



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

SPECIAL MEETING

**December 8, 2008**

### CALL TO ORDER AND ROLL CALL

President Laura Casas Frier declared a quorum was present and called the meeting to order at 3:30 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:**

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

#### for Public Session

Patrick Ahrens, De Anza College Student Trustee  
Confiance Dukunde, Foothill College Student Trustee

### CLOSED SESSION

The Board immediately adjourned into closed session in the Board Room with the individuals listed below to discuss:

#### CONFERENCE WITH PROPERTY NEGOTIATORS

Under Negotiation:	Price and terms of payment
Agency Negotiator:	Kevin Crawford, Andy Dunn and John Shupe
Property:	4000 Middlefield Road, Palo Alto, CA 94303
Negotiating Parties:	City of Palo Alto
Property:	189 N. Bernardo Avenue, Mt. View, CA 94043
Negotiating Parties:	Cornish & Carey Commercial
Property:	21265-21269 Stevens Creek Blvd., Cupertino, CA 95014
Negotiating Parties:	Homeland Management, Inc.
Under Negotiation:	Price and terms of payment
Agency Negotiator:	Andy Dunn and John Shupe
Property:	Property at NASA Research Park, Moffett Field, CA
Negotiating Parties:	NASA

#### **Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kim Chief Elk, Director of Human Resources  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College

Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**Others Present:**

Bill Berry  
Joe Miller

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: Foothill-De Anza Community College District v. Anshen + Allen

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: West Bay Builders v. Foothill-De Anza Community College District

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Subdivision (a) of Section 54956.9

Number of potential cases: 1

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kim Chief Elk, Director of Human Resources  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**Others Present:**

Phil Jaret

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny

Employee Organizations: All Represented and Unrepresented Groups

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kim Chief Elk, Director of Human Resources  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**RE-CONVENE PUBLIC SESSION**

President Casas Frier re-convened the public session at 6:02 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>	Charles Allen	Marie Fox Ellison	Brian Murphy
	Anne Argyriou	Rich Hansen	Dorene Novotny
	Becky Bartindale	Ken Horowitz	Jon O’Bergh
	Dolores Davison	Martha Kanter	Hector Quinonez
	Andy Dunn	Marsha Kelly	Fred Sherman
	Christina Espinosa-Pieb	Judy Miner	Marisa Spatafore

*Press:* None

*Students:* None

<i>Public:</i>	Marsha Adler	Christopher Chiang	Amy Pearl
	Faith Brigel	Sandy Hay	Anabel Pelham
	Bob Campbell	Tom Klein	Terry Terman
	Pearl Cheng	Elinora Mantovani	

**REPORTING OUT FROM CLOSED SESSION**

President Casas Frier reported that no action was taken in closed session.

**RECOGNITION OF FORMER TRUSTEE PAUL FONG**

Chancellor Kanter noted that Paul Fong was unable to attend because the governor had called a special session of the legislature. She said that he would be recognized at a future time.

**PUBLIC HEARING**

**Open Negotiations for 2008-09 between the District and Teamsters, Local 287**

President Casas Frier opened the public hearing. No members of the public wishes to speak. President Casas Frier closed the public hearing.

**HEARINGS: ITEMS NOT ON THE AGENDA**

Public / Students

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

Staff

Foothill Instructor Ken Horowitz commented on the issues of layoffs and administrative restructuring. De Anza President Brian Murphy announced that Christina Espinosa-Pieb had been selected to be Vice President of Instruction. Foothill President Judy Miner announced that Katie Townsend-Merino had been selected to be Vice President of Instruction and Institutional Research. Chancellor Kanter thanked everyone who attended the memorial service for High Tech Center Training Unit Director Carl Brown.

Trustees

Trustee Plotkin said he was traveling and apologized for being unable to return calls from trustee candidates. Trustee Swenson reported that he attended an event at which founding trustee Robert C. Smithwick was honored by the communities of Los Altos and Los Altos Hills.

**APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Bechtel/Swenson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-5 of the Consent Calendar as follows:

**Item 1** — **Accepted** AUDIT FOR YEAR ENDED JUNE 30, 2008

**Item 2** — **Accepted** INDEPENDENT AUDITOR’S REPORT ON MEASURE C AGREED UPON PROCEDURES

**Item 3** — **Approved** PERSONNEL ACTIONS:

*Name:* **Loraine Moen**  
*Position:* Mathematics Instructor  
*College:* De Anza College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Withdrawal of partial unpaid leave of absence for the Winter and Spring 2009 quarters**  
*Effective Dates:* January 5, 2009  
*Comments:* Original request for her partial unpaid leave of absence was approved in on the April 7, 2008 Board meeting

*Name:* **Marion Winters**  
*Position:* Director  
*College:* De Anza College  
*Division:* Diversity  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Dates:* June 30, 2009  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

**Item 4** — **Approved** HUMAN RESOURCES REPORT

**Item 5** — **Approved** MEASURE C CONSENT CALENDAR

**A.** *Title:* Change Order #1  
*Vendor:* Kingdom Pipeline, Inc.  
*Agreement Date:* 10/17/08  
*Campus:* Foothill College  
*Project No.:* 162A  
*Project Name:* LCC Fire Access Road  
*Amount:* (\$500)  
*For:* Credit for not providing project Builder Risk Insurance  
*Action:* Ratification

## **Item 6**

### TRUSTEE CANDIDATE INTERVIEWS AND APPOINTMENT TO FILL TRUSTEE VACANCY

Trustee candidates drew lots to determine the order in which they would make presentations, and also drew lots to determine the rotating order in which they would respond to questions. In turn, Christopher Chiang, Amy Pearl, Elinora Mantovani, Pearl Cheng, Marsha Adler, Anabel Pelham, Tom Klein and Faith Brigel made presentations limited to five minutes that addressed their understanding of the role and mission of community colleges, their understanding of the Board's fiduciary responsibility and how they would carry it out, their personal goals and vision for the Foothill-De Anza Community College District, and why they believed they would be an outstanding trustee. Each of the candidates then took turns responding to the following questions read by President Casas Frier, with responses limited to two minutes:

1. As a trustee, who do you represent? How would you ensure that your decisions reflect the values and priorities of this constituency or these constituencies?
2. What criteria do you use to help formulate a recommendation in an environment of competing educational needs and limited financial resources?
3. Tell us about your experience with collective bargaining in the public sector and your philosophy of a trustee's role and responsibility in negotiations.
4. The Education Code and Foothill-De Anza board policies recognize the role of faculty, staff, administrators, students and employee groups (unions and meet-and-confer groups) as active participants in decision-making processes at the colleges. Describe your experience with participatory governance processes and how you would, as a trustee, ensure that input and feedback from college and district constituency groups is part of the district processes in decision-making.
5. Do you plan to run for election in one year?

Amy Pearl withdrew her candidacy during her response to Question #1. President Casas Frier and Trustee Bechtel thanked each of the candidates for applying. Trustee Plotkin spoke about the trustee appointment process several years ago in which he and Trustee Bechtel were not selected but eventually came to be seated on the Board, and urged the candidates to remain involved with Foothill-De Anza. Trustee Swenson said he was extraordinarily impressed with the applicants. Student Trustee Dukunde noted the opportunity to become a student trustee if enrolled as a student. Each trustee then voted as follows:

Student Trustee Ahrens gave an advisory vote for Pearl Cheng  
Student Trustee Dukunde gave an advisory vote for Pearl Cheng  
Trustee Plotkin voted for Pearl Cheng  
Trustee Bechtel voted for Pearl Cheng  
Trustee Swenson voted for Pearl Cheng, citing the additional consideration of representation from the communities of Cupertino and Sunnyvale and her connection to the Asian American community  
President Casas Frier voted for Pearl Cheng

**M/S/C:** Ahrens/Dukunde  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Appointed Pearl Cheng to fill the trustee vacancy

**DATES TO REMEMBER**

January 20, 2009 — Study Session and Regular Meeting

**ADJOURNMENT**

President Casas Frier adjourned the meeting at 8:01 p.m.

jco

Approved: 2/2/09

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees