Board members also participated in parents’ night.

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 reported that he attended a conference on open source education sponsored by the Hewlett Foundation, and congratulated Chancellor Martha Kanter and Vice Chancellor of Technology Willie Pritchard for putting the District in the forefront regarding public domain and open source areas of interest.

Staff

Chancellor Martha Kanter showed a video recapping Measure E construction on the campuses. She noted that she would be attending an open source meeting at the Mellon Foundation on October 6 with other higher education institutions around the country. She noted that Foothill-De Anza is the

only community college in the nation invited to the meeting, and Vice Chancellor of Technology Willie Pritchard prepared a comprehensive open source briefing paper for her to share with the other participants and that will be shared with the Board and staff as well. She also reported that enrollment is soft, as it is for many other colleges in the state, but the issue is being carefully examined.

Foothill Vice President of Student Development and Instruction Rose Myers, representing President Bernadine Chuck Fong, invited the trustees to the Silicon Valley Astronomy lecture series, and distributed both the President’s Report and the Fall Sports Media Guide. De Anza President Brian Murphy invited the trustees to the October 14 grand opening of the Kirsch Center for Environmental Studies. He reported that he attended the Cupertino Golden Jubilee celebration, for which California History Center Director Tom Izu provided help creating a historical walkway for the event. Lastly, he reported that the number of financial aid awards was up 8%. Faculty Association President Rich Hansen asked the Board to consider a resolution opposing Propositions 75 and 76.

Students / Public

De Anza student Jim Lohse spoke in opposition to the ban on smoking on campus, discussed issues related to the implementation of the policy and delivered letters signed by students protesting the ban.

APPROVAL OF CONSENT CALENDAR

President Hay removed Item 3, “Donation of Surplus District Personal Property,” noting that it will be resubmitted at a later date.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1, 2 and 4-6 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Approved** CHANGES TO DE ANZA COLLEGE CATALOG

Item 4 — **Approved** SALE OF SURPLUS DISTRICT PERSONAL PROPERTY
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell, donate, recycle, or dispose in accordance with Education Code 81452 (a) and (c) or Education Code 81450.5

Item 5 — **Approved** PERSONNEL ACTIONS:

Name: **Marie-Elaine Burns**
Position: Dean, Middlefield Campus and Evening Programs
College: Foothill
Division: Middlefield Campus
Action: **Resignation**
Effective Date: September 28, 2005

Name: **Tracy Camp**
Position: Instructor
College: De Anza
Division: Physical Sciences, Mathematics and Engineering
Action: **Resignation**
Effective Date: June 24, 2005

Name: **Adele Cruz**
Position: Teacher
College: De Anza
Division: Child Development Center
Action: **Resignation**
Effective Date: June 24, 2005

Name: **Marie Fox**
Position: Director, Foothill-De Anza Foundation
College: Central Services
Division: Chancellor's Office
Action: **Employment Contract (Year 2)**
Effective Date: October 18, 2005 – October 17, 2006

Name: **Sandi Urabe**
Position: Acting Director, NASA/Ames Internship Training Program
College: Foothill
Division: Technology, Instruction & Career/Workforce Education
Action: **Temporary Assignment**
Effective Date: October 1, 2005 – December 31, 2005
Compensation: 5% Salary Adjustment

Item 6 — **Approved HUMAN RESOURCES REPORT**

Item 7

PRELIMINARY 2006-07 LEGISLATIVE PROPOSALS

Item 8

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

Trustee Bechtel felt that the legislative proposals recommended by Chancellor Kanter were reasonable, but expressed her wish for the State Chancellor's Office to be specific regarding unfunded mandates when relief is requested from the legislature. Chancellor Kanter discussed full equalization funding and the system proposal for only partial equalization, noting how the Board of Governors was not unanimous in its decision to request partial funding. Trustees Plotkin, Bechtel and Fong expressed support for requesting full equalization to be a top priority. Faculty Association President Rich Hansen cautioned against asking relief from all unfunded mandates since some are worth supporting even without funding. He also expressed concern about asking for full equalization funding after the system has already taken a position for partial funding. Lastly, he noted that faculty statewide agree that student fees should be zero. Trustee Bechtel expressed support for District's stand on the fee issue as worded in the Board's Legislative Goals to "support a stable, predictable student enrollment fee policy." She also agreed that some unfunded mandates are

important. The equalization resolution will be brought back to the next meeting after further discussion in participatory governance groups.

Item 9

CALIFORNIA COMMUNITY COLLEGE BALLOT MEASURE

President Hay asked who has the responsibility to raise the targeted \$75,000 and what would be the consequences of not being able to raise the funds. Chancellor Kanter explained that fund-raising would need to be done by community volunteers or by the associated student body organizations, but no public funds could be used; there are no consequences if the District is unable to raise the targeted funds, but it would likely hamper the success of the ballot measure. Trustee Bechtel expressed concern about conflicting with the District's fund-raising efforts for a possible local capital improvement bond measure. Student Trustee Howe asked if student governments were permitted to donate, and Chancellor Kanter explained that the attorney general wrote an opinion confirming that this is appropriate. Trustee Plotkin questioned the desirability of expanding the powers of the State Chancellor, and Chancellor Kanter clarified that the expansion applies only to authority over the State Chancellor's Office staff and setting the community college system budget in relationship with the governor. She emphasized that it does not reorganize the relationship between the State Chancellor and local boards.

