



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

January 22, 2008

CALL TO ORDER AND ROLL CALL

President Bruce Swenson declared a quorum was present and called the meeting to order at Noon in the San Felipe Room of the Taaffe House, 26580 Taaffe Road, Los Altos Hills, CA 94022.

Trustees Present:

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

Trustees Absent:

Jordan Eldridge, De Anza College Student Trustee
Sarah Snow, Foothill College Student Trustee

CLOSED SESSION

The Board immediately adjourned into closed session with the individuals listed below:

Executive Administrators Present:

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

Others Present:

Dorene Novotny, incoming Vice Chancellor of Human Resources and Equal Opportunity

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of potential cases: 2

Legal Counsel Present:

Phil Jaret
John Shupe

CONFERENCE WITH PROPERTY NEGOTIATORS

Property: 4000 Middlefield Road, Palo Alto, CA 94303
Agency Negotiator: John Shupe and Andy Dunn
Negotiating Parties: City of Palo Alto
Under Negotiation: Price and terms of payment

Legal Counsel Present:

John Shupe

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

RE-CONVENE PUBLIC SESSION

President Swenson re-convened the public session at 1:30 p.m. in the San Felipe Room. He noted that the student trustees were unable to attend the study session since it was held during the daytime when they had classes. He 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	Christina Espinosa-Pieb	Judy Miner
	Tom Armstrong	Rich Hansen	Brian Murphy
	Shirley Barker	Jeanine Hawk	Jon O’Bergh
	Bob Barr	Art Heinrich	Fred Sherman
	Becky Bartindale	Rob Johnstone	Bernata Slater
	Wayne Chenoweth	Martha Kanter	Marisa Spatafore
	Andy Dunn	Ron Levine	John Swensson

Press: None

Students: None

Public: David Baldwin
Dorene Novotny

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that no action was taken in closed session. He noted that the evaluation of the chancellor was postponed due to lack of time.

APPROVAL OF MINUTES

Trustee Bechtel noted two typographical errors.

M/S/C:	Bechtel/Plotkin
Advisory vote:	none
Board vote:	unanimous
Action:	Approved the minutes of the January 7, 2008 meeting as corrected

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

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

Staff

De Anza President Brian Murphy announced that a forum on climate change would be held at De Anza on January 31. Foothill President Judy Miner reported that the college held a luncheon on January 16 in celebration of the birthday of Martin Luther King, Jr. She announced that a reception would be held on January 23 to honor instructor Andrew Fraknoi.

Chancellor Martha Kanter reported that the District co-hosted a meeting with the Hewlett Foundation on January 16 regarding open textbooks, and the Hewlett Foundation expressed interest in supporting an open educational resources grant. She announced that a site visit to the colleges' health care programs has been scheduled to engage Kaiser Permanente in the District's health care workforce initiative. Lastly, she reported that Foothill and De Anza held a successful Foster Youth Conference on January 18.

Trustees

Trustee Casas Frier provided an update on Proposition 92 (the Community College Initiative) and noted that she would be attending the Community College League of California (CCLC) Legislative Conference in Sacramento. Trustee Plotkin thanked Chancellor Kanter for organizing the open textbook meeting that was co-hosted with the Hewlett Foundation. He informed the Board that he had participated in the development of The Cape Town Open Education Declaration, a worldwide effort which sets forth principles for open educational resources, and he would like the Board to endorse the Declaration at the next meeting. Trustee Fong congratulated Trustee Plotkin and Faculty Association President Rich Hansen for their op-ed article on Proposition 92 that was published in the San Jose Mercury News. He announced that he would be attending the CCLC Legislative Conference and California Community College Trustees board meeting.

APPROVAL OF CONSENT CALENDAR

President Swenson removed Item 3.

- M/S/C:** Plotkin/Bechtel
- Advisory vote:** none
- Board vote:** unanimous
- Action:** Approved / Ratified Items 1, 2 and 4 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR NOVEMBER AND DECEMBER 2007

Item 4 — **Approved** HUMAN RESOURCES REPORT

Item 3

SANTA CLARA COUNTY SHERIFF'S OFFICE MEMORANDUM OF UNDERSTANDING

President Swenson asked a number of questions pertaining to the regional training courses that the District would offer under the agreement. Foothill President Miner, who was closely involved in the development of the proposed agreement when she served as Vice President of Instruction at De Anza, responded that the program would utilize existing courses taught by part-time faculty who would be evaluated by District administration in the same manner as all part-time faculty are evaluated. It is estimated that a couple hundred students would be enrolled under the agreement. President Swenson asked about employment preference, but an answer was not readily available, and De Anza staff offered to get back to him with a response.

M/S/C: Swenson/Bechtel
Advisory vote: 2 yes
Board vote: none
Action: Approved the Memorandum of Understanding with the Santa Clara County Sheriff's Office and authorized the Chancellor to sign the agreement

Item 5

MEASURE E CONSENT CALENDAR

M/S/C: Plotkin/Fong
Advisory vote: none
Board vote: unanimous
Action: Approved / Ratified the Measure E Consent Calendar, A-C as follows:

- A.** *Title:* PAA #19 Revision #18
Vendor: Perkins + Will
Agreement Date: November 7, 2001
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$4,285
For: Additional professional services for incorporation of Addendum #3 changes.
Action: Ratification

- B.** *Title:* Change Order #34
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$54,578
For: Miscellaneous structural modifications at both buildings including install additional Simpson hangers, install different size of the Glu-Lam beams to provide better support, provide additional GSM flashing for better waterproofing at both buildings and minor miscellaneous architectural changes. This change order plus all previous change orders represents 10.17% above the base contract amount. The funding for this change is within the current budget.
Action: Ratification
- C.** *Title:* Change Order #67
Vendor: S.J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$4,313
For: Miscellaneous architectural and civil changes. This change order plus all previous change orders represents 8.80% above the base contract amount. The funding for this change is within the current budget.
Action: Ratification

Item 6

MEASURE C CONSENT CALENDAR

Responding to a question from Trustee Casas Frier, Executive Director of Facilities, Operations and Construction Management Charles Allen said that the District has no recent history working with Noll & Tam Architects, but the firm passed the District's screening process. He added that the agreement does not cover construction plans.

M/S/C: Fong/Casas Frier
Advisory vote: none
Board vote: unanimous
Action: Approved / Ratified the Measure C Consent Calendar, item A as follows:

- A.** *Title:* PAA #2-A Pre-Design/Programming
Vendor: Noll & Tam Architects
Agreement Date: January 8, 2008
Campus: De Anza College
Project No.: 766-258
Project Name: Reconfiguration of the Multicultural Center
Amount: \$43,645
For: Pre-Design/Programming Services
Action: Ratification

Item 7

APPOINTMENTS TO AUDIT AND FINANCE COMMITTEE

Trustee Bechtel explained that an application review subcommittee comprised of herself, Trustee Casas Frier, Chancellor Kanter and Vice Chancellor of Business Services Andy Dunn reviewed the 17 applications that were submitted and selected final candidates for interview. Trustee Casas Frier commented on the high caliber of applicants. Based on the interviews conducted by Trustee Bechtel, Trustee Casas Frier and Chancellor Kanter, Trustee Bechtel presented their recommendation to appoint Marge Bruno, Lester Ezrati, Bob Grimm and Kent Peterson to the District's Audit & Finance Committee.

M/S/C: Bechtel/Plotkin

Advisory vote: none

Board vote: unanimous

Action: Appointed Marge Bruno, Lester Ezrati, Bob Grimm and Kent Peterson to the Audit & Finance Committee as of February 4, 2008

Item 8

EDUCATIONAL MASTER PLAN

Chancellor Kanter introduced the Board's study session with a review of the District's mission and goals to provide opportunity, quality, accountability and sustainability on behalf of students and the communities served by the District.

A. Enrollment Patterns of Foothill and De Anza Students

Executive Director of Institutional Research Bob Barr presented an enrollment history report from 1990 to present. He pointed out that, while headcount in Fall 2007 has finally risen to the level of Fall 1991, FTES has actually increased over the same period. He reviewed enrollment trends by division and enrollment estimates for Winter quarter. He noted that, overall, the District is on track to achieve this year's projected enrollment growth.

B. Growth Initiatives

Foothill President Miner and De Anza President Murphy presented a report on college growth initiatives. They reviewed the guiding principles used to allocate the funds and the amount for each initiative. At Foothill, initiatives were funded in the areas of Basic Skills, Career/Workforce, Transfer Preparation, Lifelong Learning and Professional Development. At De Anza, initiatives were funded in the areas of Outreach, Individualized Attention to Student Retention and Success, Cultural Competence, and Community Collaborations.

President Swenson suggested setting goals to measure as precisely as possible how well each initiative is working, with the understanding that success might depend on the cumulative effect of a variety of initiatives, and some initiatives might not be able to demonstrate a one-to-one correlation upon which their success can be judged. Faculty Association President Hansen also stressed the importance of measurements to know if a particular goal is being accomplished. It was pointed out that, although this is just the start of a four-year allocation plan, preliminary measurements suggest that the growth initiatives are succeeding, as Fall enrollment was up 2.49% at Foothill and 4.95% at

De Anza. It was clarified that no new positions were funded with the growth initiative monies. Trustee Casas Frier expressed enthusiasm about how the initiatives have apparently helped increase student retention.

At 3:00 p.m., President Swenson announced a brief recess, then re-convened the meeting at 3:10 p.m.

C. Closing the Achievement Gap: Progress Report on the Basic Skills Initiative

Foothill Vice President of Instruction and Institutional Research Rob Johnstone and De Anza Interim Vice President of Instruction John Swensson provided an update, noting that both colleges are assessing their Basic Skills efforts this year in order to increase the success of underrepresented students and propose how to spend next year's state allocation toward this goal.

Item 9

BUDGET

Vice Chancellor Dunn and Director of Budget Operations Bernata Slater reviewed the Governor's proposed budget and the expected impacts for both the community college system and Foothill-De Anza in the current year as well as in 2008-09. Director Slater noted how the District is well-positioned to absorb state budget cutbacks in the current fiscal year, especially since the trustees had established a \$600,000 set-aside for such circumstances. She reviewed projected budget figures for subsequent years that show expenses increasing beyond revenues, but she cautioned that the figures are very preliminary and much could change by the time of the Governor's May revise.

Trustee Plotkin spoke in favor of not rushing to make any budget decisions at this time, waiting instead to better learn what are the long-term implications of the state's budget problems. President Swenson and Trustee Bechtel urged that the District take a cautious approach to spending. Trustee Casas Frier agreed, pointing out the uncertainties in the world economy. Chancellor Kanter noted that the District can slow down some activities such as travel, purchasing and hiring as may be necessary.

Item 10

MEASURE C

A. Foothill College Project Planning

Executive Director Allen and Foothill Director of Bond Program Management Art Heinrich reviewed project planning for the loop road and Science Center, explaining how the proposed new site for the Science Center would be less expensive and have less of an environmental impact since it would not entail moving the loop road. They discussed problems with the original site plan and pedestrian traffic crossing the roadway. A traffic study will be conducted that will look at all aspects of pedestrian, bicycle and vehicle safety, including whether the perimeter road should continue to be one-way or not. President Swenson reminded staff that the Foothill Facilities Plan will need to be revised and approved by the Board to reflect the change in the site for the Science Center and the plan not to realign the loop road.

B. \$20 Million Spending Plan for Measure C

Executive Director Allen provided an overview of Measure C spending to date and anticipated expenses through the end of the year. In March, the District will know whether the constraints on spending due to the Measure C lawsuit will be removed. Although unlikely, if the court allows the lawsuit to be appealed further, that would effectively shut down the Measure C program since the District will have reached the \$20 million limit authorized under the spending plan while bond funds are held in escrow. The Board's consensus was to keep moving ahead gradually on Measure C project activities as outlined until that time in March when the final disposition of the lawsuit is expected.

C. Bond Oversight and Governance

Executive Director Allen reviewed the organizational structure for management of the bond program, how it interfaces with the District organizational structure, and the roles and responsibilities of each element of the structure. President Swenson asked how it varies from the organizational structure used for Measure E, and Executive Director Allen explained that the roles are more clearly defined, especially in terms of the stakeholders' responsibilities.

D. Environmental Sustainability Plan

Executive Director Allen provided an overview of the accomplishments and goals in terms of environmental sustainability and the development of an Environmental Sustainability Plan. He noted that two existing Board policies will need to be revised. Trustee Bechtel requested that sustainability policies/plans from other districts as well as from the Board of Governors be provided to the Board. She also expressed interest in seeing articulated the educational goals that the District expects to impart to students. It was suggested that a policy discussion would be a good first step to help identify the goals of the plan.

Item 11

LEGISLATIVE PRINCIPLES

Chancellor Kanter noted the District's Legislative Principles, last reviewed by the Board on January 16, 2007, and asked for any comments or suggestions. Trustee Bechtel expressed support for the Legislative Principles as presented. No changes were suggested.

Item 12

BOARD PROTOCOL

President Swenson asked for comments from the Board regarding how it conducts its business. Trustee Bechtel expressed support for the existing protocol, which includes having the Board president act as the media spokesperson for the Board, alerting the college presidents when present on campus, and alerting staff prior to the Board meeting if there is a question about an item on the agenda. Trustee Plotkin noted that these protocols worked well while he served as Board president. No changes were made to Board protocol.

Item 13

BOARD GOALS FOR 2008

President Swenson reviewed the list of “Board Priorities for 2007-08” endorsed by the Board on August 27, 2007. Trustee Plotkin noted that fiscal awareness and planning should be a prominent goal due to the state financial challenges and the need to monitor those challenges. The other trustees agreed that it is important and pointed out it is already subsumed under an existing goal.

DATES TO REMEMBER

February 4, 2008 — Audit & Finance Committee Meeting

February 4, 2008 — Regular Meeting

February 5, 2008 — Citizens’ Bond Oversight Committee

ADJOURNMENT

President Swenson adjourned the meeting at 4:55 p.m.

jco

Approved: 2/4/08

Martha J. Kanter, Chancellor
Secretary, Board of Trustees