



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

August 28, 2006

### CALL TO ORDER AND ROLL CALL

President Betsy Bechtel declared a quorum was present and called the meeting to order at 6:05 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:**

Betsy Bechtel, President  
Hal Plotkin, Vice President  
Paul Fong  
Laura Casas Frier  
Bruce Swenson

#### for Public Session

Joseph Derflinger, De Anza College Student Trustee (arrived late)  
Adrian Diaz, Foothill College Student Trustee

President Bechtel 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	Jeanine Hawk	Penny Patz
	Claudette Brero-Gow	Martha Kanter	Hector Quinonez
	Debbie Budd	Ron Levine	John Schulze
	Wayne Chenoweth	Sharon Luciw	Bernata Slater
	Kim Chief Elk	Marilyn McDonald	Marisa Spatafore
	Marie Fox Ellison	Frank Nunez	Paul Starer
	Robert Griffin	Jon O'Bergh	

*Press:* None

*Students:* None

<i>Public:</i>	Bob Hubbs	Terry Terman
	Jim Klingensmith	Sarah Wiehe

### APPROVAL OF MINUTES

<b>M/S/C:</b>	Plotkin/Diaz
<b>Advisory vote:</b>	1 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the August 7, 2006 meeting

## **AUDIT & FINANCE COMMITTEE REPORT**

Trustee Plotkin reported that the Audit & Finance Committee held a discussion of the actuarial study on the unfunded retiree medical benefits liability. The study recommended several actions that would bring the District into compliance with federal GASB requirements. An update was also provided on the budget, Measures E and C, and an operational audit with positive results which proposed some modest recommendations regarding cash handling.

## **CORRESPONDENCE**

President Bechtel asked if there was any correspondence that should be brought to the Board's attention. Trustee Plotkin reported that Neil Struthers of the Building and Construction Trades Council had contacted him about a letter regarding project labor agreements. Chancellor Martha Kanter said she had received the letter and would follow up with Mr. Struthers. Trustee Plotkin urged her to follow up soon since state funding for such agreements may be claimed by other districts. President Bechtel shared photos and thank-you notes from the two students who had been awarded Trustee Scholarships.

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

### *Public/Students*

No members of the public or students wished to address the Board on items not on the agenda.

### *Staff*

Chancellor Martha Kanter introduced Director of Networks and Client Services Sharon Luciw, who was representing Vice Chancellor of Technology Willie Pritchard. Chancellor Kanter reported that the Occupational Training Program received additional funding for the CompTechS program. She pointed out student artwork displayed on the wall in the Board Room. Foothill Interim President Penny Patz reported that instructor Allison Lenkeit Meezan was awarded a grant from the National Science Foundation for an innovative project that brings cutting-edge Web mapping technology to high school and college classrooms. De Anza Vice President of Student Services and Instructional Research Robert Griffin, substituting for De Anza President Brian Murphy, reported that both colleges, as leaders of a statewide consortium, will be implementing a grant to provide community college students with exposure to math and science teaching careers. He also noted that De Anza completed its first summer bridge program for 30 high school students and their parents.

### *Trustees*

Trustee Fong reported that he attended the Association of Community College Trustees Board retreat. Trustee Casas Frier noted that she attended an event sponsored by the Santa Clara County Commission on the Status of Women at which Chancellor Martha Kanter was honored with an award for community service. She also announced that she and Faculty Association President Rich Hansen coauthored an article for the Faculty Association of California Community Colleges journal regarding the education of undocumented students. Trustees Casas Frier and Plotkin reported that the Occupational Training Institute (OTI) will be inviting the Board to tour the OTI program. Trustee Swenson announced that he was a new grandfather.

**APPROVAL OF CONSENT CALENDAR**

President Bechtel removed Item 14. She also noted two corrections for Item 11 regarding the position and division listed for Olga Libova and the effective date for Kulwant Singh.

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 1 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-13 of the Consent Calendar as follows:

**Item 1** — **Ratified** WIRE TRANSFERS GREATER THAN \$5,000 FOR MAY AND JUNE 2006

**Item 2** — **Certified** ELECTION RESULTS FOR JUNE 6, 2006

**Item 3** — **Approved** REVISIONS TO BOARD POLICIES 4105 (ANTI-DISCRIMINATION) AND 4110 (MUTUAL RESPECT)

**Item 4** — **Approved** BIENNIAL REVIEW OF CONFLICT OF INTEREST CODE AND REVISIONS TO BOARD POLICY 9200

**Item 6** — **Approved** EXTENSION OF CONTRACT WITH DOVETAIL DECISION CONSULTANTS — DESIGN SERVICES FOR LOWER CAMPUS AND CAMPUS CENTER PROJECTS, FOOTHILL COLLEGE, IN THE AMOUNT OF \$5,650 PLUS REIMBURSABLE EXPENSES NOT TO EXCEED \$700

**Item 7** — **Approved** CONTRACT WITH DOVETAIL DECISION CONSULTANTS — MOVE MANAGEMENT SERVICES FOR LOWER CAMPUS AND CAMPUS CENTER PROJECTS, FOOTHILL COLLEGE, IN THE AMOUNT NOT TO EXCEED \$71,925

**Item 8** — **Approved** AGREEMENT WITH SRI INTERNATIONAL — NATIONAL SCIENCE FOUNDATION AWARD

**Item 9** — **Approved** CONTRACT WITH MOUNTAIN VIEW-LOS ALTOS HIGH SCHOOL DISTRICT

**Item 10** — **Approved** CONTRACTS WITH SAN FRANCISCO ELECTRICAL JOINT APPRENTICESHIP AND TRAINING CENTER AND SANTA CLARA COUNTY ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE

**Item 11** — **Approved** PERSONNEL ACTIONS:

*Name:* **Maria Delas**  
*Position:* Vocational/Special Education-HOPE Instructor  
*College:* De Anza  
*Division:* Special Education  
*Action:* **Employment**  
*Effective Date:* September 21, 2006 *# of Months:* 12  
*Compensation:* Column II, Step I @ \$7,321.94 per month

*Name:* **Olga Libova**  
*Position:* Perinatal Nursing Instructor  
*College:* De Anza  
*Division:* Biological, Health and Environmental Sciences  
*Action:* **Employment**  
*Effective Date:* September 21, 2006 # of Months: 10  
*Compensation:* Column V, Step C @ \$6,528.43 per month

*Name:* **Frederick W. Sherman**  
*Position:* Vice Chancellor, Technology  
*College:* Central Services  
*Division:* Educational Technology Services  
*Action:* **Employment**  
*Effective Date:* October 1, 2006 # of Months: 12  
*Compensation:* Step 2 @ \$13,207.16 per month

*Name:* **Kulwant Singh**  
*Position:* Athletics Director/Instructor  
*College:* De Anza  
*Division:* Physical Education and Athletics  
*Action:* **Increase Contract to 12 Months**  
*Effective Date:* July 1, 2006

**Item 12** — **Approved** HUMAN RESOURCES REPORT

**Item 13** — **Approved** APPOINTMENT OF CHIEF NEGOTIATORS FOR 2006-07

**Item 14**

SOLICITATION AND APPOINTMENT PROCESS FOR MEASURE C CITIZENS’ BOND OVERSIGHT COMMITTEE

President Bechtel urged trustees to follow up with individuals to solicit applicants and ensure a good pool of candidates. Trustee Fong provided the name of Karen Rudolph as a possible candidate. Trustee Plotkin noted that individuals can join a tax association and qualify for that category if they are interested in serving on the committee. Terry Terman from the League of Women Voters offered his comments on the importance of bond oversight.

