



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

December 3, 2007

### CALL TO ORDER AND ROLL CALL

President Hal Plotkin 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:**

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

#### for Public Session

Jordan Eldridge, De Anza College Student Trustee (via conference phone line)  
Sarah Snow, Foothill College Student Trustee

President Plotkin 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>	Charles Allen	Rich Hansen	Frank Nunez
	Tom Armstrong	Art Heinrich	Jon O’Bergh
	Shirley Barker	Donna Jones-Dulin	Hector Quinonez
	Wayne Chenoweth	Martha Kanter	Carmen Redmond
	Andy Dunn	Marsha Kelly	Javier Rueda
	Jane Enright	Ron Levine	Fred Sherman
	Christina Espinosa-Pieb	Sharon Luciw	Chien Shih
	Marie Fox Ellison	Margaret Michaelis	Marisa Spatafore
	David Garrido	Judy Miner	Paul Starer
	Robert Griffin	Brian Murphy	John Swensson

*Press:* None

*Students:* Steve Carleton

*Public:* Mary Levine  
Tom Perry-Smith  
Robert C. Smithwick  
Terry Terman

## **Item 1**

### APPOINTMENT OF TRUSTEES WHO WERE UNOPPOSED IN THE NOVEMBER 2007 BOARD OF TRUSTEES ELECTION

**M/S/C:** Swenson/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the appointment of Betsy Bechtel, Laura Casas Frier and Hal Plotkin to the Board

## **OATH OF OFFICE**

Chancellor Martha Kanter administered the oaths of office to trustees Betsy Bechtel, Laura Casas Frier and Hal Plotkin.

## **ANNUAL ORGANIZATION MEETING**

Trustee Bechtel commended President Plotkin for serving as president and said she intended to vote for Trustee Swenson as President, in keeping with past practice, since he ably served as the 2007 Vice President. President Plotkin announced that he intended to do the same. He then asked the trustees to cast their ballots and pass them to the Board secretary, and asked Student Trustee Eldridge to verbally cast his advisory vote via telephone. Chancellor Martha Kanter counted the ballots and announced that **Trustee Swenson** received a unanimous vote for **President** with two advisory votes in favor as follows:

Betsy Bechtel voted for Bruce Swenson  
Paul Fong voted for Bruce Swenson  
Laura Casas Frier voted for Bruce Swenson  
Hal Plotkin voted for Bruce Swenson  
Bruce Swenson voted for Bruce Swenson  
Jordan Eldridge cast an advisory vote for Bruce Swenson  
Sarah Snow cast an advisory vote for Bruce Swenson

Trustee Swenson assumed his seat as Board President. Trustees Casas Frier and Bechtel nominated Paul Fong for Vice President. President Swenson asked the trustees to cast their ballots and pass them to the Board secretary, and asked Student Trustee Eldridge to verbally cast his advisory vote via telephone. Chancellor Martha Kanter counted the ballots and announced that **Trustee Fong** received a unanimous vote for **Vice President** with two advisory votes in favor as follows:

Betsy Bechtel voted for Paul Fong  
Paul Fong voted for Paul Fong  
Laura Casas Frier voted for Paul Fong  
Hal Plotkin voted for Paul Fong  
Bruce Swenson voted for Paul Fong  
Jordan Eldridge cast an advisory vote for Paul Fong  
Sarah Snow cast an advisory vote for Paul Fong

Trustee Bechtel made a motion, seconded by Trustee Fong, to appoint **Chancellor Martha Kanter** as **Secretary**. The motion carried unanimously with two advisory votes in favor. President Swenson then made the following committee appointments:

**Paul Fong** — Board Representative to County Committee on School District Organization  
**Betsy Bechtel** — Chair, Audit & Finance Committee  
**Laura Casas Frier** — Member, Audit & Finance Committee  
**Paul Fong** and **Hal Plotkin** — Foothill-De Anza Colleges Foundation Board Directors

### APPROVAL OF MINUTES

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the November 5, 2007 meeting

### CORRESPONDENCE

President Swenson 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 / Students

Former trustee Mary Levine commented on her early years serving on the Board and the tradition of her fruitcake brought to the Board's annual holiday reception since the District's first Board meeting.

#### Staff

Foothill Academic Senate President Paul Starer reported that he provided guidance to the academic senate of the Grossmont-Cuyamaca Community College District regarding the implementation of plus/minus grading. Faculty Association President Rich Hansen announced that a press conference regarding Proposition 92 would be held the following day and that Trustee Fong would be one of the speakers.

Foothill President Judy Miner announced that a reception would be scheduled toward the end of January to honor instructor Andrew Fraknoi, who was named the 2007 California Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education. She also praised instructor Bubba Gong, who choreographed with his dance students a performance to benefit the dance program. Finally, she acknowledged the work and contributions of the Foothill Commission, donors John and Donna Schumacher, and donor Bob Grimm.

De Anza President Brian Murphy also expressed his appreciation for donor Bob Grimm. He distributed a folder of marketing material developed by the Marketing department and reported that weekend class offerings were being ramped up and promoted. He praised the successes of the Women's Soccer Team and coach Cheryl Owiesny. He also spoke about budget difficulties that the state would be facing next year and expressed hope that the Board would oppose any health and welfare funding cuts that the governor might propose since such cuts would negatively impact many of the District's students and their families.

Chancellor Kanter also addressed the state’s budget difficulties and the systemwide strategy to vigorously advocate that cuts do not impact community colleges, which provide a critical role in educating the state’s workforce. She reported that Foothill Academic Senate President Starer and De Anza President Murphy will take the lead in planning a strategic conversation in regard to Board Policy 4185 on the publication and use of instructional materials for the February 4 Board meeting.

Trustees

Addressing the absence of candidates other than the three incumbent trustees in the recent election, Trustee Casas Frier pointed out the high cost of the ballot statement as a possible deterrent to individuals who might be interested in running for a seat on the Board. She expressed hope that the District will advocate to mitigate this expense in the interests of increasing candidate participation in the future.

Trustee Bechtel reported that she gave a presentation on the District with Trustee Casas Frier and Chancellor Kanter to the Fremont Union High School District Board of Trustees, which was well received. Trustee Plotkin reported that he attended the first meeting of the California Community College Advisory Committee on Textbooks, a systemwide task force charged with studying the issue of textbook materials and costs. He hopes to convince a faculty member from Foothill or De Anza to become involved to help set the task force on the right path.

President Swenson shared his thoughts on implementing Measure C in a way that honors what voters expected when they approved the bond: buildings should be efficient and effective as educational facilities; the existing aesthetic beauty of the campuses should be maintained; there should be a focus on constructability to keep design errors to a minimum; and budget and cost considerations should be paramount. He spoke about the importance of proper processes, which includes the involvement of faculty and staff, presentations to the Board at various stages of the projects, and a thorough vetting of designs and construction. While recognizing that the cost of inflation will impact the number of projects that can be accomplished, he expressed hope that the District would be able to carefully monitor budgets and construction costs in order to complete as many of the Measure C projects as possible.

**PUBLIC HEARING**

- **Agreement between the Foothill-De Anza Community College District and Teamsters, Local 287, July 1, 2007-June 30, 2010; Compensation Settlement 2007-08**
- **Compensation Settlement between the Foothill-De Anza Community College District and the Faculty Association**

President Swenson opened the public hearing and asked if anyone wished to address either of the items. No one wished to speak, so he closed the public hearing.

**APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Bechtel/Snow  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 2-19 of the Consent Calendar as follows:

- Item 2** — **Ratified** CONTRACTS AND AGREEMENTS
- Item 3** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR SEPTEMBER AND OCTOBER 2007
- Item 4** — **Acknowledged as Information** LISTING OF DISTRICT INVESTMENTS AS OF SEPTEMBER 30, 2007
- Item 5** — **Authorized** RENEWAL OF NETWORK EQUIPMENT MAINTENANCE AND SUPPORT CONTRACT WITH ALCATEL USA MARKETING, INC.
- Item 6** — **Approved** RENEWAL OF ETUDES CONSORTIUM DATA CENTER CONTRACT
- Item 7** — **Approved** RESOLUTION #2007-28 AUTHORIZING SEPARATE BANK ACCOUNTS
- Item 8** — **Approved** DELGATION OF AUTHORITY RESOLUTIONS #2007-29A – #2007-29H
- Item 9** — **Approved** FOOTHILL AND DE ANZA COLLEGES IMPACT – COMMUNITY EDUCATION SHORT COURSES
- Item 10** — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT EQUIPMENT  
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the equipment
- Item 11** — **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 Services to sell the items in accordance with Education Code 81452(a)
- Item 12** — **Approved** DONATION, RECYCLING OR DISPOSAL OF MISCELLANEOUS SURPLUS DISTRICT EQUIPMENT – HOSPITAL BEDS  
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 13** — **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 14** — **Approved** SALE OF SURPLUS OCE COPIER  
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the OCE copier
- Item 15** — **Approved** SALE OF SURPLUS DIESEL GENERATOR 1  
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the diesel generator

**Item 16** — **Approved** SALE OF SURPLUS DIESEL GENERATOR 2

Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the diesel generator

**Item 17** — **Approved** CHANGE TO CONTRACT WITH PROFESSIONAL PERSONNEL LEASING FOR SERVICES OF DICK HENNING

**Item 18** — **Approved** PERSONNEL ACTIONS:

*Name:* **Charles Allen**  
*Position:* Executive Director, Facilities, Operations and Construction Management  
*College:* Central Services  
*Division:* Plant Services  
*Action:* **Second One-Year Employment Contract**  
*Effective Date:* December 11, 2007 – December 10, 2008 # of months: 12

*Name:* **Lester Lyons**  
*Position:* Associate Director, Facilities and Operations  
*College:* Central Services  
*Division:* Plant Services  
*Action:* **Second One-Year Employment Contract**  
*Effective Date:* December 5, 2007 – December 3, 2008 # of months: 12

*Name:* **Dorene Novotny**  
*Position:* Vice Chancellor, Human Resources and Equal Opportunity  
*College:* Central Services  
*Division:* Human Resources  
*Action:* **Employment**  
*Effective Date:* February 11, 2008 # of months: 12  
*Compensation:* Step 2 @ \$13,207.16 per month

*Name:* **Marshall Sperbeck**  
*Position:* Coach / Instructor  
*College:* Foothill College  
*Division:* PE / Athletics  
*Action:* **Extension of Leave**  
*Effective Date:* January 7, 2008 – December 12, 2008 # of months: 12

*Name:* **Randolph Splitter**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Increase Load to 0.708 (STRS Reduced Workload Program)**  
*Effective Date:* September 20, 2007

*Name:* **Brenda Davis-Visas**  
*Position:* Director of Facilities and Special Projects  
*College:* Foothill College  
*Division:* Facilities and Operations  
*Action:* **Employment**  
*Effective Date:* January 2, 2008 # of months: 12  
*Compensation:* Level I, Step 2 @ \$8,481.59 per month

**Item 19** — Approved HUMAN RESOURCES REPORT

**Item 20**

AUDIT FOR YEAR ENDED JUNE 30, 2007

**Item 21**

MEASURE C INDEPENDENT ACCOUNTANT’S REPORT FOR YEAR ENDED JUNE 30, 2007

Controller Hector Quinonez reported that the audit process went well. He introduced Tom Perry-Smith from Perry-Smith LLP, who presented the audit. Mr. Perry-Smith reported that there were no audit adjustments, no federal compliance exceptions, and no significant deficiencies on internal controls. He noted a minor state compliance issue regarding the 50% law and tracking of faculty re-assignments. He announced that new audit standards will go into effect next year which will require a lengthier, more detailed auditing process. Trustee Bechtel thanked staff for addressing prior year findings and for ensuring that the District has strong internal controls. She noted that the new standards are likely to have an impact on the cost of the audit.

Mr. Perry-Smith presented the Independent Accountant’s Report on Applying Agreed-Upon Procedures, which is required as part of the Measure C bond. Noting that no official definition of a “performance audit” exists, he explained that auditors interpret that phrase to mean checking for appropriate documentation on bond expenditures. He reported that a few minor exceptions were found for which not all of the required signatures had been obtained.

**Item 22**

TRANSFER OF \$10 MILILION FROM GENERAL FUND TO CAPITAL PROJECTS FUND FOR MEASURE C PROJECTS

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the \$10 million transfer from the General Fund to the Capital Projects Fund in order to continue critical Measure C program activities while the District awaits the outcome of the Measure C lawsuit

## **Item 23**

### APPOINTMENTS TO CITIZENS' BOND OVERSIGHT COMMITTEE

<b>M/S/C:</b>	Plotkin/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the re-appointment of the following members: <b>Ralph Adams</b> — representative, tax-payer association <b>Phyllis Bismanovsky</b> — at-large representative <b>Dexter Dawes</b> — representative, business organization <b>Jim Walker</b> — representative, Foothill-De Anza auxiliary organization

## **Item 24**

### REVISION TO BOARD POLICY 3000 – PRINCIPLES OF SOUND FISCAL MANAGEMENT

Vice Chancellor of Business Services Andy Dunn presented the revised policy for a first reading. Trustee Bechtel pointed out a typographical error involving two paragraphs lettered as “e.”

## **Item 25**

### REVISIONS TO BOARD POLICY 9123 – AUDIT & FINANCE COMMITTEE

Vice Chancellor of Business Services Dunn presented the revised policy for a first reading and pointed out that membership terms and solicitation of community members were patterned after the Citizens' Bond Oversight Committee (CBOC). Responding to a question from Trustee Plotkin, Chancellor Kanter explained that the process for soliciting and recommending the appointment of members would be the same as for the CBOC. Applicants should apply by early January so the Board can make appointments at the January 22, 2008 meeting.

## **Item 26**

### OPEN SOURCE REPORT

Vice Chancellor of Technology Fred Sherman presented the Open Source Report. He pointed out that the Kualu financial system is the only open source system that is sufficiently mature to be considered at this time. He reviewed an analysis of several different criteria that included how well the system matches the District's requirements, the level of adoption by other institutions, system leadership (e.g., a growing user community and stable developer community), the presence or absence of essential modules, the ease of integration, and cost. He estimated that the implementation of the Kualu financial system over five years would be \$1.4 million plus another \$1.5 million in staffing costs, but these figures do not include any additional modules that would be needed. According to Vice Chancellor Sherman, Kualu shows promise as an enterprise system in a relatively small field of competitors that could offer the community college system the ability to share development and maintenance costs while tailoring the functionality to meet the needs of community colleges. However, given the length of time that would be needed to implement Kualu at Foothill-De Anza and the fact that the cost would not differ from that of a commercial vendor, he recommended monitoring the development of Kualu for possible future integration.

Trustee Plotkin, expressing his view that open source will eventually prove to be superior to commercial vendor applications, supported participation in Kualu at the “community contributor” level by joining the Kualu Foundation and making small cash contributions. Vice Chancellor



Sherman responded to questions and noted that the recommendation for the Educational Information System will be postponed to the February 4 Board meeting to give staff more time to analyze all of the information from vendors and feedback from faculty and staff.

### **Item 27**

*AGREEMENT BETWEEN THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT AND TEAMSTERS LOCAL 287, JULY 1, 2007-JUNE 30, 2010*

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the *Agreement* with Teamsters Local 287, July 1, 2007-June 30, 2010

### **Item 28**

COMPENSATION SETTLEMENT FOR 2007-08 WITH TEAMSTERS LOCAL 287

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the following terms and conditions of a 2007-08 compensation settlement with Teamsters Local 287:

#### Article 6 Pay and Allowances

- 1) Salary adjustment of 5.53% (State allocated COLA plus one per cent) on the salary schedule retroactive to July 1, 2007 and shall commence with the December 2007 pay period, which shall also include the retroactive pay.
- 2) An additional salary adjustment of 1% on the salary schedule contingent upon the District's ability to sustain the growth indicated in the Fall quarter through the academic year. Growth shall be to the level of State established CAP or 2 percentage points, whichever is greater. If growth is below the threshold stated above, but is at least 1% , fully funded, the salary adjustment shall be at least half of one percent on the salary schedule. The salary adjustment shall be retroactive to July 1, 2007 and shall be paid in the June 2008 pay period.
  - The parties acknowledge that the District is funding approximately 2.5% of the 5.53% salary increase from one-time funds and further acknowledge that the District must, over the next three-year period, identify on-going funds which may include growth funding, State-allocated COLA, and/or other revenue sources to sustain the ongoing salary costs of this adjustment.
- 3) Swing, graveyard and weekend shift differentials for supervisors shall be restored effective January 1, 2008.

Article 8, Leaves and Article 15, Paid Benefits

Effective January 1, 2008, the District shall increase the maximum earnings for Extended Sick Leave (Article 8) and for Long Term Disability Insurance (Article 15) from 66.66% of salary up to a maximum of \$4300 per month to 66.66% of salary up to a maximum of \$6000 per month.

**Item 29**

INCREASE TO CONFIDENTIAL EMPLOYEE SALARY SCHEDULE AND CHANGES TO THE CONFIDENTIAL EMPLOYEES HANDBOOK

<b>M/S/C:</b>	Plotkin/Bechtel
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved an increase to the Confidential Employee Salary Schedule and changes to the Confidential Employees Handbook as follows:

Chapter 4 – Salaries

- 1) Salary adjustment of 5.53% (the State-provided COLA plus 1 per cent) on the salary schedule retroactive to July 1, 2007. The adjustment shall commence with the December 2007 pay period, which shall also include the retroactive pay.
- 2) An additional salary adjustment of 1% on the salary schedule contingent upon the District’s ability to sustain the growth indicated in the Fall quarter through the academic year. Growth shall be to the level of State established CAP or 2 percentage points, whichever is greater. If growth is below the threshold stated above but is at least at 1%, fully funded, the salary adjustment shall be at least half of one percent on the salary schedule. The salary adjustment shall be retroactive to July 1, 2007 and shall be paid in the June 2008 pay period, which shall also include the retroactive pay.
  - The Confidential Employees acknowledge that the District is funding approximately 2.5% of the 5.53% salary adjustment from one-time funds and further acknowledge that the District must, over the next three-year period identify on-going funds which may include growth funding, State allocated COLA, or other revenue sources to sustain the ongoing salary costs of this adjustment.

Chapter 6 – Paid Benefits and Chapter 7 Leaves and Paid Holidays

Effective January 1, 2008, the District shall increase the maximum earnings for Extended Sick Leave (Chapter 7) and for Long Term Disability Insurance (Chapter 6) from 66.66% of salary up to a maximum of \$4300 per month to 66.66% of salary up to a maximum of \$6000 per month.

Chapter 14

Establish maximum for Professional Growth Awards at \$8,400 to make consistent with other classified employees.

Chapter 15

Add new Chapter to provide a Post-Retirement Employment program for Confidential Employees.

**Item 30**

SALARY INCREASE AND SALARY SCHEDULE ADJUSTMENT TO ADMINISTRATIVE SALARY SCHEDULE;  
CHANGES TO ADMINISTRATORS HANDBOOK

**M/S/C:** Fong/Plotkin

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved a salary increase and salary schedule adjustment to the Administrative Salary Schedule and changes to the Administrators Handbook as follows:

- 1) Salary adjustment of 5.53% (the State provided COLA plus one per cent) to be distributed as follows:
  - 1.08% to restore Step 8 of the salary schedule which shall be 1% greater than Step 7 on the salary schedule; current Step 8 shall become Step 7 which shall represent a 3% increment over Step 6.
  - 4.45% on salary schedule

The salary schedule adjustment and the salary increase shall be retroactive to July 1, 2007 and commence with the December 2007 pay period, which shall also include the retroactive pay.

- 2) An additional salary adjustment of 1% on the salary schedule contingent upon the District's ability to sustain the growth indicated in the Fall quarter through the academic year. Growth shall be to the level of State established CAP or 2 percentage points, whichever is greater. If growth is below the threshold stated above but is at least at 1%, fully funded, the salary adjustment shall be at least half of one percent on the salary schedule. The salary adjustment shall be retroactive to July 1, 2007 and shall be paid in the June 2008 pay period.

The Administrative Management Association acknowledges that the District is funding approximately 2.5% of the 5.53% adjustment from one-time funds and further acknowledges that the District must, over the next three-year period, identify ongoing funds which may include growth funding, State-allocated COLA, or other sources of revenue to sustain the ongoing salary costs of this adjustment.

- 3) The District shall reestablish the Administrative Achievement Award (AAA) effective July 1, 2008 to be funded initially with the 2007-08 allocation of \$35,000 for the Exemplary Achievement Award and a similar allocation of \$35,000 for 2008-09. The AAA is described in Chapter IX of the Administrators Handbook.

- 4) The District shall adjust the compensation for administrators who assume additional duties on a temporary basis by not less than eight percent (8%) and by not less than ten percent (10%) for administrators who assume full duties and responsibilities on an interim basis for positions in the same or higher classification.
- 5) The District shall pay an annual stipend of \$2400 to administrators who have a doctorate. The stipend shall be paid in monthly increments and shall not become part of base salary subject to COLA increases.
- 6) Effective January 1, 2008, the District shall increase the maximum earnings for Extended Sick Leave (Chapter VII) and for Long Term Disability Insurance (Chapter VIII) from 66.66% of salary up to a maximum of \$4300 per month to 66.66% of salary up to a maximum of \$6000 per month.

### **Item 31**

#### COMPENSATION SETTLEMENT BETWEEN THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT AND THE FACULTY ASSOCIATION, PENDING RATIFICATION BY THE FACULTY ASSOCIATION BOARD

Faculty Association President Rich Hansen thanked the Board, Chancellor Kanter and the negotiations teams for working hard to come to an agreement.

- |                       |   |
|-----------------------|---|
| <b>M/S/C:</b>         | Plotkin/Fong  |
| <b>Advisory vote:</b> | 2 yes   |
| <b>Board vote:</b>    | unanimous   |
| <b>Action:</b>        | Approved a 2007-08 compensation settlement with the Faculty Association as follows: |
- 1) Salary adjustment of 5.53% (equivalent to the State-provided 4.53% COLA plus 1%) on all salary schedules, Appendices A, B, B.1, C, D, D.1, E, G.  
*Terms:* The salary adjustment shall be retroactive to July 1, 2007. The adjustment shall commence with the December 2007 pay period, which shall also include the retroactive pay.
  - 2) An additional salary adjustment of 1% on all salary schedules, Appendices A, B, B.1, C, D, D.1, E, G.  
*Terms:* The additional salary adjustment shall be contingent upon the District's ability to sustain the 2% growth indicated in the Fall quarter through the academic year.  

If funded growth is below the threshold stated above, the salary adjustment shall be one-half of the funded growth percentage.

The additional salary adjustment shall be retroactive to July 1, 2007 and shall be paid in a lump sum in the June 2008 pay period.
  - 3) The parties acknowledge that, in order to provide the 5.53% adjustment, the District is subsidizing the projected increase in

2007-08 health benefits from the Health Benefits Reserve and using the undesignated ending balance identified in the 2007-08 Approved Budget to support approximately 2.5% of the salary adjustment. The parties further acknowledge that the District must, over the next three-year period, identify funding to sustain the ongoing cost of this adjustment. Potential sources of revenue for this purpose may include undesignated year-end balances and on-going funds such as growth funding, state allocated COLA, and any new revenue sources.

- 4) Effective January 1, 2008 the District shall increase the maximum earnings for Extended Sick Leave (Article 16) and for Long Term Disability Insurance (Article 22) from 66.66% of salary up to a maximum of \$4300 per month to 66.66% of salary up to a maximum of \$6000 per month.
- 5) Effective September 24, 2007, the compensation for conducting an official evaluation under Article 25.6 shall be increased to two hundred dollars per evaluation. The increase shall commence in December 2007 and retroactive compensation, if any, shall be included in the December pay period.
- 6) The District shall set aside \$250,000 from the Health Benefits Reserve as a Post-1997 Faculty Account to demonstrate a commitment to developing retiree medical savings options for faculty hired on or after July 1, 1997. The parties agree that any such options shall not increase the District's unfunded retiree benefits liability. The parties agree that funding for the Account shall not be precedent setting and shall be limited to 2007-08 only unless otherwise agreed by the parties. The District and FA shall commence discussion of potential plans in February 2008.
- 7) District and FA shall conduct a review of the Professional Achievement Award and longevity pay during the 2008-09 academic year to determine whether the PAA should be changed to a longevity pay system, remain as an award system subject to COLA adjustments, or remain unchanged.

## **Item 32**

### MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #32  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$75,252  
*For:* Miscellaneous structural modifications at both buildings, revise window mullion spacing to align with mullions above on second floor, grading modifications at bus pad, display case modification at dining hall and miscellaneous architectural and electrical changes to meet user requirements; this change order plus all previous change orders represents 9.89% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification
- B.** *Title:* Change Order #64  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$90,068  
*For:* Miscellaneous architectural, civil, structural, and electrical changes; this change order plus all previous change orders represents 8.50% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification

- C.** *Title:* Budget Transfer #45-FH  
*Campus:* Foothill College  
*Project Name:* Measure E Bond Program  
*For:* Budget Transfer #45-FH involves two projects: Project #129 (Utility Lid Replacement) and #140 (Temporary Facilities). The savings from these two projects are being transferred to #176 (Minor Improvements) and #153 (Campus Center). Periodically, Measure E projects are reviewed to determine a level of project expenditures and to ascertain the extent of any project cost overruns or cost savings realized. In the event of project savings, these funds are then available for transfer to other Measure E projects. In addition, during the course of a project an evaluation is periodically done to determine if costs being incurred are sufficiently covered by the project's budget; in certain instances supplemental funding is necessary to augment an existing project's budget. The projects recognized above involve savings that will supplement two existing projects' budgets. This transfer re-allocates funds to cover anticipated and potential future project costs associated with these two projects. The \$100,000 being moved to the Minor Improvements project is for improvements to various projects that are not included in the current project budgets. The \$60,000 being moved to the Campus Center project is for the Emergency Generator Remote Fueling Station that has been required by the Santa Clara County Health and Fire Departments.
- Action:* Ratification

### **Item 33**

#### MEASURE C CONSENT CALENDAR

- M/S/C:** Fong/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure C Consent Calendar, A-E as follows:
- A.** *Title:* Change Order #1  
*Vendor:* Ellis & Ellis Sign Systems  
*Agreement Date:* August 21, 2007  
*Campus:* De Anza College  
*Project No.:* 215  
*Project Name:* Signage  
*Amount:* \$3,062  
*For:* Construction changes to the vehicular signage program by including the campus address on Sign B4 Corner Monument and increasing the parking lot identification by three (3) additional E type signs; the total change orders to date represent less than 0.01% against the original contract amount (funding is included in the current budget)
- Action:* Ratification

- B.** *Title:* Change Order #2  
*Vendor:* Best Roofing Incorporated  
*Agreement Date:* May 7, 2007  
*Campus:* Foothill College  
*Project No.:* 117  
*Project Name:* Footbridge Renovation  
*Amount:* \$7,529  
*For:* Remove, treat rust and corrosion and repaint the two horizontal I-beams that support the footbridge; this change order plus all previous change orders represents 2% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification
- C.** *Title:* Change Order #3 FINAL  
*Vendor:* Best Roofing Incorporated  
*Agreement Date:* May 7, 2007  
*Campus:* Foothill College  
*Project No.:* 117  
*Project Name:* Footbridge Renovation  
*Amount:* \$21,235  
*For:* In order for the manufacturer to warranty the traffic coating product, additional material was required to prepare the surface substrate due to the existing poor conditions of the walkway; this change order plus all previous change orders represents 7% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification
- D.** *Title:* Master Budget Transfer #3  
*Campus:* Foothill College  
*Project Name:* Measure C Bond Program  
*For:* The Environmental Impact Report (EIR) was originally budgeted as an overhead expense. It was subsequently decided to budget and expend the EIR efforts as a specific project at each campus rather than as an overhead expense. Budget Transfer #3 will move funds from project #162 (Parking and Circulation) in order to create a new project #172 (Environmental Impact Report). This Environmental Impact Report will evaluate all Foothill projects that are scheduled to be performed under the Measure C Bond Program. Project #172 will be created with a budget of \$400,000 that includes the proposal from the consulting firm Christopher A. Joseph to perform the EIR study and Mitigation monitoring Program, and will also cover all soft costs associated with the EIR project.  
*Action:* Ratification



- E. Title:** Master Budget Transfer #3  
**Campus:** De Anza College  
**Project Name:** Measure C Bond Program  
**For:** The Environmental Impact Report (EIR) was originally budgeted as an overhead expense. It was subsequently decided to budget and expend the EIR efforts as a specific project at each campus rather than as an overhead expense. De Anza College Budget Transfer #3 includes the transfer of \$40,000 from Program Contingency to new Project #272, which will be utilized to fund the De Anza College Environmental Impact Report.  
**Action:** Ratification

### **Item 34**

#### AGREEMENT FOR CONSULTANT SERVICES WITH HMC ARCHITECTS

Trustee Bechtel asked whether this agreement would address how to strengthen communication so users can better visualize architectural plans during the design phase, thereby minimizing the need for subsequent change orders due to misunderstandings about the design. Executive Director of Facilities, Operations and Construction Management Charles Allen explained that such “modeling” is generally more applicable to larger projects, but this agreement will help address the issue.

- M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the agreement for consultant services with HMC Architects in the amount of \$301,000, including \$15,000 for reimbursable expenses

### **Item 35**

#### RETAINER AGREEMENT FOR LEGAL SERVICES WITH JARET & JARET, ATTORNEYS AT LAW

- M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the retainer agreement for legal services with Jaret & Jaret, Attorneys at Law

### **DATES TO REMEMBER**

January 7, 2008 — Regular Meeting  
January 22, 2008 — Study Session

### **ADJOURNMENT**

President Swenson adjourned the meeting at 8:01 p.m.

jco  
Approved: 1/7/08

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees