



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

October 16, 2006

CALL TO ORDER AND ROLL CALL

President Betsy Bechtel declared a quorum was present and called the meeting to order at 4:30 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:

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:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Foothill-De Anza Community College District v. All Interested Persons and related cross-complaints filed by interested persons Melvin Emerich and Aaron Katz

Executive Administrators Present:

Mike Brandy, Vice Chancellor of Business Services
Debbie Budd, Foothill Vice President of Educational Resources and Instruction
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Jeanine Hawk, De Anza Vice President of Finance and College Services
Martha Kanter, Chancellor
Judy Miner, De Anza Vice President of Instruction
Penny Patz, Interim President of Foothill College
Hector Quinonez, Controller
Bernata Slater, Director of Budget Operations

Legal Counsel Present:

David Casnocha
Bill Euphrat
Jim Roth
John Sheldon

CONFERENCE WITH LABOR NEGOTIATOR

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

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
Judy Miner, De Anza Vice President of Instruction
Penny Patz, Interim President of Foothill College

RE-CONVENE PUBLIC SESSION

President Bechtel re-convened the public session at 6:00 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	Carmen Redmond
	Claudette Brero-Gow	Faith Milonas	Shelley Schreiber
	Marie Fox Ellison	Judy Miner	Fred Sherman
	Jane Enright	Frank Nunez	Marisa Spatafore
	Rich Hansen	Jon O’Bergh	Paul Starer
	Jeanine Hawk	Penny Patz	
	Lydia Hearn	Hector Quinonez	
<i>Press:</i>	None		
<i>Students:</i>	Sarah Wiehe		
<i>Public:</i>	Carol Johnson	Terry Terman	
	Jim Sandstrom		

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

M/S/C: Plotkin/Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the minutes of the October 2, 2006 meeting

CORRESPONDENCE

President Bechtel asked if there was any correspondence which should be brought to the Board’s attention. There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Terry Terman spoke about the installation of a new telescope in the Foothill observatory.

Students

There were no students who wished to address the Board on items not on the agenda.

Staff

De Anza Instructor Rich Hansen presented a video on the Community College Initiative and urged faculty, staff and students to get involved in the effort. Trustee Fong noted that California Community College Trustees urged full participation by boards of trustees. De Anza Vice President of Instruction Judy Miner, representing De Anza President Brian Murphy, reported that four Film/TV students were declared Bay Area visionaries by the Pacific Film Archives. She also noted a retirement celebration for Dean of Library Services Jim McCarthy on November 15. Interim Foothill President Penny Patz announced an art show at the KCI for instructor Kent Manske, and noted that several faculty and staff would be attending the League for Innovation’s Conference on Information Technology.

Chancellor Martha Kanter reported that the District was honored at the Kirsch Center by the Silicon Valley Toxics Coalition for community partnership in environmental issues. She announced the Bay Area Trustees Dinner on November 1. Lastly, she noted the pending retirements of Vice Chancellors Mike Brandy and Jane Enright and Executive Director of Facilities, Operations and Construction Management John Schulze.

Trustees

Trustee Plotkin reported that he and Chancellor Martha Kanter gave a presentation on open educational resources at the Association of Community College Trustees Congress. He noted that Barnes and Noble announced its intent to publish public domain materials at minimal cost. Trustees Swenson and Casas Frier and President Bechtel reported that they attended the opening of the De Anza Writing Center. Trustee Fong reported that he attended the Association of Community College Trustees Congress, at which Assistant to the Chancellor Jon O’Bergh was honored with the Pacific Region Award for Professional Board Staff Member. Trustee Fong said he moderated a session on “The Missing Minority Male” at the Congress. President Bechtel reminded the trustees of the upcoming De Anza fund-raiser A Night of Magic on October 28. She also reported that she attended a Construction Career Day sponsored by the Santa Clara County Building and Trades Council.

APPROVAL OF CONSENT CALENDAR

President Bechtel commented on the upcoming retirements of Vice Chancellors Mike Brandy and Jane Enright and Executive Director of Facilities, Operations and Construction Management John Schulze and how much they will be missed.

- M/S/C:** Plotkin/Swenson
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved / Ratified Items 1-7 of the Consent Calendar as follows:

Item 1 — **Approved** NOMINATION OF HAL PLOTKIN TO ACCT PUBLIC POLICY COMMITTEE

Item 2 — **Ratified** CONTRACTS AND AGREEMENTS

Item 3 — **Acknowledged** REVIEW OF FINANCIAL REPORT CCFS-311

Item 4 — **Approved** RESOLUTION #2006-28 AUTHORIZING CHILD DEVELOPMENT CONTRACT #CIMS-6633

Item 5 — **Approved** SALE OF SURPLUS DISTRICT GLASSWARE WASHER
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the glassware washer in accordance with Education Code 81452(a)

Item 6 — **Approved** PERSONNEL ACTIONS:

Name: **Michael Appio**
Position: Instructor, Manufacturing and Computer Numerical Control
College: De Anza
Division: Applied Technologies
Action: **Employment**
Effective Date: September 21, 2006
Compensation: Column I, Step I @ \$7,057.44 per month # of Months: 10

Name: **Mike Brandy**
Position: Vice Chancellor, Business Services
College: Central Services
Division: Business Services
Action: **Resignation for the Purpose of Retirement**
Effective Date: April 30, 2007
Comments: In accordance with Chapters XIII and XIV of the Administrators Handbook

Name: **Jane Enright**
Position: Vice Chancellor, Human Resources and Equal Opportunity
College: Central Services
Division: Human Resources and Equal Opportunity
Action: **Resignation for the Purpose of Retirement**
Effective Date: June 30, 2007
Comments: In accordance with Chapters XIII and XIV of the Administrators Handbook

Name: **Barbara Erysian**
Position: Instructor
College: De Anza
Division: Physical Sciences, Mathematics and Engineering
Action: **Resignation**
Effective Date: September 8, 2006

Name: **Marie Fox**
Position: Executive Director, FHDA Foundation
College: Central Services
Division: Chancellor's Office
Action: **Extend Employment Contract**
Effective Date: October 18, 2006 through June 30, 2007

Name: **Laura Robinson**
Position: Instructor
College: Foothill
Division: Business and Social Sciences
Action: **Resignation**
Effective Date: October 2, 2006

Name: **John Schulze**
Position: Director, Facilities, Operations and Construction Management
College: Central Services
Division: Operations
Action: **Resignation for the Purpose of Retirement**
Effective Date: December 29, 2006
Comments: In accordance with Chapter XIII of the Administrators Handbook

Name: **Linda Ullah**
Position: Teacher-in-Residence
College: Foothill
Division: Krause Center for Innovation
Action: **Resignation for the Purpose of Retirement**
Effective Date: December 31, 2006

Item 7 — **Approved HUMAN RESOURCES REPORT**

Item 8

APPOINTMENT OF MEMBERS OF THE MEASURE C CITIZENS' BOND OVERSIGHT COMMITTEE

President Bechtel introduced Carol Johnson, Jim Sandstrom and Sarah Wiehe. Chancellor Martha Kanter said she was delighted with the interest from the community in applying for the Committee. She expects the Committee will hold its first meeting in January, with a second meeting sometime during the summer once there has been activity on Measure C projects. The Vice Chancellor of Business Services or designee will serve as the District's liaison for the Committee.

M/S/C: Swenson/Diaz
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the appointment of the following members of the Measure C Citizens' Bond Oversight Committee:

Ralph Adams	taxpayers' association
Phyllis Bismanovsky	at large
Dexter Dawes	business organization
Carol Johnson	at large
Jim Sandstrom	senior citizens' organization
Jim Walker	Foothill-De Anza auxiliary organization
Sarah Wiehe	student

Item 9

APPROVAL OF 2006-07 PROFESSIONAL ACHIEVEMENT AWARDS

Trustee Swenson asked how many of the faculty who applied were recommended to receive the award. Vice Chancellor of Human Resources and Equal Opportunity responded that, this year, everyone who applied was successful in meeting the criteria. She described the process for reviewing and approving applications.

M/S/C: Plotkin/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved 2006-07 Professional Achievement Awards for the following faculty:

Foothill College

Doug Boyett	Kate Jordahl	Barbara Shewfelt
Janice Carr	Carol Josselyn	Marshall Sperbeck
Jerry Cellilo	Keith Lee	Janis Stevenson
Richard Daley	Debra Lew	Ikuko Tomita
Konnilyn Feig	Dixie Macias	James Whearty
Kurt Gravenhorst	Karl Peter	
Sharon Hack	Bernie Seyboldt Day	

De Anza College

David Barney	Herminio Hernando	Rebecca Sherwood
Wayne Chenoweth	Mary Ann Ifft	Timothy Shively
Judith Clavijo	Barbara Illowsky	Francisco Soler
David Coleman	Elizabeth Mjelde	Randolf Splitter
Robert Dickerson	Carlos Mujal	Susan Tavernetti
Gaeir Dietrich	Dina Poggi	Gnana "Lakshmi"
William Geisinger	Margo Raff	Vanniasegaram
Beth Grobman	Monica Sheirich	Sue Yoes

Item 10

APPROVAL OF 10 NEW FULL-TIME FACULTY POSITIONS AND 10 NEW NON-FACULTY POSITIONS DUE TO INCREASED ENROLLMENT

Vice Chancellor of Business Services Mike Brandy provided background and an analysis of FTES demonstrating how enrollment was expected to increase. He explained that the specific non-faculty positions will be brought to the Board for approval at a later time. President Bechtel noted how only a year ago enrollment was lower than expected, and she expressed concern about future downturns that might result in the need for layoffs. Vice Chancellor Brandy responded that it is prudent to build the infrastructure to support enrollment growth. Responding to a question from Trustee Swenson, he said that the number of administrative positions would be proportional to the number of classified positions, and therefore he did not expect more than one administrative position. He added that there is great demand to restore classified positions that were eliminated during layoffs. Trustee Swenson urged that the District move quickly to open and fill the faculty positions. Foothill Academic Senate President Paul Starer pointed out the unprecedented number of key personnel changes and noted that leadership would be particularly critical during the next year.

M/S/C: Swenson/Fong

Advisory vote: 2 yes

Board vote: unanimous

Action: 1) Approved new positions as follows:

New full-time faculty positions for 2006-07

De Anza – 6.0 FTE

Foothill – 4.0 FTE

New non-faculty positions

De Anza – 5.0 FTE

Foothill – 3.0 FTE

Central Services – 2.0 FTE

2) Approved an increase of \$140,000 to the B Budget as reflected in the 2006-07 Adopted Budget

Item 11

UNFUNDED RETIREE MEDICAL BENEFITS LIABILITY

Vice Chancellor of Business Services Mike Brandy summarized the previous discussions and the recommendations in the actuarial report. Faculty Association (FA) President Faith Milonas asked for more information about the irrevocable trust. Vice Chancellor Brandy reviewed how information on the Joint Powers Agency (JPA) was presented to the Board two years ago; he explained that the JPA serves as the administrator, and Union Bank holds the funds as trustee. He reviewed how the District engaged the services of an investment advisor through a Request for Proposal process. The investment advisor crafted four options for investment strategies, which were presented to the Board for its information. He noted that funds can be moved between irrevocable trusts. He also reviewed the discussions and meetings that have occurred with the Budget Committee, Benefits Committee and the actuary.

Vice Chancellor Brandy pointed out that the supplemental study on reinstating lifetime benefits, which the unions engaged the actuary to produce, does not affect the District's obligation to act on the recommendations in the actuarial report on the unfunded liability as required by GASB. FA

President Milonas expressed hope that the District can bring employees hired after 1997 into equity with other employees who have lifetime benefits. Responding to a question from Trustee Swenson, Vice Chancellor Brandy said that a recommendation on the use of one-time funds would be brought to the Board on November 6.

Item 12

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-M as follows:

- A.** *Title:* Change Order #4
Vendor: Coast Side Associates
Agreement Date: March 22, 2006
Campus: De Anza College
Project No.: 226
Project Name: Planetarium Renovation
Amount: \$27,393
For: Reinforce mezzanine structure, upgrade exterior Dome paint, provide “Ultimate Seam” installation for Dome, and remove not to code electrical circuits; this change order and previous change orders represent 4.1% against the original contract amount
Action: Ratification
- B.** *Title:* Revision #3 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: \$33,410
For: Provide design services for the extension of the lobby north by approximately three (3) feet
Action: Ratification
- C.** *Title:* Revision #3 to Addendum #1 of Agreement
Vendor: Rumsey Engineers, Inc.
Agreement Date: June 23, 2003
Campus: De Anza College
Project No.: 276
Project Name: Science Center HVAC Repairs
Amount: \$7,300
For: Provide commissioning services and an updated commissioning report for Project 276 Science Center HVAC Repairs
Action: Ratification

- D.** *Title:* Change Order #1
Vendor: JMA Construction
Agreement Date: March 22, 2006
Campus: De Anza College
Project No.: 229
Project Name: Restroom Renovation
Amount: \$2,028
For: Four mechanical curbs for HVAC equipment; this change order and previous change orders represent 0.5% of the base contract amount
Action: Ratification
- E.** *Title:* Change Order #2
Vendor: JMA Construction
Agreement Date: March 22, 2006
Campus: De Anza College
Project No.: 229
Project Name: Restroom Renovation
Amount: \$17,897
For: Misc. construction changes including fixture repairs and electrical work; this change order and previous change orders represent 5.2% of the base contract amount
Action: Ratification
- F.** *Title:* Change Order #5
Vendor: Critchfield Mechanical, Inc.
Agreement Date: June 6, 2006
Campus: De Anza College
Project No.: 276
Project Name: Science Center HVAC
Amount: \$36,609
For: Miscellaneous construction changes including mechanical, electrical and plumbing, primarily due to conflicts with existing utilities; this total value of Change Orders #3 through #5 is \$190,259, representing 5.01% against the contract baseline amount
Action: Ratification
- G.** *Title:* Revision #5 to PO #M555151
Vendor: DES Architects + Engineers
Agreement Date: May 19, 2004
Campus: Foothill College
Project No.: 117
Project Name: Administration Building Modernization
Amount: \$40,365
For: Additional fee for A/E fee reconciliation based on accept construction bid
Action: Ratification

H. *Title:* Addendum #F-18
Vendor: Environmental Construction Services, Inc.
Agreement Date: June 5, 2001
Campus: Foothill College
Project No.: 148
Project Name: Radio Station & Language Arts
Amount: \$5,700
For: Asbestos consulting services for Radio Station & Language Arts buildings 5700 and 6200
Action: Ratification

I. *Title:* Change Order #6
Vendor: John Plane Construction Inc.
Agreement Date: February 24, 2006
Campus: Foothill College
Project No.: 117
Project Name: Administration Modernization Project
Amount: \$1,381
For: This change order plus all previous change orders represents 2.2% above the base contract amount.

Relocation of SBC cabinet to East wall of the Telecom Room.
Installation of new roof access hatch and associated safety components.
Provide miscellaneous electrical changes.

Action: Ratification

J. *Title:* Revision #3 to PO #H555291
Vendor: Netcor Design Systems, Inc.
Agreement Date: June 3, 2004
Campus: Foothill College
Project No.: 117
Project Name: Administration Building Modernization
Amount: \$660
For: Additional site inspection for Telecom Data Room.
Action: Ratification

K. *Title:* Change Order #38
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$72,029
For: This change order plus all previous change orders represents 4.0% above the base contract amount; added 4" perforated pipe and drain rock at various locations; installation of miscellaneous electrical changes for buildings 7100, 7400, 7500, 8100, 8200, 8300 and 8400; provide fire rated insulation on PVC anesthetic purge lines at building 7500
Action: Ratification

- L.** *Title:* Change Order #13
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 3, 2005
Campus: Foothill College
Project No.: 171
Project Name: Central Plant
Amount: \$26,746
For: This change order plus all previous change orders represents 5.6% above the base contract amount; final change order to include structural supports for hydronic piping, AC paving repairs at Lot 6, credit for deleted valves, and a Warrick control panel for the irrigation water storage tank and well pumps
Action: Ratification
- M.** *Title:* Change Order #11
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$120,265
For: This change order plus all previous change orders represents 1.8% above the base contract amount; this revision includes: structural revisions to mechanical platforms at Bldg. 2200, replacing bellows couplings with expansion loops at the joint trenches, and underground mechanical air duct, and miscellaneous electrical revisions
Action: Ratification

DATES TO REMEMBER

November 6, 2006 — Audit & Finance Committee Meeting
November 6, 2006 — Regular Meeting

ADJOURNMENT

President Bechtel adjourned the meeting at 7:05 p.m.

jco
Approved: 11/6/06

Martha J. Kanter, Chancellor
Secretary, Board of Trustees