



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**June 2, 2008**

### **CALL TO ORDER AND ROLL CALL**

President Bruce Swenson declared a quorum was present and called the meeting to order at 4:45 p.m. in Conference Room A/B of the Hinson Campus Center at De Anza College, 21250 Stevens Creek Blvd., CA 95014.

#### **Trustees Present:**

Bruce Swenson, President  
Betsy Bechtel  
Laura Casas Frier  
Hal Plotkin

#### **for Public Session**

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

#### **Trustees Absent:**

Paul Fong, Vice President

### **CLOSED SESSION**

The Board immediately adjourned into closed session in the Don Bautista 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:	487 E. Middlefield Road, Mountain View, 94043
Negotiating Parties:	VeriSign, Inc., Sares-Regis Group, NC
Property:	4000 Middlefield Road, Palo Alto, CA 94303
Negotiating Parties:	City of Palo Alto

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

Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

#### **Others Present:**

Kevin Crawford  
John Shupe

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Number of Potential Cases: Foothill-De Anza Community College District v.  
Anshen + Allen (AAA No. 74 110 00250 07)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Number of Potential Cases: 1

**Executive Administrators Present:**

Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**Others Present:**

Phil Jarrett

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny  
Employee Organization: Faculty Association

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE

**Executive Administrators Present:**

Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Swenson re-convened the public session at 6:14 p.m. in Conference Room A/B. 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	Lydia Hearn	Brian Murphy
	Tom Armstrong	Art Heinrich	Rose Myers
	Bob Barr	Carolyn Holcroft-Burns	Dorene Novotny
	Becky Bartindale	Howard Irvin	Frank Nunez
	George Beers	Lois Jenkins	Jon O’Bergh
	Ed Breault	Kate Jordahl	Olivia Patlan
	Wayne Chenoweth	Marty Kahn	Maria Perezalonso
	Pat Cornely	Martha Kanter	Carmen Redmond
	Jennifer Dirking	Shirley Kawazoe	Paul Schrage
	Andy Dunn	Marsha Kelly	Fred Sherman
	Christina Espinosa-Pieb	Naomi Kitajima	Chien Shih
	Marie Fox Ellison	Duane Kubo	Bernata Slater
	Dave Garrido	Andrew LaManque	Mary Sullivan
	Ilan Glasman	Ron Levine	John Swensson
	Robert Griffin	Sharon Luciw	Rowena Tomaneng
	Al Guevara	Virginia Marquez	Marion Winters
	Rich Hansen	Rob Mieso	
	Jeanine Hawk	Judy Miner	

*Press:* None  
*Students:* Whitney Garrett  
*Public:* Robert Smithwick  
Terry Terman

## **REPORTING OUT FROM CLOSED SESSION**

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

## **SWEARING IN OF STUDENT TRUSTEES**

Chancellor Martha Kanter administered the oath of office to De Anza Student Trustee Patrick Ahrens and Foothill Student Trustee Constance Dukunde. President Swenson welcomed them to the Board and asked which trustees would like to act as mentors. Trustee Bechtel volunteered to mentor Student Trustee Ahrens and Trustee Casas Frier volunteered to mentor Student Trustee Dukunde.

## **Item 1**

### **DE ANZA STATE OF THE COLLEGE REPORT**

De Anza President Brian Murphy presented the State of the College Report. He reviewed student demographics and key trends, noting how the college's student enrollment, especially Latino student enrollment, had increased significantly thanks to the college's outreach efforts. He also reported that persistence among continuing students increased 3% and the success rate for students taking Basic Skills classes was stable at 82%. He reviewed the college's progress in addressing environmental sustainability.

Summarizing progress on the four student success initiatives of De Anza's strategic planning initiative, Outreach Coordinator Rob Mieso discussed "Outreach," Transfer Center Coordinator Shirley Kawazoe discussed "Retention and Success," Diversity Coordinator Marion Winters discussed "Cultural Competency," and Language Arts Instructor Rowena Tomaneng discussed "Community Collaborations."

Responding to a question from Trustee Bechtel, De Anza President Murphy noted the challenge of setting precise goals when so many students have objectives that aren't captured in the data that is measured, but the key focus is on retention. Kanter pointed out that the state accountability report known as ARCC, which includes comparisons between comparable community colleges statewide, is provided annually to the Board. Trustee Casas Frier asked whether classes are available to handle the surge in enrollment. De Anza President Murphy responded that there is capacity to build on-campus enrollment for the long-term, but the inability of the state to adequately fund growth does create a challenge.

President Swenson commended President Murphy for his presentation and asked about outreach efforts compared to the increasingly aggressive efforts of neighboring community college districts. Outreach Coordinator Mieso discussed how the level of engagement and support of the area high schools is key to De Anza's successful efforts in this area. He also discussed his role in the Bay Area Community College Collaborative in which local districts are working together to increase the number of high school students who enroll in college. Student Trustee Ahrens asked if there is particular emphasis on outreach in certain areas. De Anza Vice Interim President of Instruction John

Swensson responded that the school districts within the District's boundaries are the college's base, but enrollment from those areas is not expected to significantly increase. He went on to note that the college broadly draws from other areas such as San Jose's East Side, where parents know about De Anza's excellent reputation and where prior generations have attended the college.

### **APPROVAL OF MINUTES**

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the June 2, 2008 meeting

### **AUDIT & FINANCE COMMITTEE**

Trustee Bechtel reported that the Audit & Finance Committee received presentations on the revised actuarial study of retiree health benefits, new auditing standards, the District's annual Financial Self-Assessment Report, and the tentative budget.

### **FOUNDATION BOARD REPORT**

Trustee Plotkin noted that neither he nor Trustee Fong were able to attend the recent Foundation Board meeting, but he shared information provided by Foundation Executive Director Marie Fox Ellison, highlighting how the Foundation has raised \$4 million, exceeding its fundraising goal, and is operating slightly under budget. Responding to a question from Faculty Association President Rich Hansen, Executive Director Fox said that the Osher matching fund opportunity will be discussed at the upcoming Foundation Board retreat.

### **CORRESPONDENCE**

President Swenson asked if there was any correspondence that 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 Murphy called the Board's attention to Health Services information that had been distributed to them at the meeting. Foothill President Judy Miner acknowledged Interim Dean of Fine Arts and Communications Kate Jordahl who, with her husband, published a book titled "Finding True North." She also expressed gratitude to Dick Henning for successfully overseeing the Celebrity Forum series for more than forty years. She invited the Board to the college's Annual Celebration to acknowledge retirees, newly tenured faculty and classified staff awards scheduled for June 5. Lastly, she congratulated De Anza President Murphy and his colleagues on the State of the College Report.

Vice Chancellor of Technology Fred Sherman reported that he attended a conference on quality open source content with Director of Information Systems and Operations Chien Shih. Chancellor Martha Kanter thanked De Anza President Murphy and his colleagues for the State of the College Report. She congratulated Executive Director of the Kirsch Center Pat Cornely, Instructor Julie Phillips and other faculty and staff on achieving LEED Platinum certification for the Kirsch Center, likely a first in the country for a community college. She noted a retirement celebration for De Anza Vice President of Student Services Robert Griffin scheduled for June 5 and the kindergarten graduation event sponsored by the Silicon Valley Higher Education Roundtable at Anne Darling Elementary School on June 10. Faculty Association President Hansen reported on advocacy efforts in Sacramento.

Trustees

President Swenson reported that he attended a recent Fremont Union High School District school board meeting to present the resolution in support of that district's bond measure. He noted how the school board members all spoke highly about the relationship between their district and Foothill-De Anza.

**APPROVAL OF CONSENT CALENDAR**

President Swenson removed Item 2 and, at the request of Trustee Casas Frier, Item 8. De Anza President Murphy asked that the resignation of Jewell Renee McGinley under Item 23 be withdrawn from the agenda. Vice Chancellor of Business Services Andy Dunn pointed out a typographical error on the submittal form for Item 16 in which the amount of the contract was incorrectly stated.

**M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 3-7 and 9-27 of the Consent Calendar with the two corrections noted above as follows:

**Item 3** — **Ratified** B WARRANTS GREATER THAN \$5,000: MARCH AND APRIL 2008

**Item 4** — **Acknowledged** LISTING OF DISTRICT INVESTMENTS AS OF MARCH 31, 2008

**Item 5** — **Approved** AGREEMENT FOR AUDITING SERVICES — with Perry-Smith LLP in the amount of \$167,000

**Item 6** — **Approved** AGREEMENT WITH SAN JOSE MERCURY NEWS — for advertising services in the amount of \$125,000

**Item 7** — **Ratified** RENEWAL OF HOEFLER LEAST FOR HIGH TECH CENTER TRAINING UNIT

**Item 9** — **Approved** CONTRACT WITH DU-ALL SAFETY LLC FOR OSHA TRAINING AND PROGRAM DEVELOPMENT —in the amount of \$55,000

**Item 10** — **Approved** SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM CONTRACT FOR 2008-09

**Item 11** — **Approved** AGREEMENT WITH MONTEREY INSTITUTE FOR TECHNOLOGY AND EDUCATION — for the amount not to exceed \$140,461

- Item 12** — **Approved** ESL/BASIC SKILLS PROFESSIONAL DEVELOPMENT GRANT CONTRACT — with the Academic Senate for California Community Colleges in the amount not to exceed \$1,462,462
- Item 13** — **Approved** AUTHORIZATION TO AWARD A CONTRACT FOR WEB ARCHIVING CLASSROOM EQUIPMENT AND INSTALLATION PURSUANT TO BID 1148 — authorized the District Purchasing Director to award a contract to Avidex in the amount of \$123,676.72
- Item 14** — **Approved** ACQUISITION OF TECHNOLOGY PROJECT MANAGEMENT TOOL — purchased a three-year contract to use the Daptiv project management tool in the amount of \$27,190
- Item 15** — **Approved** INDEPENDENT CONTRACTOR AGREEMENT WITH JACK RAUBOLT — in the amount not to exceed \$50,000 including reimbursable expenses
- Item 16** — **Approved** INDEPENDENT CONTRACTOR AGREEMENT WITH GREGORY BARATTINI — in the amount not to exceed \$92,000 including reimbursable expenses
- Item 17** — **Approved** CONTRACT RENEWAL WITH PROFESSIONAL PERSONNEL LEASING FOR SERVICES PERFORMED BY GAY KRAUSE — in the amount of \$70,675
- Item 18** — **Approved** CONTRACT RENEWAL WITH PROFESSIONAL PERSONNEL LEASING FOR SERVICES PERFORMED BY RICHARD HENNING — in the amount of \$110,172 plus expense reimbursements as stipulated in contract
- Item 19** — **Approved** REQUEST FOR PROPOSALS #1130 FOR EXCLUSIVE SNACK ITEM VENDING RIGHTS — authorized the Vice Chancellor of Business Services to negotiate and enter into an agreement with Canteen Vending Services
- Item 20** — **Approved** DONATION OF SURPLUS DISTRICT PERSONAL PROPERTY — made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation
- Item 21** — **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 22** — **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 Services to make donations to the Ecumenical Hunger Program or the Salvation Army and to recycle or dispose of items that are not accepted by the Ecumenical Hunger Program or the Salvation Army
- Item 23** — **Approved** PERSONNEL ACTIONS:

*Name:* **Martha Carlson**  
*Position:* Coordinator, Cooperative Work Experience  
*College:* Foothill College  
*Division:* Internship Program  
*Action:* **Employment / 65% position**  
*Effective Date:* July 1, 2008 to June 26, 2009 # of Months: 12  
*Compensation:* Column III, Step K @ \$8,564.24 per month (prorated)  
*Comments:* In accordance with Education Code Section 87470

*Name:* **Janice Carr**  
*Position:* Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* June 27, 2008  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

*Name:* **Maria Delas**  
*Position:* DSS Counselor  
*College:* De Anza College  
*Division:* Special Education  
*Action:* **Reassignment**  
*Effective Date:* September 18, 2008 # of Months: 11  
*Comments:* In accordance with Article 12 of the *Agreement* between the District and the Faculty Association

*Name:* **Gaeir L. Dietrich**  
*Position:* High Tech Center Training Unit Instructor  
*College:* De Anza College  
*Division:* Special Education and Applied Technologies  
*Action:* **Employment**  
*Effective Date:* July 1, 2008 – June 26, 2009 # of Months: 11  
*Compensation:* Column II, Step M @ \$8,843.37 per month  
*Comments:* In accordance with Education Code Section 87470

*Name:* **Don Dorsey**  
*Position:* Interim Vice President  
*College:* Foothill College  
*Division:* Student Development and Instruction  
*Action:* **Employment**  
*Effective Date:* September 1, 2008 - June 30, 2009  
*Compensation:* Level M, Step D @ \$12,119.73 per month

*Name:* **April Flowers**  
*Position:* Instructor  
*College:* Foothill College  
*Division:* Language Arts  
*Action:* **Rescind Reduction in Contract**  
*Effective Date:* September 18, 2008  
*Comments:* In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

*Name:* **Ilan Glasman**  
*Position:* Music Instructor  
*College:* De Anza College  
*Division:* Creative Arts  
*Action:* **Employment**  
*Effective Date:* September 18, 2008 *# of Months:* 10  
*Compensation:* Column V, Step I @ \$8,564.24 per month

*Name:* **Michael J. Johnson**  
*Position:* High Tech Center Training Unit Instructor  
*College:* De Anza College  
*Division:* Special Education and Applied Technologies  
*Action:* **Employment**  
*Effective Date:* July 1, 2008 - June 26, 2009 *# of Months:* 11  
*Compensation:* Column I, Step E @ \$6,331.19 per month  
*Comments:* In accordance with Education Code Section 87470

*Name:* **Sean J. Keegan**  
*Position:* High Tech Center Training Unit Instructor  
*College:* De Anza College  
*Division:* Special Education and Applied Technologies  
*Action:* **Employment**  
*Effective Date:* July 1, 2008 – June 26, 2009 *# of Months:* 12  
*Compensation:* Column II, Step I at \$7,726.84 per month  
*Comments:* In accordance with Education Code Section 87470

*Name:* **Kelly Masegian**  
*Position:* Internship Coordinator  
*College:* Foothill College  
*Division:* NASA/AMES Internship and Training Program  
*Action:* **Employment / 65% position**  
*Effective Date:* July 1, 2008 - June 26, 2009 *# of Months:* 12  
*Compensation:* Column III, Step C at \$6,331.19 per month (prorated)  
*Comments:* In accordance with Education Code Section 87470



*Name:* **Ellen Miller**  
*Position:* Program Developer  
*College:* De Anza College  
*Division:* Workforce and Economic Development  
*Action:* **Employment**  
*Effective Date:* July 1, 2008 – June 26, 2009 # of Months: 12  
*Compensation:* Column II, Step I @ \$7,726.84 per month  
*Comments:* In accordance with Education Code Section 87470

*Name:* **Eloise Orell**  
*Position:* Interim Division Dean  
*College:* Foothill College  
*Division:* Biological and Health Sciences  
*Action:* **Extend Contract**  
*Effective Date:* June 30, 2008 – August 31, 2008

*Name:* **Rich Schroeder**  
*Position:* Division Dean  
*College:* De Anza College  
*Division:* Physical Education and Athletics  
*Action:* **Employment**  
*Effective Date:* July 1, 2008 – June 30, 2009 # of Months: 12  
*Compensation:* Level J, Step C @ \$10,223.30 per month

**Item 24** — **Approved** HUMAN RESOURCES REPORT

**Item 25** — **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORTS

**Item 26** — **Approved** FACULTY TRAINING/RETRAINING STIPENDS:

Janis Bergmann, Carolyn Brown, Falk Cammin, Robert Cormia, Judy Cuff-Alvarado, Dolores Davison, Kara Giannetto, Patricia Guitron, Richard Hansen, Herminio Hernando, Natasha Joplin, Christopher Kwak, Ky-Duyen Le Huynh, Ann Lee-Yen, Diana Lydgate, Loraine Moen, U. Clare Nguyen, Keith Pratt, Joe Ragey, Katy Ripp, Loretta Silverman, Shawn Townes and Rebecca Urrutia-Lopez

**Item 27** — **Approved** ADMINISTRATIVE TRAINING/RETRAINING STIPENDS FOR 2008-09:

Shirley Barker, Jeanine Hawk, Kurt Hueg, Letha Jeanpierre, John Mummert, Rose Myers and Carmen Redmond

**Item 8**

RENEWAL OF PERFORMING ARTS ALLIANCE CONTRACTS

Trustee Casas Frier reported that recent promotional materials from one of the theater groups did not recognize Foothill College as required by the contract. Foothill President Miner assured the Board that the college would enforce this aspect of the contract with all of the Performing Arts Alliance members.

**M/S/C:** Casas Frier/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved renewal of Performing Arts Alliance contracts for 2008-09 in the amount of \$1,133,000

## **Item 2**

### RATIFICATION OF CONTRACTS AND AGREEMENTS

Responding to a question from President Swenson, Foothill President Miner explained that the suicide prevention training contract is funded by a grant from the State Chancellor's Office and covers both training expenses and travel for those individuals who are being trained from around the state.

**M/S/C:** Swenson/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified the contracts and agreements

## **Item 28**

### ADMINISTRATOR ACHIEVEMENT AWARDS

Responding to a question from Trustee Casas Frier, Chancellor Kanter explained that the award recognizes excellence for those administrators who are at the top of their step. Applications for the award are reviewed by the Presidents and Chancellor. She added that the award is analogous to the Professional Achievement Award for faculty.

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Administrator Achievement Awards for George Beers, Caron Blinick, Don Dorsey, Sue Gatlin and Rose Myers

## **Item 29**

### IACLEA REPORT

Police Chief Ron Levine reviewed the report of the joint task force formed by the International Association of Campus Law Enforcement Administrators (IACLEA) and International Association of Chiefs of Police (IACP) in response to the Virginia Tech tragedy. He highlighted key recommendations from the report and how these recommendations are being addressed at Foothill-De Anza. Among those recommendations are:

- Threat assessment (currently underway through the State Chancellor's Office)
- Mass communication system (to be addressed under agenda Item 30)
- NIMS compliancy (completed)
- Emergency response plans (completed but are being reviewed)
- Mutual aid agreements (currently in effect)
- First responder training (all Foothill-De Anza officers are trained; additional staff will also be trained)

- Empowerment of public safety function (completed)
- Locking systems (in the process of being implemented)
- Communications interoperability (in the process of being implemented county-wide)
- Employment of sworn police officers (currently in effect)
- Enabling the option to use full force (currently in effect)
- Involuntary hospitalization (currently in effect)

Chief Levine added that every recommendation in the report has been addressed and improvements are being considered where needed. Responding to a question from President Swenson, Chief Levine noted that regular emergency response training is being addressed on an ongoing basis. Trustee Bechtel said she was pleased to see that the joint task force has no interest in weakening laws against concealed weapons.

Responding to a question from Student Trustee Dukunde, Chief Levine explained that signage on emergency procedures is posted in classrooms. He added that it would be helpful to remind faculty, staff and students that the information is posted in those places. He also explained that college staff are responsible for ensuring compliance with safety regulations. Student Trustee Ahrens asked about evacuation points at De Anza. De Anza Vice President of Finance and College Services Jeanine Hawk explained that each building has a monitor, who is familiar with the evacuation points, and the college regularly performs emergency drills to ensure that staff are trained. Chief Levine noted that Foothill is working on identifying evacuation points.

Student Trustee Ahrens raised a concern of students about the lack of security cameras in the parking lots. Chief Levine said that the intent is to implement security cameras districtwide, but it is major technology investment of some complexity and the logistics are still being addressed. The matter will come to the Board for approval once it is ready.

### **Item 30**

#### MASS COMMUNICATIONS UPDATE

Director of Risk Management Marsha Kelly presented an overview of efforts to develop an emergency mass communications plan, the steps needed for an effective plan, and progress to date. She reported that she is designated as the District Emergency Communications Officer and convened a task force to research emergency mass communications systems. She discussed some low cost options and their limitations. The task force is developing a Request for Quotations that will be sent to providers, and a recommendation will be made to the Board once submissions have been reviewed. She expects to be able to implement a system by the end of the year.

### **Item 31**

#### REVISION TO BOARD POLICY 3214 (ENVIRONMENTAL SUSTAINABILITY) AND DELETION OF BOARD POLICY 3220 (ENERGY MANAGEMENT)

Executive Director of Facilities, Operations and Construction Management Charles Allen noted two recommendations from the Chancellor's Advisory Council regarding the last two bullets of the policy. Trustee Bechtel expressed interest in eliminating the use of bottled water. She spoke about the importance of following through on principles of conservation and sustainability, offering the example of ensuring that drinking fountains are put in buildings as an alternative to bottled water. Executive Director Allen explained that the purpose of the policy is to set broad guidelines, the purpose of the administrative procedures is to set long-term goals to implement the policy, and the

purpose of the college and District plans is to set specific metrics annually to achieve those goals. He noted that the policy requires that the Board regularly review progress toward those goals.

There was a discussion about pesticide use. Executive Director Allen suggested that pesticide use be addressed in the annual college and District plans, and De Anza President Murphy pointed out that the college has already addressed the matter in its environmentally sustainable practices. Trustee Bechtel said she would like language added to the policy to prohibit its use. Trustee Plotkin suggested that such language not be entirely proscriptive but allow for flexibility. Associate Director of Facilities, Operations and Construction Management Frank Nunez noted that the District is considering an integrated pest management system.

Responding to a question from Trustee Casas Frier, Executive Director Allen explained that Title 24 standards refer to state code requirements. Student Trustee Dukunde expressed an interest in including language to support accessible modes of transportation.

### **Item 32**

#### NEW BOARD POLICY 3225 – ACCESS CONTROL

Director of Risk Management Kelly presented the draft policy. Responding to a question from Trustee Bechtel about retrieving keys from former employees, she said that the implementation of electronic locks will be able to address that concern more effectively. She noted that keys that are distributed now cannot be physically copied. No changes to the policy were suggested. The policy will return to the Board at the next meeting for approval.

### **Item 33**

#### NEW BOARD POLICY 5001 – ENROLLMENT PRIORITIES

Chancellor Kanter presented the draft policy for a first reading, noting two minor changes suggested by the Chancellor's Advisory Council. No further changes were suggested. The policy will return to the Board at the next meeting for approval.

### **Item 34**

#### NEW BOARD POLICY 5600 – STUDENT EQUITY

Chancellor Kanter presented the draft policy for a first reading. No changes were suggested. The policy will return to the Board at the next meeting for approval.

### **Item 35**

#### NEW BOARD POLICY 6124 – COURSE REPETITION

Chancellor Kanter presented the draft policy for a first reading. No changes were suggested. The policy will return to the Board at the next meeting for approval.

### **Item 36**

#### APPROVAL OF INCREASE TO STUDENT HEALTH FEE

Trustee Plotkin emphasized that the District will lose funding if the increase is not approved, thereby jeopardizing the ability of the colleges to offer health services. Chancellor Kanter introduced

Foothill Health Services Coordinator Naomi Kitajima and De Anza Health Services Coordinator Mary Sullivan. Responding to a question from Trustee Casas Frier, the two coordinators described the services they offer and discussed how they work closely with Psychological Services — which is funded by the Student Health Fee — and Campus Safety. Trustee Bechtel noted that some students have complained about paying for health services when they are only taking off-campus courses.

