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:

Staff:  
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  Robert C. Smithwick
Tom Perry-Smith  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**

<table>
<thead>
<tr>
<th>M/S/C:</th>
<th>Bechtel/Snow</th>
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<tbody>
<tr>
<td>Advisory vote:</td>
<td>2 yes</td>
</tr>
<tr>
<td>Board vote:</td>
<td>unanimous</td>
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<tr>
<td>Action:</td>
<td>Approved / Ratified</td>
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</tbody>
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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 Delegation 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
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 MILLION 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**

- **M/S/C:** Plotkin/Fong  
- **Advisory vote:** 2 yes  
- **Board vote:** unanimous  
- **Action:** Approved the re-appointment of the following members:  
  - **Ralph Adams** — representative, tax-payer association  
  - **Phyllis Bismanovsky** — at-large representative  
  - **Dexter Dawes** — representative, business organization  
  - **Jim Walker** — 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 Kuali 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 Kuali 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, Kuali 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 Kuali 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 Kuali 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 Kuali at the “community contributor” level by joining the Kuali 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 a 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 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

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: 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.

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** 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**

- **M/S/C:** Plotkin/Snow
- **Advisory vote:** 2 yes
- **Board vote:** unanimous
- **Action:** 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
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

Martha J. Kanter, Chancellor
Secretary, Board of Trustees