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 1 yes  
**Board vote:** unanimous  
**Action:** Approved the solicitation and appointment process for the Measure C Citizens’ Bond Oversight Committee

**Item 15**

GRAND JURY REPORT: *REDUCING LANGUAGE BARRIERS IN DOMESTIC VIOLENCE CALLS*

Director of District Safety and Security Ron Levine responded to questions, noting that approximately three calls related to domestic violence have been received by Campus Safety and Security annually. Trustee Swenson asked if the recommendations would be incorporated into procedures; Mr. Levine responded that the recommendations are already part of the protocols but he

would ensure they are part of officer training. At this time, Student Trustee Joseph Derflinger arrived.

**M/S/C:** Plotkin/Swenson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Agreed with findings 1-6 in the Grand Jury Report titled *Reducing Language Barriers in Domestic Violence Calls* and responded to recommendations 1-6 noting that the recommendations have been or will be implemented

## **Item 16**

### ACTUARIAL REPORT ON UNFUNDED RETIREE MEDICAL BENEFITS LIABILITY

President Bechtel reported that she had received communication from Faculty Association President Rich Hansen. She noted that the actuarial report had been provided to the Benefits Committee and Budget Committee on August 10. Vice Chancellor of Business Services Mike Brandy distributed the final version of the report, noting some minor wording changes from the version provided with the agenda. He noted that the Audit & Finance Committee suggested that the District perform an actuarial study annually rather than biannually, at least for the near term, to keep closer tabs on any trends with the actuarial figures.

Vice Chancellor Brandy reviewed the two key figures identified in the report: the total liability of \$155 million and the required annual contribution of \$9 million to fund the liability. He explained that the District needs to fund \$975,905 annually, which is the difference between what the District already spends on retiree benefits and the \$9 million figure identified in the actuarial study. In order to keep up with the Consumer Price Index, the \$975,905 figure will need to be increased annually by an estimated 3% of the \$9 million liability. He clarified that the Board does not need to take action at this time, but he seeks the Board's support for the recommendations since they are incorporated in the budget. The specific action to transfer funds into an irrevocable trust would be brought to the Board for action at a later time.

Vice Chancellor Brandy discussed the Community College League of California's Joint Powers Authority (JPA) and the investment options through the JPA that offer a greater return than cash investment in the County's commingled funds. He explained that the Board would be able to select investment options, move funds between trusts, and even split funds among different trusts. He discussed categorically- and enterprise-funded employees, whose retirement benefits are currently covered out of the general fund when they retire. Although it is not a GASB requirement to determine how the liability is funded, the actuarial study recommends that the District discuss options regarding how retiree benefits for categorically- and enterprise-funded employees are funded.

Vice Chancellor Brandy reported that the Faculty Association and several other employee unions funded a supplemental report to determine the cost of re-instating lifetime health benefits, which are currently not available for employees hired after 1997. The actuarial firm is expected to complete that report by next week. He emphasized that the outcome of that report does not change any of the numbers in the current report nor does it affect the GASB requirement to adopt a plan to fund the unfunded liability by July 1, 2007.

In order to provide time to obtain staff feedback on the report and its recommendations, Trustee Swenson suggested bringing the actuarial report back to the Board for action on October 16. Trustee Plotkin suggested bringing it back again for information on October 2. He also noted that the Audit & Finance Committee had proposed the idea for a layoff-prevention reserve fund as a possible use of the one-time dollars in the budget's ending balance. Retiree Robert Hubbs representing the district's retiree association (FODARA) asked the Board to remember that retirees are not represented in negotiations but are affected by decisions made in that venue.

## **Item 17**

PUBLIC HEARING: 2006-07 BUDGET

President Bechtel opened the public hearing. Vice Chancellor of Business Services Mike Brandy presented the 2006-07 budget, noting that it is structurally balanced: ongoing revenues cover expenses. He reviewed significant new expenses that have been budgeted, including \$1.2 million set aside to fund new teaching and non-teaching positions; \$400,000 set aside as a compensation contingency; and \$975,905 set aside for the unfunded retiree medical benefits liability. He noted that all three expenses would require separate Board action to implement. He pointed out the \$10 million unrestricted ending balance; ideas for how to allocate these one-time funds will be discussed with District governance groups. The projected ending balance depends on enrollment growth, current estimates for benefits expenses, productivity, one-time equalization funding and passage of SB 361. He noted that the budget provides for the District to maintain its 5% reserves, serve a large number of students and provide support services to enable student success. President Bechtel asked if any members of the public wished to speak on the budget; no one wished to speak, so she closed the public hearing.

## **Item 18**

RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT TO BE PREPARED IN CONNECTION WITH GENERAL OBLIGATION BONDS (MEASURE C)

<b>M/S/C:</b>	Plotkin/Casas Frier
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved Resolution #2006-26 approving a form of Preliminary Official Statement to be prepared in connection with the District's election of 2006 general obligation bonds

## **Item 19**

PROJECT MANAGEMENT OF IDENTITY MANAGEMENT IMPLEMENTATION — CONTRACT WITH THE BURTON GROUP

Director of Networks and Client Services Sharon Luciw responded to a question by Trustee Fong and clarified the service that The Burton Group provided in developing the bid.

<b>M/S/C:</b>	Plotkin/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the contract with The Burton Group for the amount not to exceed \$49,975

## **Item 20**

### MEASURE E CONSENT CALENDAR

Trustee Swenson asked that Measure E Consent Items I, J and K be removed.

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

- A.** *Title:* Addendum #F58  
*Vendor:* Cleary Consultants  
*Agreement Date:* July 18, 2000  
*Campus:* Foothill College  
*Project No.:* 148  
*Project Name:* Radio Station and Language Arts  
*Amount:* \$4,200  
*For:* Geotechnical investigation for the new radio station additions at Building 5700  
*Action:* Ratification
- B.** *Title:* Revision #1  
*Vendor:* Netcor Design Systems Inc.  
*Agreement Date:* December 2, 2002  
*Campus:* Foothill College  
*Project No.:* 115  
*Project Name:* P.E. Renovations  
*Amount:* \$440  
*For:* Additional fees due to one additional site visit for phased punch lists  
*Action:* Ratification
- C.** *Title:* Revision #1 to Independent Contractor Agreement  
*Vendor:* Bluestone Engineering, Inc.  
*Agreement Date:* May 16, 2005  
*Campus:* De Anza College  
*Project No.:* 234  
*Project Name:* Athletic Fields Barrier Netting  
*Amount:* \$800  
*For:* Revise construction documents to reflect change of wood poles with steel poles  
*Action:* Ratification

- D.** *Title:* Revision #1 to Standard Form of Agreement  
*Vendor:* DES Architects & Engineers, Inc.  
*Agreement Date:* January 17, 2006  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual & Performing Arts Center  
*Amount:* \$5,645  
*For:* Provide for 3D computer modeling beyond original allowance  
*Action:* Ratification
- E.** *Title:* Change Order #2  
*Vendor:* Trident Builders, Inc.  
*Agreement Date:* November 8, 2005  
*Campus:* De Anza College  
*Project No.:* 210  
*Project Name:* Administration Building Renovation  
*Amount:* \$1,373  
*For:* Add light switch in office 142  
*Action:* Ratification
- F.** *Title:* Revision #3 to Agreement for Consultant Services  
*Vendor:* Netcor Design Systems, Inc.  
*Agreement Date:* January 12, 2003  
*Campus:* De Anza College  
*Project No.:* 224  
*Project Name:* S-Quad Modernization  
*Amount:* \$1,320  
*For:* Additional construction administration for telecommunications  
*Action:* Ratification
- G.** *Title:* Change Order #2  
*Vendor:* Coast Side Associates  
*Agreement Date:* March 22, 2006  
*Campus:* De Anza College  
*Project No.:* 226  
*Project Name:* Planetarium Renovation  
*Amount:* \$3,181  
*For:* Replace track lighting in lobby 101  
*Action:* Ratification

**H.** *Title:* Change Order #12  
*Vendor:* S.J. Amoroso Construction Company, Inc.  
*Agreement Date:* June 3, 2005  
*Campus:* Foothill College  
*Project No.:* 171  
*Project Name:* Central Plant  
*Amount:* \$4,162  
*For:* Miscellaneous revisions including repairs and maintenance to existing chillers, reduced painting scope of work, and structural revisions  
*Action:* Ratification

**L.** *Title:* Change Order #5  
*Vendor:* John Plane Construction Co., Inc.  
*Agreement Date:* February 24, 2006  
*Campus:* Foothill College  
*Project No.:* 117  
*Project Name:* Administration Building Modernization  
*Amount:* \$13,138  
*For:* Repair dry rotted glu lam beams at various locations; furnish and install Mannington sheet vinyl in rooms  
*Action:* Ratification

Trustee Swenson asked Executive Director of Facilities, Operations and Construction Management John Schulze to respond to concerns raised by Foothill Instructor Ken Horowitz in an email to the Board. Executive Director Schulze explained that the construction budget for the Lower Campus Complex Project had been set at \$45 million; the total construction cost of the project — including design fees, etc. — was budgeted for a higher amount, and a customary 5% contingency was then added on top of that. Current change orders, including those for Items I, J and K, amount to 3.3% of the total construction contract with S.J. Amoroso Construction Company. Additional change orders that are expected would bring the percentage to 5%, but it is likely that those amounts will be reduced. The amount that the campus is asked to fund is comprised of known change orders, probable change orders, and change orders projected from past experience. He noted that the Tiburon Group has been engaged to review these large projects to ensure that the schedule is managed well.

President Bechtel asked why the change orders were on the Measure E Consent Calendar when they totaled about \$150,000. Director of Construction Program Management Claudette Brero-Gow responded that they represent an accumulation of small items that needed to be addressed quickly. She noted that any change order greater than \$50,000 would need Board approval prior to proceeding.

**M/S/C:** Swenson/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified Measure E Consent items I, J and K as follows:

- I.** *Title:* Change Order #33  
*Vendor:* S.J. Amoroso Construction Company, Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$47,988  
*For:* This change order and previous change order represent 3% above the contract amount: revised elevations to 2<sup>nd</sup> floor deck building 7500, S.O.G., beams girders and walls to accommodate changes; added sheet at buildings 7400 and 7500 elevator roof drains; furnish and install wall chase in room 7528 to conceal 4” OSD; provide 2-hour rated ceiling at hydronic pipes exposed in machine room building 7100  
*Action:* Ratification
- J.** *Title:* Change Order #34  
*Vendor:* S.J. Amoroso Construction Company, Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$49,415  
*For:* This change order and previous change orders represent 3.20% above the contract amount: provide import select engineered fill for building 8100 and 8200; water proofing for hydronic pipes penetrations through vertical wall at building 7500 mechanical room; remove tree in conflict with existing utility tunnel; test and start up the emergency generator at Central Plant; added ceiling soffits at building 7500 1<sup>st</sup> floor  
*Action:* Ratification
- K.** *Title:* Change Order #35  
*Vendor:* S.J. Amoroso Construction Company, Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$48,735  
*For:* This change order and previous change orders represent 3.30% above the contract amount: added framing and drywall to double stud standoff at aluminum frames; metal lockers changes per submittal No. 268 and 268A; added 2” tube steel brace at building 7500 bathroom parapet walls; provide welding at door opening per detail A/A8.02 in lieu of contract detail 1/A8.20; added curbs below framed walls at 3<sup>rd</sup> floor bathroom 7500  
*Action:* Ratification

## **Item 21**

BUDGET TRANSFER #FH 38

**M/S/C:** Plotkin/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Budget Transfer #FH 38 to Measure E Program Contingency resulting from the closure of the specified Foothill projects

## **DATES TO REMEMBER**

September 11, 2006 — Regular Meeting

President Bechtel noted that a revised Board calendar will be shared at the September 11 meeting. There are no plans to hold a meeting on November 20, but there may be a need for a closed session in late November.

## **ADJOURNMENT**

President Bechtel adjourned the meeting at 8:00 p.m.

jco

Approved: 9/11/06

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees