



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

### **MINUTES**

### **REGULAR MEETING**

**June 15, 2009**

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

President Betsy Bechtel declared a quorum was present and called the meeting to order at 5:30 p.m. in the Hinson Campus Center at De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014.

#### **Trustees Present:**

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

#### **for Public Session**

Erica Anderson, Foothill College Student Trustee  
Isabelle Barrientos Vargas, De Anza College Student Trustee

### **CLOSED SESSION**

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

#### **CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Dorene Novotny  
Employee Organizations: All Represented and Unrepresented Groups

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

Mike Brandy, Interim Chancellor  
Andy Dunn, Vice Chancellor of Business Services  
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 Bechtel re-convened the public session at 6:05 p.m. in Conference Room A/B. She led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Marie Fox Ellison	Brian Murphy
	Anne Argyriou	Rich Hansen	Dorene Novotny
	Becky Bartindale	Lydia Hearn	Frank Nunez
	Mike Brandy	Jim Holstein	Jon O’Bergh
	Cindy Castillo	Howard Irvin	Olivia Patlan
	Julie Ceballos	Letha Jeanpierre	Hector Quinonez
	Maureen Chenoweth	Lois Jenkins	Carmen Redmond
	Wayne Chenoweth	Donna Jones-Dulin	Fred Sherman
	Dolores Davison	Duane Kubo	Stephanie Sherman
	Jennifer Dirking	Andrew LaManque	Bernata Slater
	Andy Dunn	Ron Levine	Marisa Spatafore
	Christina Espinosa-Pieb	Judy Miner	Katie Townsend-Merino
	Robert Griffin	Blanche Monary	
<i>Press:</i>	None		
<i>Students:</i>	Patrick Ahrens		
<i>Public:</i>	Bob Crowder	Casey Michaels	
	Scott Jewel	Terry Terman	

## **REPORTING OUT FROM CLOSED SESSION**

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

## **Item 1**

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

De Anza President Brian Murphy reviewed student enrollment and demographics, trends, key planning indicators, sustainability efforts, status of facilities, and budget and strategic planning efforts. Former Student Trustee Patrick Ahrens reviewed student accomplishments during the past year, and Dr. Murphy shared information on selected faculty, staff and student achievements.

## **APPROVAL OF MINUTES**

<b>M/S/C:</b>	Swenson/Casas Frier
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the June 1, 2009 meeting

## **CORRESPONDENCE**

President Bechtel asked if there was any correspondence which should be brought to the Board’s attention. There was none.

## **PUBLIC HEARING**

### **Open Negotiations for 2009-10 between the District and the California School Employees Association (CSEA), Chapter 96**

President Bechtel opened the public hearing. No one wished to address the item. President Bechtel then closed the public hearing.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Public / Students*

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

### *Staff*

Foothill Academic Senate President Dolores Davison reported that the Academic Senate approved a resolution in opposition to the proposals from the Legislative Analyst's Office regarding Physical Education courses.

Foothill President Judy Miner, serving as Acting Chancellor, thanked Dr. Murphy for the State of the College presentation. She thanked Trustee Swenson for attending a variety of Foothill year-end events. She reported that Foothill received a \$75,000 grant from the State Chancellor's Office for the development of a nanotechnology curriculum. Interim Chancellor designate Mike Brandy noted that Chancellor Martha Kanter was in Washington, D.C. and her nomination as Under Secretary of Education had been forwarded out of committee to the full Senate.

Faculty Association President Rich Hansen shared information regarding an idea to establish district action teams statewide to work with the legislature on community college budget issues.

### *Trustees*

Trustee Casas Frier reported that she attended a statewide Legislative Advisory Council meeting as well as Senator Simitian's recent Education Forum. Trustee Plotkin reported that he gave a presentation on Open Educational Resources with De Anza Instructor Barbara Illowsky at a meeting of the California Postsecondary Education Commission. Trustee Swenson reported that he also attended Senator Simitian's Education Forum, at which Fremont Union High School District Trustee Nancy Newton urged districts to adopt resolutions supporting SB6, a bill sponsored by Senator Simitian that would enable school districts to establish a parcel tax with a 55% majority vote. He requested that such a resolution be scheduled for an upcoming Board meeting.

President Bechtel announced that Trustee Swenson would be taking her place on the Audit & Finance Committee since she had agreed to serve on the Chancellor's Search Committee. She provided an update regarding the first meeting of the Chancellor Search Committee, noting that Dolores Davison and Anita Manwani Bhagat were selected by the Committee as co-chairs along with search consultant and ex-officio member Jane Enright. She noted one change in the timeline, with interviews now scheduled for October 29 and 30. Lastly, she reminded the Board that the Chancellor Profile will be presented for Board approval at the July 6 meeting.

## **APPROVAL OF CONSENT CALENDAR**

Student Trustee Barrientos requested the removal of Item 4.

**M/S/C:** Casas Frier/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 2, 3 and 5-14 of the Consent Calendar as follows:

**Item 2** — **Approved** BOARD POLICY 4185 – PUBLICATION AND ADOPTION OF INSTRUCTIONAL MATERIALS

**Item 3** — **Approved** BOARD POLICY 5020 – INSTRUCTIONAL AND OTHER MATERIAL AND USE FEES

**Item 5** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 6** — **Approved** RENEWAL OF PERFORMING ARTS ALLIANCE CONTRACTS

**Item 7** — **Approved** RENEWAL OF CONTRACTS FOR 2009-10 WITH SAN FRANCISCO ELECTRICAL JOINT APPRENTICESHIP AND TRAINING CENTER AND SANTA CLARA COUNTY ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE

**Item 8** — **Approved** ADVANCE OF STUDENT FEES TO DR. SAMUEL CONNELL, FOOTHILL COLLEGE ANTHROPOLOGY FACULTY, TO SUPPORT ARCHAEOLOGY CLASSES IN ECUADOR DURING SUMMER QUARTER 2009

**Item 9** — **Approved** SALE, DONATION OR DISPOSAL OF MISCELLANEOUS SURPLUS DISTRICT FURNITURE AND EQUIPMENT  
Made a finding that the property does not exceed \$5,000 in value and authorized the Purchasing Services Supervisor to sell, donate, or dispose of the items in accordance with Education Code 81452

**Item 10** — **Approved** SALE OF MISCELLANEOUS SURPLUS ELECTRONIC EQUIPMENT  
Made a finding that the property does not exceed \$5,000 in value and authorized the Purchasing Services Supervisor to sell, donate, or dispose of the items in accordance with Education Code 81452(a)

**Item 11** — **Approved** GANN APPROPRIATION LIMIT

**Item 12** — **Approved** PERSONNEL ACTIONS:

*Name:* **Barbara Fink**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Physical Sciences, Math & Engineering  
*Action* **Retirement**  
*Effective Dates:* June 26, 2009

*Name:* **Duncan W. Graham**  
*Position:* Division Dean  
*College:* De Anza College  
*Division:* Fine Arts & Communication  
*Action* **Resignation**  
*Effective Dates:* June 30, 2009

*Name:* **Michael J. Johnson**  
*Position:* Training Specialist  
*College:* De Anza College  
*Division:* High Tech Center Training Unit  
*Action:* **Change from 11-month position to 12-month position**  
*Effective Dates:* May 1, 2009

*Name:* **Patrick Morriss**  
*Position:* Faculty  
*College:* Foothill College  
*Division:* Physical Sciences, Math & Engineering  
*Action:* **Approval of Professional Development Leave (PDL) report**

*Name:* **Tesha Poe**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Social Science  
*Action:* **Unpaid Leave of Absence under Article 16 of the Faculty Agreement**  
*Effective Dates:* Academic Year 2009-2010

*Name:* **Harry Saterfield**  
*Position:* Faculty  
*College:* Foothill College  
*Division:* Business and Social Science  
*Action:* **Retirement**  
*Effective Dates:* June 26, 2009

*Name:* **Jue Thao**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Counseling and Matriculation  
*Action:* **Employment**  
*Effective Dates:* July 1, 2009 *# of months:* 11  
*Compensation:* Column IV, Step A @ \$6,109.41/month

### **Item 13** — **Approved** HUMAN RESOURCES REPORT

### **Item 14** — **Approved** ADMINISTRATOR CONTRACTS (APPENDIX A)

### **Item 4**

ASB POLICIES: 5560 (ASSOCIATED STUDENTS ORGANIZATIONS), 5561 (ASSOCIATED STUDENTS ELECTIONS), AND 5562 (ASSOCIATED STUDENTS FINANCE)

In response to a question from Student Trustee Barrientos, De Anza President Murphy provided background regarding the development of the policies. President Bechtel added that the policies codify current practice and do not change student control over the student body elections.

**M/S/C:** Barrientos/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Board Policies 5560, 5561 and 5562

## **Item 15**

### APPROVAL OF 2009-10 TENTATIVE BUDGET

Interim Chancellor Mike Brandy, Vice Chancellor of Business Services Andy Dunn, and Director of Budget Operations Bernata Slater reviewed the projected ending fund balance for 2008-09, cautioning that the final numbers will likely change. An unresolved deficit of \$2.8 million still remains in the 2009-10 budget after accounting for planned reductions; however, the number does not reflect additional new cuts proposed by the governor. There is also concern that the 2008-09 ending balance may be needed to cover last-minute cuts from the state for the 2008-09 budget.

De Anza President Murphy and Foothill President Miner reviewed the impact of categorical reductions proposed by the governor in areas such as EOPS, DSPS, apprenticeship programs and matriculation. They also reviewed how the colleges approached reductions to FTEF and B budgets. Trustee Swenson asked about projections for 2010-11 and resolving the structural deficit. Interim Chancellor Brandy explained that the District plans to have some one-time funds to address the issue at that time, but the variables make the situation unpredictable. Trustee Swenson suggested establishing a target amount for one-time dollars that would be available on June 30, 2010. Interim Chancellor Brandy responded that the Board could discuss this at the August 3 study session and perhaps establish a target as part of the Adopted Budget.

Trustee Casas Frier asked about the possibility of federal stimulus funds. Interim Chancellor Brandy said those funds might only be available for capital, new job training efforts or other efforts that do not necessarily provide budget relief.

**M/S/C:** Plotkin/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the 2009-10 Tentative Budget

## **Item 16**

### FUNDING OF OPEB OBLIGATION

Responding to a question from Trustee Swenson, Vice Chancellor of Business Services Andy Dunn said that the contract with TCS totals approximately \$11,000 and covers one complete actuarial report and one actuarial update.

**M/S/C:** Swenson/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the following recommendations:  
1. That the \$829,400 budgeted for fiscal year 2008-09 be transferred by June 30, 2009 to the irrevocable trust the District established as part of the Community College Retiree Trust Joint Powers Authority

- sponsored by the Community College League in order to fully fund the ARC.
2. That the budget for 2009-10 include a contribution of \$711,314 to fully fund the ARC for fiscal year 2009-10. The \$711,314 funding contribution is calculated using a 3-year smoothing by averaging the funding obligation of fiscal years 2007-08 (\$1,005,182), 2008-09 (\$507,042) and 2009-10 (\$621,717). The unfunded obligations for fiscal years 2008-09 and 2009-10 are based on the Actuarial Study of Retiree Health Liabilities dated April 4, 2008.
  3. That the Internal Retirement Board, which is comprised of the Audit & Finance Committee Chair, the Vice Chancellor of Business Services, and the Controller, continue to meet and monitor the District's OPEB trust program.
  4. That the District contract with Total Compensation Systems, Inc. to prepare an Actuarial Study of Retiree Health Liabilities in fiscal year 2009-10.

## **Item 17**

### **MEASURE E CONSENT CALENDAR**

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

- A.** *Title:* Budget Transfer #71  
*Campus:* De Anza College  
*For:* De Anza Budget Transfer #71 includes:
- The transfer of surplus funding from completed projects in the amount of \$488,339 to Project 765-277 Minor Improvements, and
  - The transfer of \$220,729 from De Anza Program Contingency to District Project 765-401.
- (Reference District Budget Transfer #07 dated June 15, 2009)
- Action:* Approval
- B.** *Title:* Budget Transfer #7  
*Campus:* District  
*Project Numbers:* 401  
*Project Names:* New ETS Building  
*For:* Transfer funds from De Anza Contingency to repay a portion of funds that were previously transferred from District project 401 to De Anza project 209.  
*Action:* Ratification

- C.** *Title:* Gilbane Agreement for Services Addendum #11  
*Vendor:* Gilbane  
*Agreement Date:* April 4, 2000  
*Project Name:* Measure E Bond Program  
*Amount:* \$820,835  
*For:* Measure E Construction Management Services for Fiscal Year 2009-10  
*Action:* Approval

## **Item 18**

### **MEASURE C CONSENT CALENDAR**

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

- A.** *Title:* Change Order #7  
*Vendor:* CRW Industries, Inc.  
*Agreement Date:* June 2, 2009  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000 Renovation  
*Amount:* \$2,003  
*For:* Added labor cost due to field condition related to sewer line location; owner-directed electrical outlets added for Wireless Access Points in 5015; owner-directed change to location of dry well to minimize intrusion in office; and extension of 15 days of contract time at zero cost.  
  
This change order plus previous change orders represents 9.72% above the base contract amount. The funding for this change is within the current budget.  
  
*Action:* Ratification
- B.** *Title:* Agreement for Design Professional Services  
*Vendor:* Cogent Energy, Inc.  
*Agreement Date:* June 1, 2009  
*Campus:* Foothill College  
*Project No.:* 160  
*Project Name:* Physical Sciences and Engineering Center  
*Amount:* \$17,657  
*For:* Provide comprehensive compliance review of the Mechanical, Electrical and Plumbing 100% Design Development Drawings, and provide a report clearly documenting identified issues and comments.  
  
*Action:* Ratification

- C.** *Title:* Change Order #3  
*Vendor:* Rosendin Electric, Inc.  
*Agreement Date:* June 4, 2009  
*Campus:* Foothill College  
*Project No.:* 161  
*Project Name:* Fire Alarm System Replacement Phase II  
*Amount:* \$0  
*For:* No-cost extension of 106 days of contract time to allow final fire alarm testing to take place only on summer Fridays, to avoid disturbance of academic activities.  
*Action:* Ratification
- D.** *Title:* PAA #F-02  
*Vendor:* Sandis  
*Agreement Date:* June 16, 2009  
*Campus:* Foothill College  
*Project No.:* 130  
*Project Name:* Utility Lids – Phase II  
*Amount:* \$31,185  
*For:* Provide professional services to design and replace the utility corridor lids on the Foothill Campus. Work scope includes replacing the remaining utility lids, corner support beams, asphalt curbing, building entrance stoops and related construction.  
*Action:* Approval
- E.** *Title:* PAA #D05  
*Vendor:* Allana Buick & Bers  
*Agreement Date:* June 16, 2009  
*Campus:* De Anza College  
*Project No.:* 273 (New Maintenance Project)  
*Project Name:* PE Quad Roof and Trellis Repair  
*Amount:* \$254,416  
*For:* Provide investigation and preparation of design documents, bid phase services, construction administration, and construction monitoring for replacement and repairs of the following: 1) Repair Tile Roofs for Buildings PE1, PE2, and PE6; 2) Flat Roof Replacement for Buildings PE1, PE2, and two canopies between PE1 and PE2; 3) Trellis, Purlin, Beam Repairs for the PE Quad; 4) Sunscreen Repairs for Buildings PE1 and PE2; 5) Repairs to existing storage closet under the entrance canopy of the PE Quad; and 6) Site Logistics and Phasing Plan.  
*Action:* Approval

## **Item 19**

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID DOCUMENT 1210-113 — BLEACHER REPAIR AND REPLACEMENT, FOOTHILL COLLEGE

Trustee Casas Frier pointed out that, contrary to earlier concerns expressed by some, the District has successfully received a sufficient number of bids on projects even with the Project Stabilization Agreement.

**M/S/C:** Plotkin/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Purchasing Services Supervisor to award a contract to John Plane Construction, Inc. in the amount of \$210,000

## **Item 20**

STANDARD FORM OF AGREEMENT WITH GILBANE-MAAS FOR MEASURE C BOND PROGRAM AND CONSTRUCTION MANAGEMENT FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010

Executive Director of Facilities, Operations and Construction Management Charles Allen said he anticipates a significant increase in the amount of work related to Measure C. He also explained that the Gilbane-Maas contract amount reflects the new competitive construction climate and they reduced their charges by 4%.

**M/S/C:** Plotkin/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Standard Form of Agreement with Gilbane-Maas in the amount of \$6,517,423

## **Item 21**

MEASURE C BOND LIST REVISION: DE ANZA BUDGET TRANSFER #15 AND NEW MAINTENANCE PROJECT NUMBER, NAME AND DESCRIPTION

**M/S/C:** Casas Frier/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Measure C Bond List Revision and De Anza College Budget Transfer #15 for PE Quad Roof and Trellis Repair Maintenance Project

## **Item 22**

ENERGY SERVICES CONTRACT WITH CHEVRON ENERGY SOLUTIONS COMPANY FOR INSTALLATION OF A 412 kW PHOTOVOLTAIC SYSTEM AT FOOTHILL COLLEGE

## **Item 23**

ENERGY SERVICES CONTRACT WITH CHEVRON ENERGY SOLUTIONS COMPANY FOR INSTALLATION OF A PHOTOVOLTAIC SYSTEM AT DE ANZA COLLEGE

President Bechtel recused herself due to a potential conflict of interest and left the room. Executive Director of Facilities, Operations and Construction Management Charles Allen said that the contracts represented a significant step forward in the District's sustainability efforts. Responding to a question from Trustee Swenson, he confirmed that the rebates and credits would be credited to the District's general fund. Responding to a question from Trustee Cheng, he confirmed that the District compared the cost estimates with other companies and they were deemed to be competitive prices.

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Energy Services Contracts with Chevron Energy Solutions Company for installation of photovoltaic systems at Foothill in the amount of \$3,347,800 and at De Anza in the amount of \$1,003,500

President Bechtel returned to the room.

### **DATES TO REMEMBER**

July 6, 2009 — Regular Meeting

### **ADJOURNMENT**

President Bechtel adjourned the meeting at 8:07 p.m.

jco

Approved: 7/6/09

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Mike Brandy, Interim Chancellor  
Secretary, Board of Trustees

## Appendix A

**FOOTHILL - DE ANZA COMMUNITY COLLEGE DISTRICT  
OFFICE OF HUMAN RESOURCE SERVICES  
ADMINISTRATOR CONTRACTS  
June 15, 2009**

**EXTENDED CONTRACT THROUGH JUNE 30, 2010**

NAME	TITLE	LOCATION	CATEGORY	IRRENT END DA	NEW END DATE
HAMP, HERLISA JEANNINE	DEAN, STUDENT SUPP PROG & SERV	FOOTHILL	PROG	06/30/09	06/30/10
ACED, SHAWNA D	REGISTRAR	FOOTHILL	PROG	06/30/09	06/30/10
MIESO, ROB ROBA	DIR, OUTREACH & REL W/SCHOOLS	DE ANZA	PROG	06/30/09	06/30/10
POUNCIL, MATAIS D	DIRECTOR, EOPS	FOOTHILL	PROG	06/30/09	06/30/10
ROSENBERG, GERALD	DIV DEAN, PHY SCI,MATH&ENGR DA	DE ANZA	PROG	06/30/09	06/30/10
DIRKING, JENNIFER B	ASSOC DIRECTOR, DEVELOPMENT/DA	CENTRAL SERVICES	PROG	06/30/09	06/30/10
DASILVA, EMANUEL A	MANAGER, CUSTODIAL OPERATIONS	DE ANZA	PROG	06/30/09	06/30/10