Faculty Association President Rich Hansen urged the Board to take a leadership role in promoting the ballot measure. Trustee Fong spoke in support of the measure. The Board discussed how to handle the commitment to raise funds, how the chancellor would need to spend time outside of the work week fund-raising, and the difficulty of doing so in conjunction with other fund-raising efforts. They noted it would be helpful to discuss the issue with Foundation Board members, and suggested further discussion also at the next meeting.

M/S/C:	Plotkin/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Supported the content areas identified for the ballot measure but made no commitment regarding fund-raising

Item 10

BOARD VACANCY PROCESS

The Board discussed and supported allowing each finalist to make a five-minute oral presentation at the November 9 meeting.

M/S/C:	Bechtel/Noor
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the process and timeline for appointment to fill the Board vacancy

Item 11

ANNUAL REPORT ON PROPERTY AND LIABILITY INSURANCE

Vice Chancellor of Business Services Mike Brandy pointed out highlights from the report, including changes in coverage that reduced insurance costs and the District's success in resolving claims. He cautioned that Hurricanes Katrina and Rita will affect the worldwide insurance market and likely result in increased premiums in 2006-07.

Item 12

ANNUAL REPORT ON ENVIRONMENTAL REGULATION COMPLIANCE

Vice Chancellor of Business Services Mike Brandy pointed out highlights from the report, including the District's sponsorship of a hazardous materials conference, the hiring of a new hazardous materials director, and efforts with managers and supervisors to be more proactive in ensuring compliance. Director of Environmental Health and Safety Mona Voss addressed specific violations and the status of the District's efforts to remedy the situations. A response must be provided to the County by October 19, and she expects all of the issues will be addressed by the deadline. She noted the importance to be adequately staffed to maintain compliance, contrasting the large number of employees in the Stanford environmental regulation department (82) with the number at Foothill-De Anza (1). She explained that a hazmat audit will be performed in the spring to provide better information about how the District is maintaining compliance and what additional staffing might be necessary. Trustee Bechtel urged that the District be adequately staffed to ensure compliance.

Item 13

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #16
Vendor: Vitton Construction
Agreement Date: December 15, 2004
Campus: De Anza College
Project No.: 224
Project Name: S-Quad Modernization Phase I
Amount: \$44,265
For: Miscellaneous architectural, electrical and plumbing
Action: Ratification

- B.** *Title:* Change Order #19
Vendor: S.J. Amoroso Construction Company
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$7,266
For: Miscellaneous changes including mechanical, glazing, electrical, and concrete
Action: Ratification
- C.** *Title:* Change Order #18
Vendor: S.J. Amoroso Construction Company
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$12,866
For: Miscellaneous changes including mechanical and carpentry
Action: Ratification
- D.** *Title:* Revision #3 to Purchase Order M251155
Vendor: Sandis Humber Jones
Agreement Date: March 2002
Campus: De Anza College
Project No.: 208
Project Name: Campus Entries
Amount: \$2,000
For: Additional services required to revise landscape and irrigation design based on conditions require through Cal Trans and City of Cupertino approvals
Action: Ratification
- E.** *Title:* Change Order #5
Vendor: S.J. Amoroso Construction Company
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$21,479
For: Install additional hydronic piping lines for building 7400 referenced JT#16 to supply hot and cold water to HVAC units
Action: Ratification

- F.** *Title:* Revision #9 to Purchase Order #M249308
Vendor: Cleary Consultants, Inc.
Agreement Date: January 2, 2002
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$243
For: Additional services for supplemental soils engineering analysis to aid in the response to DSA structural design and review comments for the Lower Campus Complex
Action: Ratification

Item 14

AGREEMENT FOR DESIGN SERVICES WITH ARCHITERRA LLP

Item 15

APPROVAL OF PROJECT ASSIGNMENT AMENDMENT (PAA) #1 TO CONTRACT WITH ARCHITERRA LLP — PROJECT #148, Foothill Language Arts and Radio Station Renovations

- M/S/C:** Fong/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: 1) Approved the Agreement dated September 14, 2005 with Architerra LLP; and
2) Approved PAA #1 to Agreement with Architerra LLP in the amount of \$90,345 plus reimbursable fees of \$4,517

Item 16

AWARD OF CONTRACT PURSUANT TO BID #946-229 — DE ANZA COLLEGE RESTROOM RENOVATION

- M/S/C:** Fong/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract not to exceed the amount of \$365,000 to the lowest responsible bidder, JMA Construction

Item 17

BUDGET TRANSFER #DA-44

- M/S/C:** Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Measure E Budget Transfer #DA-44 in the total amount of \$6,338,774

DATES TO REMEMBER

October 17, 2005 — Regular Meeting

ADJOURNMENT

President Hay adjourned the meeting at 5:00 p.m.

jco

Approved: _____

Martha J. Kanter, Chancellor
Secretary, Board of Trustees