



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

March 3, 2008

CALL TO ORDER AND ROLL CALL

President Bruce Swenson declared a quorum was present and called the meeting to order at 4:00 p.m. in Conference Room B of the Hinson Campus Center at De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014.

Trustees Present:

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

for Public Session

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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of Case: Friends of the Griffin House v. Foothill-De Anza Community College District

Executive Administrators Present:

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

Legal Counsel Present:

John Shupe

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Executive Administrators Present:

Andy Dunn, Vice Chancellor of Business Services

Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity
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 Swenson adjourned the closed session at 5:00 p.m. so the Board could attend a reception in honor of faculty tenure candidates, then re-convened the public session at 6:00 p.m. in Conference Room 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>	Matt Abrahams	Rich Hansen	Peter Murray
	Charles Allen	Robert Hartwell	Cinzia Muzzi
	Judy Baker	Jeanine Hawk	Dorene Novotny
	Becky Bartindale	Art Heinrich	Frank Nunez
	Frank Cascarano	Maristella Huerta	Jon O'Bergh
	Wayne Chenoweth	Martha Kanter	Scott Osborne
	Bob Cormia	Marsha Kelly	Hector Quinonez
	Marc Coronado	Arden Kragalott	Carmen Redmond
	Andy Dunn	Alex Kramer	Katy Ripp
	Marie Fox Ellison	Ron Levine	Fred Sherman
	Vernon Gallegos	David Marasco	Bernata Slater
	David Garrido	Rick Maynard	Marisa Spatafore
	Ion Georgiou	Judy Miner	Ameeta Tiwana
	Robert Griffin	Brian Murphy	Diane Uyeda
	Thomas Gough	Edward Murphy	Wendy White
<i>Press:</i>	None		
<i>Students:</i>	Steve Carleton		
<i>Public:</i>	Steve Aced	Oscar Hernandez	Charles Ramsey
	Jonathan Baer	Terry Higbee	Ric Reyes
	Bernardo Barrera	Fred Hirsch	Eli Robles
	Kelly Cascarano	Gene Hopkins	Jim Sandstrom
	Brenda Childress	Carol Johnson	Adrian Simi
	Tad Coatsworth	Wayd La Pearle	Scott Smithwick
	Steve Coleman	Ozzie Lee	Nick Soffiotto
	Dexter Dawes	Tom Linebarger	Giovanni Solis
	Fernando Delgado	Carlos Lujan	Neil Struthers
	Joan Emslie	Dick Mendoza	Terry Terman
	Richard Furtado	Steve Morn	Bob Tragni
	Josue Garcia	Anthony Nuanes	Mark van den Hovel
	Alan Garofalo	Jose Peralta	Max Vargas
	Juan Garza	Dave Peterson	John Vigil
	Buddy Gill	King Pham	Mike Vlaming
	Ross Gomez	Cheryl Pollock	Luke Vratny
	Bill Guthrie	Eudoro Ramos	Felipe Zepeda

REPORTING OUT FROM CLOSED SESSION

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

Item 1

FACULTY RE-EMPLOYMENT AS TENURED FACULTY MEMBERS FOR 2008-09 AND SUBSEQUENT YEARS

M/S/C:	Casas Frier/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the re-employment as tenured faculty members for 2008-09 and subsequent years of the following:
<u>De Anza College:</u>	Matthew Abrahams, Marc Coronado, Vernon Gallegos, Arden Kragalott, Alexander Kramer, Rick Maynard, Anna Miller, Cinzia Muzzi, Scott Osborne, Ameeta Tiwana, John Walton, Wendy White
<u>Foothill College:</u>	Frank Cascarano, Ion Georgiou, Thomas Gough, Robert Hartwell, Maristella Huerta, David Marasco, Rachel Mudge, Katy Ripp, Diane Uyeda, Bill Ziegenhorn

President Swenson and Chancellor Kanter underscored the significance of the tenure award. Each faculty member who was present was presented with a tenure certificate and congratulated by President Swenson, Chancellor Kanter, Foothill President Judy Miner and De Anza President Brian Murphy.

APPROVAL OF MINUTES

M/S/C:	Eldridge/Plotkin
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the minutes of the February 4, 2008 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

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

Staff

Faculty Association President Rich Hansen reported on Lobby Day sponsored by FACCC and said he had met with representatives from the offices of Senator Simitian and Assemblymember Ruskin.

Foothill President Miner thanked the trustees who attended the ribbon-cutting dedication of the Lohman Theatre. She reported that P.E. Instructor Karl Knopf was featured on the cover of Active magazine. Chancellor Kanter reported that the lease for the Middlefield campus was currently on a month-to-month basis and that the District was exploring options for a permanent site for the Middlefield campus, including its current location at Cubberly. She announced that she had been asked to participate on a state economic development strategy panel on March 25 on the topic of “Preparing a Green Workforce.”

Trustees

Trustee Fong announced that the Cupertino Chamber of Commerce had named Chancellor Kanter “Citizen of the Year” and she would be honored at the annual Cupertino STAR Awards Banquet by the Cupertino Chamber of Commerce on March 15. Trustee Casas Frier announced that Trustee Fong had recently been awarded the Human Relations Award by the County Office of Human Relations.

APPROVAL OF CONSENT CALENDAR

M/S/C: Bechtel/Eldridge
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 2-10 of the Consent Calendar as follows:

Item 2 — **Ratified** CONTRACTS AND AGREEMENTS

Item 3 — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR ENTERPRISE ACCOUNTS AT DE ANZA COLLEGE AND FOOTHILL COLLEGE (NOVEMBER AND DECEMBER 2007) AND FLINT CENTER (DECEMBER 2007)

Item 4 — **Acknowledged as Information** LISTING OF DISTRICT INVESTMENTS AS OF DECEMBER 31, 2007

Item 5 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT ELECTRONIC EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the District Purchasing Director to sell the items in accordance with Education Code 81452(a)

Item 6 — **Approved** PERSONNEL ACTIONS:

Name: **Karen Alfsen**
Position: Division Dean
College: Foothill College
Division: Language Arts
Action: **Reassignment to Language Arts Instructor**
Effective Date: September 18, 2008 # of Months: 10
Compensation: Column V, Step M at \$9,680.77 per month
Comments: In accordance with Chapter III of the Administrators Handbook

Name: **Shirley Treanor Barker**
Position: Interim Vice President
College: Foothill College
Division: Educational Resources and Instruction
Action: **Extend Interim Assignment**
Effective Date: March 31, 2008 through June 30, 2008

Name: **Chuck Lindauer**
Position: Instructor, Mathematics Department
College: Foothill College
Division: Physical Sciences, Mathematics and Engineering
Action: **Resignation for Purpose of Retirement**
Effective Date: June 27, 2008

Name: **K. Allison Lenkeit Meezan**
Position: Instructor, Geography
College: Foothill College
Division: Physical Sciences, Mathematics and Engineering
Action: **Reduction in contract to .2222 for Spring Quarter**
Effective Date: April 7, 2008 through June 27, 2008

Name: **Willie Pritchard**
Position: Academic Coordinator
College: De Anza College
Division: Distance and Extended Learning
Action: **Resignation for Purpose of Retirement**
Effective Date: June 27, 2008

Name: **Benita Rashall**
Position: Executive Head / Counselor of Disability Support Services
College: De Anza College
Division: Special Education
Action: **Resignation for the Purpose of Retirement**
Effective Date: August 1, 2008
Comments: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

Name: **Carmen Redmond**
Position: Director of Purchasing
College: Central Services
Division: Business Services
Action: **Administrative Development Leave**
Effective Date: September 2008 through June 2009
Comments: In accordance with Chapter VII of the Administrators Handbook

Name: **Laura Woodworth**
Position: Associate Director Development/DA
College: Central Services
Division: Development
Action: **Second Year Employment Contract**
Effective Date: March 12, 2008 to March 11, 2009 *# of Months:* 12

Item 7 — **Approved HUMAN RESOURCES REPORT**

Item 8 — **Approved PROFESSIONAL DEVELOPMENT LEAVES FOR 2008-09 FOR THE FOLLOWING:**
Homer Tong

Item 9 — **Approved CSEA STAFF DEVELOPMENT LEAVES FOR 2008-09 FOR THE FOLLOWING:**
Jack Contento

Item 10 — **Approved SEIU STAFF DEVELOPMENT LEAVES FOR 2008-09 FOR THE FOLLOWING:**
Robin Latta-Lyssenko, Duc Nguyen, Leslye Noone, Stephanie Nunes, Mario Ramos, David Tran

Item 11

FACULTY RE-EMPLOYMENT FOR THE 2008-09 ACADEMIC YEAR

M/S/C: Plotkin/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved faculty re-employment for the 2008-09 academic year for the following:

De Anza College: Dan Atencio, Nicholas Baiamonte, Lydia Botsford, Deborah Centanni, Linda Choi, Barbara Dahlke, Anthony Delaney, Al Dominguez, Hau-Fu Liu, Barak Goldman, Shannon Hassett, Craig Norman, Rachel Pacheco, Jesus Quintero, Antonio Ramirez, Paula Silva, Robert Stockwell, Li Wei Sun, Nellie Vargas, Paula Wethington

Foothill College: Kelly Edwards, Owen Flannery, Fatima Jinnah, Debbie Lee, Eta Lin, Teresa Ong, Gillian Schultz, Victor Tam, Bruce Tambling, Jeanne Thomas, Voltaire Villanueva, Warren Voyce

Item 12

FACULTY RE-EMPLOYMENT FOR THE 2008-09 AND 2009-10 ACADEMIC YEARS

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved faculty re-employment for the 2008-09 and 2009-10 academic years for the following:

De Anza College: Mike Appio, Jason Damjanovic, Maria Delas, Harman Dhaliwal, Olga Libova, Bertrand Lo, Mary Sullivan, Debbie Wagner

Foothill College: Anabel Arreola, Lauren Balducci, Jeffrey Bissell, Samuel Connell, Kay Jones, Bruce McLeod, Simon Pennington, Andrew Ruble, Brian Tapia, Glenn Violett, Russell Wong

Item 13

APPROVAL OF ADMINISTRATOR CONTRACTS

M/S/C: Fong/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved administrator contracts as listed in Attachment A

Item 14

APPROVAL OF EXECUTIVE ADMINISTRATOR CONTRACTS

M/S/C: Eldridge/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved executive administrator contracts for the following:

1. Martha J. Kanter, Chancellor: approved new contract effective July 1, 2008 to June 30, 2012.
2. M. Brian Murphy, President, De Anza College: approved new contract effective July 1, 2008 to June 30, 2011
3. Judy C. Miner, President, Foothill College: extended current contract through June 30, 2010.
4. Fred Sherman, Vice Chancellor, Technology: approved new contract effective July 1, 2008 to June 30, 2011.
5. W. Andrew Dunn, Vice Chancellor, Business Services: extended current contract through June 30, 2010

Item 15

CITIZENS' BOND OVERSIGHT COMMITTEE ANNUAL REPORT

Vice Chancellor of Business Services Andy Dunn introduced Citizens' Bond Oversight Committee chair Dexter Dawes, who presented the annual report. Chancellor Kanter introduced Committee members Carol Johnson and Jim Sandstrom who were also present. Appreciation was also extended

to previous chair Jim Walker. President Swenson thanked all of the members of the Committee for serving in this important capacity.

Item 16

PRESENTATION: OPEN EDUCATIONAL RESOURCES

Dean of Foothill Global Access Judy Baker gave a presentation on Open Educational Resources (OER), including examples of OER activity at Foothill and De Anza, the launch of the Community College Consortium for Open Educational Resources, a survey of faculty regarding the use of OER, an open textbook grant proposal to the Hewlett Foundation, and plans for the months ahead. She noted that a faculty liaison at each college in the consortium has been designated to ensure that faculty have a significant voice in developing policy and procedures to develop and use OER in their classes. Trustees Bechtel and Casas Frier commended Dean Baker on the presentation.

Item 17

NEW BOARD POLICY 5071, ARTICULATION

Chancellor Kanter presented the proposed new policy on Articulation for a first reading. Responding to a question from Trustee Casas Frier, Chancellor Kanter explained that the policy is used to guide the articulation officers at each campus who are charged with implementing the policy. Student Trustee Snow raised a question about how the colleges could minimize issues impeding transferability of courses in cases where other colleges articulate more easily. Foothill President Miner noted that this pertains to how the colleges operationalize the policy and can be addressed through the articulation officers.

Item 18

BOARD LEGISLATIVE GOALS FOR 2008

Chancellor Kanter presented the 2008 Legislative Goals for a first reading. Faculty Association President Rich Hansen expressed opposition to including counselors and librarians in the numerator for the 50% law because that would weaken the effort statewide to increase their numbers at community colleges. Chancellor Kanter noted that the Faculty Association also disagreed with the stance on fee flexibility. Board members had no suggestions for changes. The policy will be reviewed again by the Chancellor's Advisory Council and presented for approval at the April 7, 2008 Board meeting.

With the concurrence of the Board, President Swenson postponed discussion of Item 19 until 8:00 p.m. since that was the time identified on the agenda for discussion of that item. He also noted that members of the public who wished to speak on Item 20 had not yet arrived and thus postponed that item as well.

Item 21

SECOND QUARTER REPORT

Vice Chancellor of Business Services Dunn presented the Second Quarter Report, highlighting how the colleges have maintained the level of growth projected in the Budget. He pointed out that the unrestricted ending balance is now projected to be \$2.8 million, but noted that ongoing expenses exceed revenues by \$700,000, creating a structural imbalance that will need to be addressed in the next year's Budget.

Vice Chancellor Dunn reported news that two counties have miscalculated property tax revenues, which might result in a loss of apportionment for community colleges. He had no information at this time regarding whether any other counties in the state may have done the same.

Trustee Plotkin asked about District plans to inform the community about budget challenges due to the state fiscal crisis. Chancellor Kanter said that the Chancellor's Advisory Council was reviewing the Principles and Strategies for Budget Reductions and developing a new document on Principles and Strategies for Budget Recovery and/or Augmentation. Chancellor Kanter, Vice Chancellor Dunn, De Anza President Murphy and Foothill President Miner emphasized that the District has the flexibility to wait to see how the legislature acts, and open forums are being scheduled on the campuses to provide faculty and staff with an update on the budget.

Item 22

RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Resolution #2008-03 (Budget Revisions) and Resolution #2008-04 (Budget Transfers)

Item 23

RESOLUTION AUTHORIZING THE ISSUANCE OF A FISCAL YEAR 2008-09 TAX REVENUE AND ANTICIPATION NOTE

M/S/C: Casas Frier/Eldridge
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Resolution #2008-05 authorizing the issuance of a fiscal year 2008-09 TRAN

Item 24

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #35
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: #153
Project Name: Campus Center
Amount: \$27,618
For: Structural modifications at both buildings including: modify rebar at the top of column at GL – F4, install 2X ledger behind the cripple wall, up-charge cost for replacing the size of the Glu-Lam beam and changing the type of the hangers for the slopes over 45 degrees at the roof. Miscellaneous changes including: additional paving at loop road, additional sealants at flashing, light fixtures painting, parking stalls striping and kitchen hood testing.

This change order plus all previous change orders represent 10.28% above the base contract amount. The funding for this change is within the current budget.

Action: Ratification
- B.** *Title:* Change Order #68
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$40,499
For: Miscellaneous architectural, plumbing, electrical and civil changes.

This change order plus all previous change orders represent 8.90% above the base contract amount. The funding for this change is within the current budget.

Action: Ratification
- C.** *Title:* Budget Transfer #61
Campus: De Anza College
Amount: \$10,580
For: Budget Transfer #61 is a project-to-program contingency transfer.
Action: Ratification

- D.** *Title:* Change Order #3
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 29, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual and Performing Arts Center
Amount: \$16,760
For: Construction detail changes for revised metal framing and structural steel connections as required by structural engineer. Finish detail changes to acoustic panels and fire extinguisher cabinets. The original contract completion date of September 21, 2008 is unaltered by this Change Order.

The total Change Orders to date represent less than 0.3% against the original Contract amount. The funding is included in the current budget.
Action: Ratification

- E.** *Title:* Designer’s Construction Administration
Campus: De Anza College
Project No.: 215
Project Name: ADA/Signage
Amount: N/A
For: Transfer the design professional construction administration effort from Measure E to Measure C. ADA/Signage was designed in Measure E (project 239) and constructed in Measure C (Project 215). The Construction Administration component of the design professional contract was originally committed to Measure E. Since the construction work is budgeted and will be funded from Measure C, the corresponding construction administration effort by the design professional is appropriately charged to Measure C. Purchase Order #H555881 pertains.
Action: Ratification

Item 25

MEASURE C CONSENT CALENDAR

- M/S/C:** Eldridge/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified the Measure C Consent Calendar, A and B as follows:

- A.** *Title:* Budget Transfer
Campus: De Anza College
Project No.: #766261
Project Name: Mediated Learning Center
Amount: \$883,680
For: The incorporation of Parking Lot K and Demolition of Staff House projects budgets within the Mediated Learning Center Budget. The Demolition of the Staff House and Parking Lot K project incorporation is proposed because these project scopes are adjacent to and/or within the area of the proposed Mediated Learning Center project. This incorporation of budget is to help offset additional costs of incorporating underground parking and road realignment into the Mediated Learning Center building project and will be required to facilitate the construction of Mediated Learning in its proposed location.
Action: Ratification

- B.** *Title:* Change Order #5
Vendor: Ellis & Ellis Sign Systems
Agreement Date: August 21, 2007
Campus: De Anza College
Project No.: #215
Project Name: De Anza Signage
Amount: \$20,645
For: Construction changes to Vehicular Signage Program by adding signs at the East Entry and deleting the fences at the South Entry.
The total Change Orders to date represent 5.50 Against the original contract amount. The funding is included in the current budget.
Action: Ratification

Item 26

EXTENSION OF GILBANE-MAAS AGREEMENT FOR PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES

Responding to a question from Student Trustee Eldridge, Executive Director of Facilities, Operations and Construction Management Charles Allen explained that the contract contains a termination clause that can be invoked in a short period of time and there is no obligation on the part of the District to pay for work not performed.

- M/S/C:** Bechtel/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Revision #3 extending the Agreement with Gilbane-Maas for an additional amount of \$1,498,625 including reimbursable expenses for the period March 1, 2008 through June 30, 2008

Item 27

REVISION #1 TO AGREEMENT WITH SALAS O'BRIEN ENGINEERS, INC. — UTILITY INFRASTRUCTURE
CONDITIONS ASSESSMENT, DE ANZA COLLEGE

M/S/C: Bechtel/Eldridge
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Revision #1 to the Agreement with Salas O'Brien Engineers, Inc. in the amount of \$154,640

President Swenson recessed the meeting at 7:33 p.m. and reconvened the meeting at 7:50 p.m.

Item 19

PROJECT STABILIZATION AGREEMENT

Vice Chancellor of Business Services Dunn provided an update regarding negotiations since the Board meeting of February 4, 2008, noting that the scope of the agreement had been settled but the term proposed by the District was met with a counter-proposal from the Santa Clara and San Benito Counties Building and Construction Trades Council. Council representative Neil Struthers discussed the Council's opposition to a termination clause. Speaking in support of the Project Stabilization Agreement (PSA) were community members Bernardo Barrera, Brenda Childress, Fernando Delgado, Joan Emslie, Richard Furtado, Josue Garcia, Alan Garofalo, Juan Garza, Ross Gomez, Bill Guthrie, Oscar Hernandez, Fred Hirsch, Wayd La Pearle, Ozzie Lee, Tom Linebarger, Carlos Lujan, Ed Murphy, Dave Peterson, King Pham, Cheryl Pollock, Eudoro Ramos, Charles Ramsey, Ric Reyes, Nick Soffiotto, Giovanni Solis, Bob Tragni, Mark van den Hovel, Max Vargas, Luke Vratny, and Felipe Zepeda.

Student Trustee Eldridge expressed support for the Project Stabilization Agreement and the counter-proposal from the Building and Construction Trades Council which omitted a termination clause. Furthermore, he expressed preference for no project dollar amount threshold in terms of scope. Mike Vlaming, representing the District in contract negotiations, responded to a question from Trustee Fong and explained that the Council had agreed to higher liquidated damages in return for support of their counter-proposal.

Trustee Casas Frier also expressed support for the counter-proposal. She explained her rationale for accepting an agreement without a termination clause, citing a Price Waterhouse evaluation of the Los Angeles school district PSA which found inconclusive results due to the difficulty of accurately measuring success as affected by factors beyond the district's control, such as the state of the economy, quality of management, and cost of raw materials. She acknowledged that the prevailing wage law is not always enforced, as many of the speakers testified, and she stressed the importance of health care benefits for workers. She expressed concern that terminating a PSA would result in disharmony between jobs still covered by the PSA and those not covered. She also said that accountability to taxpayers is addressed by including a clause for higher liquidated damages.

Trustee Plotkin also expressed support for the counter-proposal and thanked speakers for helping to educate the Board on the PSA issue over the course of several Board meetings. He referred to his comments that were included with the backup material for this agenda item, and discussed his personal experience as a high school student working in a situation where employment law was not being enforced. Citing a concern about the erosion of the middle class recently reported by Joint

Venture Silicon Valley in its annual State of the Valley Report, he stressed the importance of taking actions that counter this erosion, such as supporting a PSA.

Trustee Bechtel expressed conditional support for a PSA as long as the Board would be able to evaluate the program and terminate the agreement if needed, which is a feature of every other contract. She said she could support four of the points in the counter-proposal but emphasized the need for a termination clause. President Swenson concurred, stating the Board's obligation to District employees and the public to ensure that Measure C funds are used wisely and that projects are completed cost-effectively. He pointed out that the District would be entering into a long, fifteen-year commitment with no ability to terminate the agreement if needed. He also pointed out that the PSA does not ensure that every worker actually receives health-care coverage since a non-union contractor may or may not follow through on that commitment.

Trustee Fong thanked the speakers. He said that a PSA is good public policy and should not be cut short with a termination clause, so he would support the counter-proposal. Student Trustee Snow also expressed her full support for a PSA without any termination clause.

Trustee Fong made a motion to support the counter-proposal (Attachment B from the agenda back-up material), further negotiate the details of the agreement, and bring back the final agreement (as supported by both the District and Building and Construction Trades Council) for ratification. The motion was seconded by Trustee Plotkin.

Trustee Bechtel made a motion to approve the District's proposal (Attachment A from the agenda back-up material) but substituted the last paragraph of the proposal with the last paragraph from the counter-proposal. The motion was seconded by President Swenson. Trustee Plotkin, Student Trustee Eldridge and Student Trustee Snow noted their opposition to that motion as it would not have the support of the Building and Construction Trades Council. A vote was taken. Student Trustees Eldridge and Snow gave an advisory vote of "no"; Trustees Casas Frier, Fong and Plotkin voted "no," and Trustees Bechtel and Swenson voted "yes." The motion did not carry.

The Board then considered the original motion by Trustee Fong.

M/S/C:	Fong/Plotkin
Advisory vote:	2 yes
Board vote:	Casas Frier, Fong and Plotkin voted yes Bechtel and Swenson voted no
Action:	Approved the counter-proposal from the Santa Clara and San Benito Counties Building and Construction Trades Council (included as Attachment B of these minutes), and directed the District to further negotiate the details of the agreement and bring it back to the Board for ratification

Item 20

DISTRICT OFFICE / DATA CENTER / RENOVATION PROJECT

Executive Director of Facilities, Operations and Construction Management Allen explained that, following a lengthy review of programmatic requirements, a design charrette, multiple design iterations and estimates by professional estimators of alternative designs, the \$17.5 million budgeted for the project as designed would not be able to accommodate the District's programmatic requirements. He recommended reducing the scope of the project to address the most urgent

requirements, which are to provide space for the Educational Technology Services department and Data Center. Architect Scott Smithwick reviewed alternative design considerations for the reduced scope, clarifying that the Griffin House would not be renovated nor incorporated into the new building, and the Foundation and Chancellor's offices would remain in their current locations.

President Swenson announced that, due to pending litigation regarding the Griffin House, the Board would not respond to questions but would refer them to staff. Jonathan Baer and Steve Aced, representing Friends of the Griffin House, spoke in support of the original design incorporating the Griffin House into a new District office building even though the cost would be over budget, and stressed the value of preserving the building.

Responding to a question from President Swenson, Executive Director Allen clarified that a minimal amount of funding is included in the project budget for roadway and landscaping costs. Mr. Smithwick explained that the new building would result in the loss of 37 parking spaces, which could be accommodated in the under-utilized Lot 1-H. Student Trustee Snow asked about the amount of parking lost in the original plan, and Mr. Smithwick responded that it was about the same. Chancellor Kanter added that the District's long-term plan is to preserve the historic pond and Japanese garden behind the District office building.

Student Trustee Eldridge asked whether a new Board Room would be part of the revised project scope, and Executive Director Allen said that it could not be accommodated in the design. Responding to a question from President Swenson, he acknowledged that keeping the Archives and Foundation in their current space is not ideal due to the cost of maintaining the Carriage House and its proximity to the fault line. He also noted that there are no plans to renovate the Annex, which currently houses the Faculty Association.

President Swenson stressed the priority of using funds for educational programs and not for increasing the budget of the original plan in which a renovated Griffin House was incorporated into a new District office building.

M/S/C:	Plotkin/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the revised scope and site plan for the District Office/Data Center/Renovation project, making every effort to comply with CEQA requirements

DATES TO REMEMBER

April 7, 2008 — Regular Meeting

ADJOURNMENT

President Plotkin adjourned the meeting at 10:15 p.m.

jco

Approved: 4/7/08

Martha J. Kanter, Chancellor
Secretary, Board of Trustees

ATTACHMENT A

TWO YEAR CONTRACTS FROM JULY 1, 2008 TO JUNE 30, 2010

FOOTHILL COLLEGE ADMINISTRATORS

BAKER, JUDITH	DEAN, Foothill Global Access	EDUC			
BARKER, SHIRLEY TREANOR	DIVISION DEAN, BIOLOGY AND HEALTH SCIENCES	EDUC	20050630	1	K
BEERS, GEORGE S	DEAN, INTERNATIONAL EDUCATION	EDUC	20050630	1	J
DORSEY, DONALD E	DEAN, STUDENT AFFAIRS AND ACTIVITIES	EDUC	20050630	1	J
GATLIN, SUSAN L	DIVISION DEAN, PHYSICAL EDUCATION AND HUMAN PERFORMANCE	EDUC	20050630	1	J
GRAHAM, DUNCAN W	DIVISION DEAN, FINE ARTS AND COMMUNICATION	EDUC	20050630	1	J
GREGORIO, GERTRUDES	DIVISION DEAN, ADAPTIVE LEARNING AND DISABLED SERVICES	EDUC	20050630	1	J
HUEG, KURT	DIRECTOR, MARKETING, PUBLIC RELATIONS AND DESIGN SERVICES	PROG	20050630	1	K
HYLAND, PATRICIA	DEAN, FACULTY & STAFF	EDUC			
JOHNSTONE, ROBERT	VICE PRESIDENT, INSTRUCTION AND INSTITUTIONAL RESEARCH	EDUC	20050630	1	K
MUMMERT, JOHN BARRY	DIVISION DEAN, BUSINESS AND SOCIAL SCIENCE	EDUC	20050630	1	K
MURRAY, PETER	DIVISION DEAN, PHYSICAL SCIENCE, MATH AND ENGINEERING	EDUC	20050630	1	K
MYERS, ROSEANN	VICE PRESIDENT, STUDENT DEVELOPMENT AND INSTRUCTION	EDUC	20050630	1	J
PAULE, ROMEO B	DIRECTOR, FOOTHILL BOOKSTORE	PROG	20050630	1	K

TWO YEAR CONTRACTS FROM JULY 1, 2008 TO JUNE 30, 2010

DE ANZA COLLEGE ADMINISTRATORS

BLINICK, CARON	DEAN, COMMUNITY EDUCATION	EDUC	20050630	2	J
CANTER, NANCY J	DIVISION DEAN, CREATIVE ARTS	EDUC	20050630	2	J
CASTILLO, CINDY	DIRECTOR, FINANCIAL AID AND SCHOLARSHIPS	PROG	20050630	2	K
ESPINOSA-PIEB, CHRISTINA G	DEAN, ACADEMIC SERVICES	EDUC	20050630	2	J
GANNON, PATRICK L	DIRECTOR, CAMPUS CENTER	PROG	20040414	2	K
HAWK, JEANINE	VICE PRESIDENT, FINANCE AND COLLEGE SERVICES	EDUC			
IRVIN JR., HOWARD	DEAN, COUNSELING AND MATRICULATION	EDUC			
JEANPIERRE, LETHA L	DIVISION DEAN, BUSINESS/COMPUTER SYSTEMS	EDUC	20050630	2	J
JONES-DULIN, DONNA T	DIRECTOR, COLLEGE SERVICES	PROG	20050630	2	K
KUBO, DUANE	DIVISION DEAN, IINTERCULTURAL/INTERNATIONAL STUDIES	EDUC	20050630	2	J
MENENDEZ, JOSE	DIRECTOR, PRINTING SERVICES	PROG	20050630	2	K
MICHAELIS, MARGARET	DIRECTOR, BUDGET AND PERSONNEL	PROG			
MOBERG, KATHLEEN	DEAN, ADMISSIONS AND RECORDS	EDUC	20050630	2	J
MONTGOMERY, JERI	DIRECTOR, DE ANZA BOOKSTORE	PROG			
SELLITTI, STEVEN L	DEAN, SPECIAL EDUCATION AND APPLIED TECHNOLOGIES	EDUC	20050630	2	J
SHERMAN, STEPHANIE JESSE	DIVISION DEAN, BIOLOGY, HEALTH AND ENVIRONMENTAL SCIENCES	EDUC	20050630	2	J
SPATAFORE, MARISA A	DIRECTOR, MARKETING, COMMUNICATIONS AND DEVELOPMENT	PROG			
SWENSSON, JOHN K	DIVISION DEAN, LANGUAGE ARTS	EDUC	20050630	2	J
WILKINS-GREENE, CAROLYN M	DIVISION DEAN, HUMANITIES AND SOCIAL SCIENCE	EDUC	20040630	2	J

TWO YEAR CONTRACTS FROM JULY 1, 2008 TO JUNE 30, 2010

CENTRAL SERVICE ADMINISTRATORS

BARR, ROBERT B	EXECUTIVE DIRECTOR, INSTITUTIONAL RESEARCH AND PLANNING	PROG	20050630	4	K
CHIEF ELK, KIM	DIRECTOR, HUMAN RESOURCES	PROG			
FOX, MARIE	DIRECTOR, FOOTHILL-DE ANZA FOUNDATION	PROG			
KELLY, MARSHA C	DIRECTOR, RISK MANAGEMENT	PROG	20050630	4	K
LUCIW, SHARON T	DIRECTOR, SYSTEMS AND NETWORKS	PROG	20050630	4	K
NUNEZ, FRANCISCO P	DIRECTOR, FACILITIES AND OPERATIONS	PROG	20050630	4	K
QUINONEZ, HECTOR	CONTROLLER	PROG	20050630	4	K
REDMOND, CARMEN A	DIRECTOR, PURCHASING SERVICES	PROG	20050630	4	K
RODRIGUEZ JR, BENITO	DIRECTOR, CAMPUS SAFETY AND SECURITY	PROG	20050630	2	K
SLATER, BERNADETTA	DIRECTOR, BUDGET OPERATIONS	PROG			
VOSS, MONA	DIRECTOR, ENVIRONMENTAL HEALTH AND SAFETY	PROG			
WILLIAMS, MARILYN	MANAGER, CUSTODIAL OPERATIONS	PROG	20050630	4	K

ONE YEAR CONTRACT FROM JULY 1, 2008 TO JUNE 30, 2009

FOOTHILL COLLEGE ADMINISTRATORS

HARRAL, KEVIN	DIRECTOR, FINANCIAL AID	PROG			
POUNCIL, MATAIS	DIRECTOR, EOPS	PROG			
SWETT, DENISE	DEAN, MIDDLEFIELD AND EVENING CAMPUS	PROG			

ONE YEAR CONTRACT FROM JULY 1, 2008 TO JUNE 30, 2009

DE ANZA COLLEGE ADMINISTRATORS

KUHN JR., FREDERICK	DIRECTOR, PROFESSIONAL AND WORKFORCE DEVELOPMENT	PROG			
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ONE YEAR CONTRACT FROM JULY 1, 2008 TO JUNE 30, 2009

CENTRAL SERVICE ADMINISTRATORS

LEVINE, RONALD	DIRECTOR, DISTRICT SAFETY AND SECURITY	PROG			
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EXTEND CONTRACT TO JULY 31, 2008

DE ANZA COLLEGE ADMINISTRATORS

GRIFFIN, ROBERT EDMOND	VICE PRESIDENT, STUDENT SERVICES AND INSTITUTIONAL RESEARCH	EDUC	20050630	2	J
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RETAIN CONTRACTS THROUGH JUNE 30, 2009

FOOTHILL COLLEGE ADMINISTRATORS

SINO, VIVIAN	DEAN, LEARNING TECHNOLOGY AND INNOVATIONS	EDUC	20050630	1	J
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ATTACHMENT B

Santa Clara & San Benito Counties

Attachment B

Building & Construction Trades Council

2/25/08 BTC counter to District Proposal on Section 21 dated 2/14/08

SECTION 21. TERM OF AGREEMENT

This Agreement shall become effective on the day the District Board ratifies this Agreement and shall continue in full force and effect for so long as projects are undertaken as defined in this Agreement.

In a separate side letter:

The parties to this Agreement agree to meet and confer when fifty percent (50%) of the Projects under the Scope of this Agreement have been let for bid or December 31, 2011, whichever occurs first, for the purpose of evaluating the performance of this Agreement in meeting the District's objectives. The criteria for evaluating the performance of this Agreement shall be: (1) the extent to which the Agreement supports the goals and objectives of the District as defined in the Measure C Bond Measure to upgrade and expand facilities to support student learning; (2) labor harmony during construction of the Projects; (3) student/local resident participation in the Construction Careers Program; and (4) compliance with the Prevailing Wage laws.

Following the above described evaluation of the performance of this Agreement, the parties may agree to modify this Agreement. Any modification must be mutually agreed upon by the parties.