



BOARD OF TRUSTEES

Foothill-De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

December 8, 2008

*For information and disability access to materials, call 650-949-6100.
Requests for accommodation should be made no later than one business day
prior to meeting. Meetings are held in a location accessible to the disabled.*

Closed Session: 3:30 p.m.
Chancellor's Office
Special Reception: 5:15 p.m.
Public Session: 6:00 p.m.
District Board Room

*Members of the public who wish to comment on items or address the Board may do so
by completing a request form prior to the start of the meeting and are limited to five minutes each.*

REVISED AGENDA Special Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session — 3:30 p.m.

CONFERENCE WITH LABOR NEGOTIATOR

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9
Name of Case: Foothill-De Anza Community College District v. Anshen + Allen

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9
Name of Case: West Bay Builders v. Foothill-De Anza Community College District

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Subdivision (a) of Section 54956.9
Number of potential cases: 1

CONFERENCE WITH PROPERTY NEGOTIATORS

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

Recess — 5:15 p.m.

RECEPTION IN HONOR OF FORMER TRUSTEE PAUL FONG

Public Session — 6:00 p.m.

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

INFORMATION

RECOGNITION OF FORMER TRUSTEE PAUL FONG

INFORMATION

PUBLIC HEARING

INFORMATION

Open Negotiations for 2008-09 between the District and Teamsters, Local 287 **(Chief Elk x6109)** *(See Public Memo for backup)*

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

The Board does not take action or respond to items not on the agenda.

- Public
- Students
- Staff
- Board

APPROVAL OF CONSENT CALENDAR

ACTION

1. Acceptance of Audit for Year Ending June 30, 2008 **(Dunn x6201)** *(See Public Memo for backup)*
2. Acceptance of Independent Auditor's Report on Measure C Agreed Upon Procedures **(Dunn x6201)** *(See Public Memo for backup)*
3. **Personnel Actions as Follows: (Novotny x6211)**
 - Withdrawal of Partial Unpaid Leave of Absence – Loraine Moen, De Anza Instructor
 - Resignation for Purpose of Retirement – Marion Winters, De Anza Diversity Director
4. **Human Resources Report (Novotny x6211)**
5. **Measure C Consent Calendar (Allen x6150)**
 - A) Change Order #1 (Fire Access Road) – Kingdom Pipeline

BOARD BUSINESS

6. Trustee Candidate Interviews and Appointment to Fill Trustee Vacancy **(Kanter x6104)** *(See Public Memo for backup)*

ACTION

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

January 20, 2009 — Regular Meeting and Study Session

ADJOURNMENT

ACTION

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

TO: Members of the Board of Trustees

FROM: Martha J. Kanter, Chancellor

DATE: December 2, 2008

RE: Public Session, **December 8, 2008**

PUBLIC HEARING

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

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and Teamsters, Local 287 propose to reopen negotiations on the current *Agreement* (July 1, 2007 through June 30, 2010). Article 6 (Pay and Allowances), Article 15 (Paid Benefits) and Article 8 (Leaves). This Public Hearing affords members of the public the opportunity to express themselves regarding this matter.

CONSENT CALENDAR

1. Acceptance of Audit for Year Ending June 30, 2008

Perry-Smith LLP, Certified Public Accountants located in Sacramento, California, presented the Foothill-De Anza Community College District annual audit for the year ended June 30, 2008 to the Board at its meeting of December 1, 2008. The Board is now requested to officially accept the audit report. The audit report was distributed with materials for that meeting, but a copy is available for public viewing in the Chancellor's Office. Vice Chancellor of Business Services Andy Dunn recommends that the Board **accept the Audit for the Year Ended June 30, 2008.**

2. Acceptance of Independent Auditor's Report on Measure C Agreed Upon Procedures

Perry-Smith LLP, Certified Public Accountants located in Sacramento, California, presented the independent auditor's report on agreed upon procedures for the Measure C bond program to the Board at its meeting of December 1, 2008. The Board is now requested to officially accept the report. The audit report was distributed with materials for that meeting, but a copy is available for public viewing in the Chancellor's Office. Vice Chancellor of Business Services Andy Dunn recommends that the Board **accept the Independent Auditor's Report on Measure C Agreed Upon Procedures.**

3. Personnel Actions

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

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

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

4. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, promotions, permanent contract changes, reclassifications, resignations, retirements, leaves of absence, professional growth awards, service recognition awards and longevity awards for classified staff, part-time faculty and short-term and temporary employees. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

5. Measure C Consent Calendar

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

Executive Director of Facilities, Operations, and Construction Management Charles Allen and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **ratify Measure C consent item A.**

BOARD BUSINESS

6. Trustee Candidate Interviews and Appointment to Fill Trustee Vacancy

Application materials from 25 individuals were received by the December 1, 2008 deadline for the trustee vacancy. One candidate subsequently withdrew, and one candidate was disqualified due to residency outside of the District boundary. On December 3, 2008, the Board is expected to vote on which of the remaining 23 candidates to invite for interviews at the December 8 Board meeting. Any candidate receiving at least two votes will be invited for an interview. Following the interviews, the Board will vote on which candidate to be appointed to fill the vacant seat formerly held by Paul Fong. A copy of material submitted by each candidate is available for public viewing in the Chancellor's Office. **Board members will be asked to vote to appoint a candidate to fill the trustee vacancy.**

MJK:jco