



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

November 6, 2006

CALL TO ORDER AND ROLL CALL

President Betsy Bechtel 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:

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

for Public Session

Joseph Derflinger, De Anza College Student Trustee
Adrian Diaz, Foothill College Student Trustee

CLOSED SESSION

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

RESOLUTION OF SIX LIABILITY CLAIMS

- 1) HGH Settlement Reimbursement by Design Professionals
- 2) West Coast Settlement Reimbursement by Design Professionals
- 3) Reimbursement of Foothill-De Anza Community College District/Gilbane Company/IOR Costs/Fees by Design Professionals
- 4) Casework Table Height Modifications Change Order Reimbursement by Design Professionals
- 5) December 2004 Unsuccessful Retrofit Cost Reimbursement by Design Professionals
- 6) Design Professionals Additional Services Reimbursement by Foothill-De Anza Community College District

Executive Administrators Present:

Claudette Brero-Gow, Director of Construction Program Management
Mike Brandy, Vice Chancellor of Business Services
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
Penny Patz, Interim President of Foothill College

Legal Counsel Present:

Phil Jaret

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright
Employee Organizations: All Represented and Unrepresented Groups

Executive Administrators Present:

Mike Brandy, Vice Chancellor of Business Services
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
Penny Patz, Interim President of Foothill College

RE-CONVENE PUBLIC SESSION

President Bechtel re-convened the public session at 6:01 p.m. in the District Board Room. She 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	Martha Kanter	Penny Patz
	Claudette Brero-Gow	Andrew LaManque	Hector Quinonez
	Wayne Chenoweth	Anne Leskinen	Carmen Redmond
	Kim Chief Elk	Sharon Luciw	Shelley Schreiber
	Jane Enright	Diane Mathios	Fred Sherman
	Christina Espinosa-Pieb	Faith Milonas	Bernata Slater
	Marie Fox Ellison	Judy Miner	Marisa Spatafore
	Nicole Gray	Brian Murphy	Paul Starer
	Robert Griffin	Peter Murray	Greg Stoup
	Jeanine Hawk	Rose Myers	Marion Winters
	Ken Horowitz	Frank Nunez	
	Pat Hyland	Jon O’Bergh	

Press: None

Students: Sarah Wiehe

Public: Carl Cahill
Terry Terman

REPORTING OUT FROM CLOSED SESSION

President Bechtel reported that the Board took action in closed session to approve the mediated resolution of the following liability claims:

- 1) HGH Settlement Reimbursement by Design Professionals
- 2) West Coast Settlement Reimbursement by Design Professionals
- 3) Reimbursement of Foothill-De Anza Community College District/Gilbane Company/IOR Costs/Fees by Design Professionals
- 4) Casework Table Height Modifications Change Order Reimbursement by Design Professionals
- 5) December 2004 Unsuccessful Retrofit Cost Reimbursement by Design Professionals
- 6) Design Professionals Additional Services Reimbursement by Foothill-De Anza Community College District

APPROVAL OF MINUTES

M/S/C: Plotkin/Derflinger
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the minutes of the October 16, 2006 meeting with one correction

AUDIT & FINANCE COMMITTEE REPORT

Trustee Plotkin reported that the Committee reviewed an operational audit report on the use of pro-cards along with new measures to strengthen procedures for their use. The Committee also reviewed the draft audit and First Quarter Report.

FOUNDATION BOARD REPORT

Trustee Casas Frier reported that the Foundation Board was given a presentation on the De Anza Visual and Performing Arts Center.

CORRESPONDENCE

President Bechtel asked if there was any correspondence which should be brought to the Board's attention. Trustee Casas Frier reported that she received an announcement from the League of Women Voters for an informational meeting on universal healthcare scheduled for December 4. Trustee Plotkin reported that he referred a De Anza faculty member who had contacted him concerning budget and staffing issues to the college president.

HEARINGS: ITEMS NOT ON THE AGENDA

Public/Students

There were no students or members of the public who wished to speak on items not on the agenda.

Staff

Foothill Instructor Ken Horowitz spoke about hiring former employees as consultants, the use of consultants for Measure E projects, campus safety issues and the campus center use fee. Chancellor Martha Kanter announced that the Foothill President position had been formally announced and thanked the search committee members who developed the position description. She also announced that the positions had been opened for Vice Chancellor of Business Services and Vice Chancellor of Human Resources & Equal Opportunity. She introduced De Anza Academic Senate Vice President Wayne Chenoweth and Los Altos Hills Town Manager Carl Cahill. She reported that she attended the Bay Area Trustees dinner with several trustees and attended the annual luncheon of the Silicon Valley Leadership Group with De Anza President Brian Murphy and De Anza Director of Marketing and Communications Marisa Spatafore.

Foothill Interim President Penny Patz distributed the President's Report. She reported that the college held a successful transfer event, and announced upcoming events including International Education Week, the Silicon Valley Bowl, and a variety of events in which faculty and staff were participating. She also distributed a new brochure about Biological and Health Sciences transfer programs. De Anza President Brian Murphy reported that "A Night of Magic," the annual college fund-raising event, was attended by a record number of individuals. He also announced that the

Journalism department and student newspaper *La Voz* won 20 awards from the Community College Journalism Association; he added that the collaboration with the *New York Times* would continue in 2007.

Trustees

Trustee Fong reported that he attended the Bay Area Trustees dinner, at which he learned about Project Labor Agreements. He said that he looked forward to learning more about the District's possible participation in Project Labor Agreements. President Bechtel congratulated Trustee Casas Frier for having been selected to participate in a national training program (NALEO) for Latino and Latina elected officials to be held in Washington, D.C. She reminded Board members about new regulations requiring elected public officials to receive ethics training by January 1, 2007 and biannually thereafter, which can be completed online through the Fair Political Practices Commission. Lastly, she announced that the Board would hold a closed session on November 13 at 4:30 p.m.

APPROVAL OF CONSENT CALENDAR

President Bechtel announced a change in the resignation date for Frances Gusman under "Item 13, Personnel Action" to be effective December 4, 2006.

M/S/C: Swenson/Diaz
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-14 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Approved** AGREEMENT WITH SAN JOSE STATE UNIVERSITY FOR NATIONAL SCIENCE FOUNDATION AWARD #DUE-0603455

Item 3 — **Approved** RENEWAL OF ADOBE CONTRACTUAL LICENSING PROGRAM MEMBERSHIP
Authorized the Director of Purchasing to executive a two-year Adobe Contractual License Program (CLP) and purchase Adobe software licenses, upgrades, and maintenance from TRC in accordance with University of California CLP prices, terms, and conditions without advertising for competitive bids

Item 4 — **Ratified** RENEWAL OF ATT/CALNET CONTRACT

Item 5 — **Approved** THREE-YEAR CONTRACT FOR PARKING CITATION PROCESSING SERVICES PURSUANT TO BID 1031
Authorized the Director of Purchasing to award a three-year contract to Data Ticket, Inc. at a total estimated annual cost of \$21,506.50

Item 6 — **Approved** RESOLUTION #2006-31 AUTHORIZING LEASE EXTENSION FOR RELOCATABLE BUILDING AT DE ANZA COLLEGE
Authorized the Director of Purchasing to extend the lease with Mobile Modular Management Corporation for one relocatable building through October 30, 2007 at a cost not to exceed \$3,182.55

Item 7 — **Approved** RESOLUTION #2006-32 AUTHORIZING CHILD DEVELOPMENT PROGRAM CONTRACT #CCAP-6430

Item 8 — **Approved** AUTHORIZATION TO PURCHASE MICROSCOPES AND ACCESSORIES PURSUANT TO BID 1065
Authorized the Director of Purchasing to issue purchase orders to Olympus America, Inc. pursuant to the prices, terms, and conditions set forth in Bid 1065 through June 30, 2007

Item 9 — **Approved** DONATION OF SURPLUS DISTRICT PROPERTY
Authorized the Director of Purchasing to donate the Griffin Lithopress to Santa Cruz Research Institute in accordance with Education Code 81452(c)

Item 10 — **Approved** DONATION, RECYCLING OR DISPOSAL OF MISCELLANEOUS SURPLUS DISTRICT FURNITURE
Made a finding that the property is of insufficient value to defray the cost of a sale, and authorized the Director of Purchasing to make a donation to the Salvation Army and to recycle or dispose of items that are not accepted by the Salvation Army

Item 11 — **Approved** DONATION OF SURPLUS WHEEL ALIGNMENT SYSTEMS
Authorized the Director of Purchasing to donate the two surplus wheel alignment systems to Los Altos High School in accordance with Education Code 81450.5

Item 12 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT ELECTRONIC EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the items in accordance with Education Code 81452(a)

Item 13 — **Approved** PERSONNEL ACTIONS:

Name: **Vicky Criddle**
Position: Director, Foothill-De Anza Community College District Internship Program
College: Foothill
Division: President's Office
Action: **Promotion**
Effective Date: November 13, 2006
Compensation: Level F, Step 2 @ \$6,166.58 per month # of Months: 12

Name: **Frances Gusman**
Position: Dean
College: Foothill
Division: Student Outreach and Retention
Action: **Resignation**
Effective Date: December 4, 2006

Name: **Chien Shih**
Position: Director, Information Systems and Operations
College: Central Services
Division: Educational Technology Services
Action: **Employment**
Effective Date: November 27, 2006
Compensation: Level K, Step 2 @ \$9,297.05 per month # of Months: 12

Name: **My Hoa Trinh**
Position: Exchange Instructor
College: De Anza
Division: Language Arts
Action: **Faculty Exchange with Maria Marin**
Effective Date: September 21, 2006

Item 14 — Approved HUMAN RESOURCES REPORT

Item 15

REVISIONS TO BOARD POLICY 3153, AUDIT

Revised Board Policy 3153 was presented for a first reading. Trustee Plotkin noted that the proposed change reflects the recommendation of the Audit & Finance Committee.

Item 16

DIVERSITY CLIMATE SURVEY

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright and Director of Human Resources Kim Chief Elk presented an overview of the results from the District's Diversity Climate Survey. Comparing results with those of the 2003 survey, they pointed out that the District is successfully sustaining its commitment to creating a positive environment for diversity. A detailed analysis of the survey results will be undertaken next to produce a comprehensive report with appropriate responses and strategies to maintain or improve the District's efforts. A third survey is planned for the spring of 2009.

Trustee Plotkin thanked Vice Chancellor Enright, Director Chief Elk and all of the contributors to the survey for their efforts and emphasized how this demonstrates District values. Trustee Fong noted how hard the District has worked to improve the diversity climate since he was first elected to the Board. Trustee Casas Frier said she was impressed but not surprised by the results and was glad to see the District focusing on diversity issues. Student Trustee Diaz asked if racial identity was included in the demographic data for responses where students expressed feelings of being discriminated against at times. Vice Chancellor Enright responded that it was part of the survey and would be scrutinized in the comprehensive analysis.

Item 17

REQUEST TO RESCIND RETIREMENT

President Bechtel reviewed background regarding the request, pointing out the length of time that had elapsed since the individual had been notified of the Board's action to accept the retirement. Trustee Fong asked if rescinding the retirement would set a precedent, and Vice Chancellor of

Human Resources and Equal Opportunity Jane Enright confirmed that it would. She added that faculty have on occasion in the past requested that a retirement be rescinded, but when told that administration would not support the request, the individuals in each instance decided not to put forward a request to the Board.

M/S/C: Plotkin/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Denied the request to rescind the retirement of Toni Forsyth

Item 18

CHANGES TO ADMINISTRATORS HANDBOOK

M/S/C: Fong/Derflinger
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved changes to the Administrators Handbook including Chapter IV *Evaluation* and Appendix C *Comprehensive Administrator Evaluation Form*

Item 19

PRESENTATION: PROGRESS IN CLOSING THE ACHIEVEMENT GAP

Foothill Math Instructor Nicole Gray, College Researchers Andrew LaManque and Greg Stoup, De Anza Dean of Physics, Science, Math and Engineering Anne Leskinen, De Anza Math Instructor Diane Mathios, De Anza Vice President of Instruction Judy Miner, Foothill Dean of Physics, Science, Math and Engineering Peter Murray, and Foothill Vice President of Student Development and Instruction Rose Myers provided a presentation on progress in closing the achievement gap. They noted that Latino, Filipino and African American students are underrepresented in collegiate math courses. They discussed reasons why this is so, challenges in addressing the issue, and successful programs that the colleges have implemented (for example, Math My Way at Foothill; and Math Performance Success and a partnership with Enable Math and Noel-Levitz at De Anza). The colleges are also focusing their efforts on training teachers in the areas of science, technology, engineering and math, and reaching students in grades 7-12 before they come to college.

Trustee Casas Frier said she was pleased to learn how the colleges are addressing the matter. Trustee Swenson suggested tracking efforts over time to measure progress. Foothill Academic Senate President Paul Starer spoke about the importance of institutionalizing the commitment to these students with the programs mentioned to ensure long term and ongoing support. Trustee Plotkin spoke about the Lumina Foundation, and Vice President Miner acknowledged the De Anza has received one such grant. Trustee Plotkin also suggested that public domain instructional materials might be helpful in providing multiple resources that offer students different ways to understand the material. President Bechtel, Chancellor Martha Kanter, De Anza President Brian Murphy and Foothill Interim President Penny Patz thanked all of the presenters for their collaboration and commitment.

Item 20

NEW CERTIFICATE OPTION FOR DE ANZA NETWORK ADMINISTRATION PROGRAM – ENTERPRISE SECURITY PROFESSIONAL

M/S/C:	Plotkin/Derflinger
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved a new De Anza Certificate of Proficiency and Associate in Arts degree in Enterprise Security Professional

Item 21

AGREEMENT WITH TOWN OF LOS ALTOS HILLS REGARDING CONSTRUCTION AND OPERATION OF A PUBLIC PATHWAY AND PROVISION OF PATHWAY LICENSE TO THE TOWN OF LOS ALTOS HILLS

Responding to questions from President Bechtel, Director of Construction Program Management Claudette Brero-Gow explained that the pathway would follow the open area beside Adobe Creek; Vice Chancellor of Business Services Mike Brandy added that a new bridge would cross the creek. Los Altos Hills Town Manager Carl Cahill said the project was out to bid and he expected the entire path to be completed by the end of 2007. Trustee Swenson asked about possible future contributions from the District, and Mr. Cahill said he was not aware of any. Mr. Cahill clarified that the bike pathway will be paved and the pedestrian pathway unpaved. Chancellor Martha Kanter said there will be regular meetings with the agencies involved so any issues affecting the Foothill campus entry can be brought to the Board well in advance. Foothill Instructor Ken Horowitz suggested a plaque in memory of part-time instructor Tom Maddox.

M/S/C:	Fong/Casas Frier
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the Agreement with the Town of Los Altos Hills for 20% District contribution up to \$100,000 for the construction and operation of a public pathway, and approved the provision of a pathway license with the Town of Los Altos Hills

Item 22

UNFUNDED RETIREE MEDICAL BENEFITS LIABILITY

M/S/C:	Plotkin/Swenson
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the following recommendations from the actuarial report on the unfunded retiree medical benefits liability: <ol style="list-style-type: none">1. That the budget for 2006-07 include an ongoing contribution of \$975,905;2. That the \$1,140,000 which is currently held in the district Internal Service Fund 61 be transferred to the irrevocable trust that the District set up as part of the Community College Retiree Trust Joint Powers Authority sponsored by the Community College League;3. That \$975,905 per year be deposited with the Community College Retiree Trust as noted above as an annual payment;

4. That the District evaluate the pros and cons of assessing a rate for employees funded in the categorical and enterprise programs, a rate which represents the future cost of their retiree benefit costs;
5. That the District assemble a “plan” booklet which consolidates the contract and handbook language of each employee group that stipulates the provisions of post-employment medical benefits

Item 23

FIRST QUARTER REPORT

Vice Chancellor of Business Services Mike Brandy presented the First Quarter Report. He noted additional funds or grants for instructional equipment, matriculation, economic development, and career tech. He discussed how revenue estimates based on a projected enrollment increase still appear accurate. The parking fund continues to be a challenge since state regulations have not allowed parking fees to be increased to keep up with inflation over the past two decades. He also discussed the campus center projects and campus center use fees and reported that Certificates of Participation have been issued with interest rates even more favorable than anticipated.

Item 24

RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

M/S/C:	Plotkin/Derflinger
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved Resolution #2006-29, “Budget Revisions,” and Resolution #2006-30, “Budget Transfers”

Item 25

USE OF ONE-TIME FUNDS

Vice Chancellor of Business Services Mike Brandy discussed the conceptual framework for distributing the \$10 million in one-time funds that are projected in the 2006-07 ending balance. The funds will result from a combination of reapportionment funding, general purpose trailer bills, equalization funding and the 2005-06 ending balance. He proposed that \$1.7 million be allocated as backfill for primarily non-technical staff during migration to the new information system, and \$700,000 be allocated as a bridge loan for Measure C projects. The remaining \$7.6 million would be distributed among the colleges and Central Services for a variety of outreach and retention initiatives, restoration of B-budgets, and staffing needs in high priority areas. De Anza President Brian Murphy and Foothill Interim President Penny Patz discussed the process at the colleges for determining how to allocate the funds. President Bechtel urged careful planning so that positions are not added beyond what is financially supported by enrollment growth. Trustees Plotkin and Swenson added that they would prefer to see enrollment growth occur first before adding a lot of staff. Staff acknowledged the Board’s concerns and reassured the Board that the number of positions would be rather small and would be important to adequately serve students.

Foothill student Sarah Wiehe addressed the Board to urge that funds go toward student needs such as a new solar telescope for the Foothill observatory. Vice Chancellor Brandy said that her comments would be taken back to the college where the allocation decisions will be made.

Item 26

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #4
Vendor: J. Flores Construction Co. Inc.
Agreement Date: June 15, 2005
Campus: De Anza College
Project No.: 273
Project Name: Irrigation Mainline
Amount: \$5,748
For: Provide dual meter assembly as required by San Jose Water and replace sidewalk section
Action: Ratification
- B.** *Title:* Agreement for Consultant Services
Vendor: Engineering Economics Inc.
Agreement Date: November 6, 2006
Campus: De Anza College
Project No.: 209
Project Name: Visual Performing Arts Center
Amount: \$25,897
For: Provide LEED 2.2 Fundamental Commissioning Requirements for the Performing Arts Center at De Anza College
Action: Ratification
- C.** *Title:* Standard Form of Agreement
Vendor: Consolidated Engineering Laboratories
Agreement Date: November 6, 2006
Campus: De Anza College
Project No.: 213
Project Name: Campus Center Renovation
Amount: \$5,078
For: Provide materials testing and special inspection services
Action: Ratification
- D.** *Title:* Change Order #1
Vendor: Gregory Electric Inc.
Agreement Date: July 24, 2006
Campus: De Anza College
Project No.: 268
Project Name: Building A8
Amount: \$1,919
For: Miscellaneous electrical changes; total change orders to date represent 2.5% against the original contract amount
Action: Ratification

- E.** *Title:* Change Order #39
Vendor: S.J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$99,386
For: Numerous mechanical modifications, added structural bracing, furred out framing, and flashing changes; this change order plus all previous change orders represent 4.20% above the base contact amount
Action: Ratification
- F.** *Title:* Addendum #F-01
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: October 19, 2006
Campus: Foothill College
Project No.: 148
Project Name: Radio Station & Language Arts
Amount: \$18,974
For: Telecom design development
Action: Ratification
- G.** *Title:* Change Order #11
Vendor: Aztec Consultants
Agreement Date: June 28, 2005
Campus: Foothill College
Project No.: 146
Project Name: Fieldhouse & Restrooms
Amount: \$11,579
For: Plumbing wall changes and fence revisions; this change order and previous change orders represent 7.24% of the base contact amount
Action: Ratification
- H.** *Title:* Change Order #12
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$127,800
For: Revisions to interior finishes, utilities to kitchen equipment, elevator shunt trip breakers and other miscellaneous electrical and structural framing items; this change order plus all previous change orders represent 2.4% above the base contract amount
Action: Ratification

DATES TO REMEMBER

President Bechtel reminded the Board that a special closed session would be held on November 13, 2006, and the regular meeting and annual holiday celebration would be held on December 4, 2006. Trustee Fong, noting that the Board would be voting on officers at the December 4 meeting, stated that he supports the Board's past practice to select as vice president the trustee who received the greatest number of votes in the last election.

ADJOURNMENT

President Bechtel adjourned the meeting at 8:16 p.m.

jco

Approved: 12/4/06

Martha J. Kanter, Chancellor
Secretary, Board of Trustees