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved an increase in the Student Health Fee to \$14.00 per quarter effective Summer Quarter 2008

### **Item 37**

#### DISTRICT ANNUAL SELF-ASSESSMENT OF FISCAL CONDITION

Vice Chancellor of Business Services Dunn presented the self-assessment for the Board's information. He noted that it is a tool created by the State Chancellor's Office for districts to voluntarily use, and staff recommends that the District complete the self-assessment each year since it provides a useful overview of the District's fiscal condition.

### **Item 38**

#### 2007-08 THIRD QUARTER REPORT

Vice Chancellor of Business Services Dunn presented the Third Quarter Report. Trustee Plotkin asked if there were any significant changes from the Second Quarter Report. Budget Analyst Bernata Slater said the unrestricted fund balance has decreased to about \$800,000.

### **Item 39**

#### RESOLUTION TO ADOPT BUDGET TRANSFERS AND REVISIONS

**M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2008-12 (Budget Revisions) and #2008-13 (Budget Transfers)

### **Item 40**

#### TENTATIVE BUDGET UPDATE

Vice Chancellor of Business Services Dunn presented an overview of the tentative budget currently under development. He pointed out a projected \$7.6 million deficit, reviewed one-time budget solutions to close the deficit, and reviewed three different budget scenarios and projections for future years. President Swenson asked what the District should be doing based on this information. Vice Chancellor Dunn responded that one-time budget solutions can be implemented to resolve the deficit in 2008-09, but the District will need to start planning soon how to address the structural imbalance for 2009-10. He cautioned against making any decisions until more specifics are known about the actual state budget. Chancellor Kanter pointed out that the projected 9% increase in health benefits is a significant factor driving the estimated deficit and is a source of uncertainty. De Anza President

Murphy added that much depends on the length and severity of the economic downturn. President Swenson expressed concern that the District take more action to address the budget situation.

## **Item 41**

### MEASURE E CONSENT CALENDAR

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure E Consent Calendar, A-F as follows:

- A.** *Title:* De Anza Budget Transfer #64  
*Campus:* De Anza College  
*For:* Budget Transfer DA #64 includes a single Project to Project Transfer which reflects a joint effort by De Anza College, the District and Gilbane representatives to maintain funding for the Science Center Project as required to complete USGBC LEED certification under the Measure E Program at De Anza College.  
*Action:* Ratification
- B.** *Title:* Change Order #7  
*Vendor:* S.J. Amoroso Construction Co., Inc.  
*Agreement Date:* June 29, 2007  
*Campus:* De Anza College  
*Project No.:* 765-209  
*Project Name:* Visual and Performing Arts Center  
*Amount:* \$13,403  
*For:* Provide premium color coating at ADA lift, wall furring and framing revisions, miscellaneous waterproofing details, shelving, minor electrical rework, and minor structural rework in the building as described by backup documentation. The original contract completion date of September 21, 2008 is unaltered by this Change Order.  
The total change orders to date represent 1.36% against the original contract amount. The funding is included in the current budget.  
*Action:* Ratification
- C.** *Title:* Revision #1 to Project Assignment Amendment #D9  
*Vendor:* Salas O'Brien Engineers, Inc.  
*Agreement Date:* July 9, 2007  
*Campus:* De Anza College  
*Project No.:* 765-202  
*Project Name:* Science Center  
*Amount:* \$15,250  
*For:* Salas O'Brien Engineers, Inc to provide services required for USGBC LEED optimized energy credits, including new building Title 24 computer modeling, site mapping, and detail research.  
*Action:* Ratification

- D.** *Title:* Revision #1 to Agreement  
*Vendor:* Engineering Economics Inc.  
*Agreement Date:* November 6, 2008  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual & Performing Arts Center  
*Amount:* \$7,800  
*For:* Provide enhanced commissioning activities required to meet USGBC LEED Energy and Atmosphere Credit #3.  
*Action:* Ratification
- E.** *Title:* Foothill Budget Transfer #48  
*Campus:* Foothill College  
*For:* FH Budget Transfer #48 is a Program Contingency to Project Transfer. FH Program Contingency will be reduced in the amount of \$300,000, to a total of \$501,280, in order that \$300,000 can be transferred to the Lower Campus Complex (Project 152). This transfer is being established to complete small projects which were previously on hold due to Measure E Budget constraints.  
*Action:* Ratification
- F.** *Title:* Change Order #41  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$48,295  
*For:* Miscellaneous credits and additional scope changes for the Campus Center.  
  
This change order plus all previous change orders represent 12,97% above the base contract amount. The funding for this change is within the current budget.  
*Action:* Ratification

## **Item 42**

### MEASURE C CONSENT CALENDAR

- M/S/C:** Casas Frier/Dukunde  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure C Consent Calendar, A-E as follows:

- A.** *Title:* Budget Transfers #5 and Bond List Revision  
*Campus:* De Anza College  
*Project No.:* #272 & #299  
*For:* De Anza College Program Contingency – Measure C Project 299 to De Anza College Environmental Impact Report – Measure C Project 272. The progression of Environmental Impact Report Project investigation determined a need to include CEQA reporting to include the East Cottage and Baldwin Winery Projects. Funding for this activity will be provided through a \$10,000 transfer from Program Contingency – Project 299.  
*Action:* Ratification
- B.** *Title:* Change Order #1  
*Vendor:* B-Bros Construction, Inc.  
*Agreement Date:* February 20, 2008  
*Campus:* Foothill College  
*Project No.:* 100A  
*Project Name:* Building 1900 Glu-Lam Beam Repair  
*Amount:* \$3,600  
*For:* Repair and repaint all existing gutter fascia on Building 1900. The funding is included in the current budget.  
*Action:* Ratification
- C.** *Title:* Revision #2 to PO #G774025  
*Vendor:* Allana Buick & Bers  
*Agreement Date:* May 16, 2008  
*Campus:* Foothill College  
*Project No.:* 117  
*Project Name:* Footbridge Renovation  
*Amount:* \$4,961  
*For:* Field monitoring, coordination and professional service related to Footbridge traffic topping. The funding is included in the current budget.  
*Action:* Ratification
- D.** *Title:* Agreement for Design Professional Services  
*Vendor:* Sandis  
*Agreement Date:* May 21, 2008  
*Campus:* Foothill College  
*Project No.:* 129  
*Project Name:* Mainline Irrigation – Phase II  
*Amount:* \$7,420  
*For:* Minor modifications to the bid documents for the Mainline Irrigation-Phase II project. This contract includes design professional services during bidding and construction phases. The funding is included in the current budget.  
*Action:* Ratification



- E.** *Title:* Revision #3 to Agreement (PO #G774030)  
*Vendor:* Christopher A. Joseph  
*Agreement Date:* March 6, 2007  
*Campus:* Foothill College & De Anza College  
*Project No.:* 766272  
*Project Name:* Foothill-De Anza Community College EIR  
*Amount:* \$8,426  
*For:* Circulate an Initial Study/Mitigated negative Declaration prepared for the new District Building.  
*Action:* Ratification

### **Item 43**

#### AUTHORIZATION TO PURCHASE ONE RELOCATABLE BUILDING AT FOOTHILL COLLEGE

- M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to purchase one relocatable building, Lease #128741, from Mobile Modular Management Corporation in the amount of \$115,990

### **Item 44**

#### FOOTHILL COLLEGE PHOTOVOLTAIC ARRAYS (MEASURE C PROJECT #154)

Executive Director of Facilities, Operations and Construction Management Allen presented information on where the photovoltaic arrays will be located, noting that they will be in an unobtrusive location.

### **Item 45**

#### DISTRIBUTION OF MEASURE C INTEREST EARNINGS

President Swenson asked why none of the interest earnings were proposed for distribution to land acquisition. Vice Chancellor of Business Services Dunn explained that all areas within Measure C have underfunding challenges, but construction and renovation projects were deemed to have the greatest need. The proposal will be presented for action at the next meeting.

### **DATES TO REMEMBER**

June 16, 2008 — Regular Meeting

### **ADJOURNMENT**

President Swenson adjourned the meeting at 9:16 p.m.

jco

Approved: 6/16/08

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees