



# BOARD OF TRUSTEES

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

*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.*

*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.*

## March 2, 2009

Closed Session: 1:00 p.m.  
Chancellor's Office

*Audit & Finance Committee:  
2:30 p.m., Board Room*

*Tenure Reception: 5:00 p.m.  
Board Room*

**Public Session: 6:00 p.m.  
Board Room**

## AGENDA

### Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

#### Closed Session — 1:00-2:30 p.m.

CONFERENCE WITH LABOR NEGOTIATOR

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

#### Recess for Audit & Finance Committee — 2:30-5:00 p.m.

#### Reception — 5:00-6:00 p.m.

RECEPTION FOR 2009 TENURE CANDIDATES

#### Public Session — 6:00 p.m.

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

**INFORMATION**

APPROVAL OF TENURED FACULTY FOR 2008-09

1. [Faculty Re-Employment as Tenured Faculty Members for 2009-10 and Subsequent Years \(Miner x7201\), Murphy x8705\)](#)

**ACTION**

De Anza College: Gregory Anderson, Maryalice Bonilla, Lori Clinchard-Sepeda, Alexandria Giardino, Cassie Hanna, Bruce Heyer, Stephen Howland, Juliana Kang-Robinson, Jack Lynch, Anita Muthyala Kandula, Isaiah Nengo, Moto Ohtake, Julie Pesano, Barbara Peurifoy, Alexander Swanner

Foothill College: Joy Crevier, Jordana Finnegan, Valerie Fong, Susana Huerta, Andrew Lee, Tobias Nava, Amanda Norick, Ernest Schmidt, Kella Svetich, Pam Wilkes

APPROVAL OF MINUTES

February 2, 2009

AUDIT & FINANCE COMMITTEE REPORT

CORRESPONDENCE

HEARINGS: ITEMS NOT ON THE AGENDA

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

- Public
- Students
- Staff
- Board

APPROVAL OF CONSENT CALENDAR

2. [Resolution Authorizing Trustee Absence for Confiance Dukunde \(Kanter x6104\)](#)
3. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
4. [Ratification of B Warrants Greater Than \\$5,000 for Enterprise Funds for October, November and December 2008 \(Dunn x6201\)](#)
5. [Listing of District Investments as of December 31, 2008 \(Dunn x6201\)](#)
6. [Renewal of HOPE Lease \(Dunn x6201\)](#)
7. [Grant-Funded Basic Skills Contract with Bay Area Workforce Funding Collaborative of the San Francisco Foundation and Subcontract with Academic Senate for California Community Colleges \(Kanter x6104\)](#)
8. [Authorization to Enter into a Contract for Professional Services with Teledata, Inc. \(Sherman x6120\)](#)
9. [Resolution Authorizing Issuance of a 2009-10 Tax and Revenue Anticipation Note \(TRAN\) \(Dunn x6201\)](#)
10. [Sale of Miscellaneous Surplus District Furniture \(Bailey x6165\)](#)
11. [Personnel Actions as Follows: \(Novotny x6211\)](#)
  - Reduction in Load – Phil Green, De Anza Faculty
  - Unpaid Leave – Julie Madigan, De Anza Faculty
  - Reduction in Load – Marilyn Patton, De Anza Faculty
  - Change in Load – Randolph Splitter, De Anza Faculty
  - Resignation – Janet Spybrook, Foothill Faculty
  - Reduction in Load – David D. Stringer, De Anza Faculty
  - Correction to Retirement Action – Marion Winters, De Anza Director

**ACTION**

**INFORMATION**

**INFORMATION**

**INFORMATION**

**ACTION**

- 12. [Human Resources Report \(Novotny x6211\)](#)
- 13. [Additional Professional Development Leaves for 2009-10 \(Novotny x6211\)](#)

BOARD BUSINESS

- 14. [Election of Board President and Vice President \(Kanter x6104\)](#) **ACTION**
- 15. [Legislative Goals for 2009-10 \(Kanter x6104\)](#) **ACTION**
- 16. [New Board Policy 3115, Reserves \(first reading\) \(Dunn x6201\)](#) **INFORMATION**
- 17. [Revised Board Policy 4640, Harassment and Discrimination \(first reading\) \(Novotny x6211\)](#) **INFORMATION**

PERSONNEL

- 18. [Re-Employment of First-Year Faculty \(Phase I\) to Second-Year \(Phase II\) for the 2009-10 Academic Year \(Miner x7201, Murphy x8705\)](#) **ACTION**

De Anza College: Ilan Glasman, Esther Halwani, Mehrdad Khosravi, Iaroslav Kryliouk, Mark Larson, Christine Magnin, Ramachandran Subramaniam

Foothill College: Sarah De Los Santos, Charles Denault, Isaac Escoto, Don MacNeil, Erica Onugha, Young-Hee Park Lee, Judy Yamamoto

- 19. [Re-Employment of Second-Year Faculty \(Phase II\) to Phase III for the 2009-10 and 2010-11 Academic Years \(Miner x7201, Murphy x8705\)](#) **ACTION**

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

BUSINESS AND FINANCE/FACILITIES

- 20. [2008-09 Second Quarter Report and Budget Update \(Dunn x6201\)](#) **INFORMATION**

- 21. [Resolutions to Adopt Second Quarter Budget Transfers and Revisions \(Dunn x6201\)](#) **ACTION**
- 22. [District Annual Self-Assessment of Fiscal Condition \(Dunn x6201\)](#) **INFORMATION**

MEASURE E PROJECTS

- 23. [Measure E Consent Calendar \(Allen x6150\)](#) **ACTION**
  - A) Change Order #18, Final (VPAC) – S.J. Amoroso Construction

MEASURE C PROJECTS

- 24. [Measure C Consent Calendar \(Allen x6150\)](#) **ACTION**
  - A) Change Order #3 (Forum 5000) – CRW Industries
  - B) Change Order #5 (Forum 5000) – CRW Industries
  - C) Telecommunications Assessment – Salas O’Brien Engineers
  - D) Professional Services (Ornamental Horticulture) – Sandis Civil Engineers
  - E) Revision #3 to Agreement – Gilbane-Maas
  - F) Revision #6 to Agreement (EIR) – Christopher A. Joseph
  - G) Change Order #2 (VPAC) – Legend Theatrical
  - H) Revision #1 to Agreement (S2/S6 Phase II, Utility Master Plan Phase I) – Salas O’Brien Engineers
  - I) Revision #2 (Baldwin Winery and East Cottage) – Architectural Resources Group
  - J) Revision #1 (Sump Closure) – Joseph J. Albanese
  - K) Change Order #1 (Sump Closure) – MJO Earthscience Services
- 25. [Foothill College Facilities Master Plan Environmental Impact Report \(Allen x6150\)](#) **ACTION**
- 26. [Lease Agreement with Piercey North, Inc. \(Allen x6150\)](#) **ACTION**
- 27. [Measure C Project List Revision with Central Services Budget Transfer #06, Foothill Budget Transfer #11 and De Anza Budget Transfer #12 \(Allen x6150\)](#) **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

**INFORMATION**

- March 12, 2009 — Regular meeting
  - Administrator Contracts
- April 6, 2009 — Regular meeting
  - Presentation: FHDA Foundation
  - Board Policy 4640, Harassment and Discrimination (second reading)
  - Board Policy 4185/Values Statement on Textbooks
  - NASA Research Park Update
  - CCCT Board Elections
  - Student Trustee Board Policy 9110.1

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: February 24, 2009

RE: Public Session, **March 2, 2009**

APPROVAL OF TENURED FACULTY FOR 2008-09

**1. Faculty Re-Employment as Tenured Faculty Members for 2009-10 and Subsequent Years**

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following Tenure/Re-Employment Recommendations:

De Anza College:

Gregory Anderson, Maryalice Bonilla, Lori Clinchard-Sepeda, Alexandria Giardino, Cassie Hanna, Bruce Heyer, Stephen Howland, Juliana Kang-Robinson, Jack Lynch, Anita Muthyala Kandula, Isaiah Nengo, Moto Ohtake, Julie Pesano, Barbara Peurifoy, Alexander Swanner

Foothill College:

Joy Crevier, Jordana Finnegan, Valerie Fong, Susana Huerta, Andrew Lee, Tobias Nava, Amanda Norick, Ernest Schmidt, Kella Svetich, Pam Wilkes

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval.**

CONSENT CALENDAR

**2. Resolution Authorizing Trustee Absence for Confiance Dukunde**

Student Trustee Confiance Dukunde was unable to attend the regular Board meeting of February 2, 2009 due to illness. As stated in Education Code 72425(5)-d:

A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the community college district, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board. The compensation shall be a charge against the funds of the district.

Included for adoption by the Board is a resolution verifying the fact of the absence which is required by Education Code Section 72425. Chancellor Martha Kanter recommends **approval.**

**3. Ratification of Contracts and Agreements**

Presented to the Board for ratification is the list of contracts and agreements signed by Andy Dunn, Vice Chancellor of Business Services. Vice Chancellor Dunn recommends **ratification of the contracts and agreements as presented.**

**4. Ratification of B Warrants Greater Than \$5,000 for Enterprise Funds for October, November and December 2008**

Presented to the Board for ratification are the B Warrants greater than \$5,000 for the following Enterprise Funds for the months of October, November and December 2008: De Anza Bookstore and Food Services, Foothill Bookstore, and Flint Center. A complete listing of all B warrants is available for public viewing in the Chancellor's Office.

Vice Chancellor of Business Services Andy Dunn recommends **ratification of the Enterprise Funds B Warrants greater than \$5,000 as presented.**

**5. Listing of District Investments as of December 31, 2008**

Provisions with SB 564 require local agencies to report all external investments on a quarterly basis. In accordance with the aforementioned requirement, attached is a listing of the District's investments as of December 31, 2008.

The District invested its cash, \$142,883,031.80, on December 31, 2008 in the County's Commingled Investments Pool. As of December 31, 2008, the current yield on the commingled investments pool was 2.47%. As a comparison for the same time period, the yield on a 90-day Treasury Bill was 0.80%; the yield on a 6-month Treasury Bill was 0.26%; and the Local Agency Investment Fund (LAIF) was 2.158%.

In addition, the County Treasury held various securities totaling \$186,195,618.63 for Measure C Project Fund. The yield of the securities ranges from 3.25% to 7.25% with maturity date ranges from January 28, 2008 to March 15, 2012.

## **6. Renewal of HOPE Lease**

The Board is asked to approve renewal of the agreement with HOPE Services for lease of facilities for the District's HOPE program for the 2009-10 fiscal year. The lease amount remains the same as the current year: \$7,634/month (\$91,608/year). All terms of the current lease remain the same.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve the renewal of the HOPE lease for 2009-10 in the amount of \$91,608.**

## **7. Grant-Funded Basic Skills Contract with Bay Area Workforce Funding Collaborative of The San Francisco Foundation and Subcontract with Academic Senate for California Community Colleges**

Foothill-De Anza CCD was approached by the Bay Area Workforce Funding Collaborative (BAWFC) of The San Francisco Foundation and asked to be the fiscal agent for a grant to the Academic Senate for California Community Colleges (ASCCC) to integrate a focus on contextualized basic skills into the Basic Skills Initiative Phase III scope of this work. This opportunity provides a grant to the District for \$147,160. In turn, Foothill-De Anza is contracting with the ASCCC for \$141,500 as a sub-award. The activities of the ASCCC for this grant include:

1. Conduct at least three regional workshops and one training institute on basic skills with dedicated sessions on contextualized basic skills learning and instruction.
2. Produce a literature review and scan of contextualized basic skills programs.
3. Develop a contextualized basic skills professional learning community, including curriculum design, learning materials and communication tools; identification of participants; administrative structure; and a sustainability plan.
4. Hire a Project Coordinator with expertise in contextualized basic skills and career technical education.

Chancellor Martha Kanter recommends that the Board **approve the contract with the Bay Area Workforce Funding Collaborative of The San Francisco Foundation for \$147,160 and the sub-award to the Academic Senate for California Community Colleges in the amount not to exceed \$141,500.**

**8. Authorization to Enter into a Contract for Professional Services with Teledata, Inc.**

The Measure C Bond funds the construction of the new ETS Building and Data Center, which will host the present and future computing platforms and network communication equipment to support both colleges and Central Services. The costs for construction, maintenance and utilities for the new Data Center are extraordinary compared to other District buildings. It is important to understand the options and weigh the trade-offs between cost and risk. It is important for the District to have a comprehensive plan that will communicate the specific requirements to all concerned parties.

Adequate design and planning to incorporate essential Data Center requirements are critical to the success of this project. These requirements include:

- The power consumption and mechanical requirements so the new Data Center will comply with LEED Green Building certification;
- Specifications and safety considerations, so the Data Center can meet the essential facility code requirements;
- Correct specifications of cooling and ventilation, so the equipment can function within the proper operating environment;
- Efficient space layout of the Data Center for the present and future needs, so the future growth of computing requirements can be accommodated; and
- Adequate power backup and generator capability, so the continuity of services can be assured in a 24x7x365 basis.

To support these requirements and carry the District into the future, a comprehensive Data Center design plan must be developed. ETS, facility, staff and representatives from Gilbane/Mass will engage in an integrative process to define the Data Center and new ETS building requirements and develop specifications for the future construction of the building and Data Center. ETS plans to engage the services of Teladata, Inc. to assist with the design of the ETS Data Center to support both present and future needs of the colleges and Central Services.

Vice Chancellor of Technology Fred Sherman recommends that the Board **authorize the Vice Chancellor of Technology to enter into a contract with Teladata, Inc. for \$45,000 to develop a Plan for the District ETS Data Center.**

**9. Resolution Authorizing Issuance of a 2009-10 Tax Revenue and Anticipation Note (TRAN)**

Tax Revenue and Anticipation Notes (TRANs) are issued as part of the District's cash management program. These are short-term notes (less than 13 months) that are paid at maturity using taxes collected throughout the year. The TRAN proceeds are invested and held to maturity unless needed for operations during the year by the District. The investment earning rate exceeds the TRAN interest rate; therefore, the District benefits

from the positive difference. On the other hand, should the District need to use the note proceeds, the interest on the notes is more favorable than the interest that would be charged by the County Treasurer for short-term borrowing. The TRAN, therefore, benefits the District in either case.

The District's proposed TRAN will be combined with other community college and K-12 districts' TRANs and sold as a combined pool. The net return from the expected interest arbitrage cannot be estimated until the notes within the pool are sold in June and the spread between the borrowing and reinvesting rates is known.

In order to participate in the TRAN program, the Board must adopt a resolution authorizing the borrowing of funds for the 2009-10 fiscal year. The maximum amount of borrowing is not to exceed \$10,000,000.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **adopt Resolution #2009-03 Authorizing the Issuance of a 2009-10 Tax Revenue and Anticipation Note.**

#### **10. Sale of Miscellaneous Surplus District Furniture**

The District has one large miscellaneous lot of surplus furniture that is of no further use to the District (see attached). The estimated aggregate market value is less than \$5,000 based upon previous attempts by Purchasing Services to sell similar furniture.

California Education Code 81452(a) provides that if the governing board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5000.00), the property may be sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to sell the large miscellaneous lot of furniture through auction. The District pays a commission to the auction house of 7% of the gross sales proceeds from the property. Attempts to sell furniture through private sales have not been successful. Net proceeds will be deposited to the District General Fund.

Purchasing Services Supervisor Gina Bailey recommends that the Board, **in accordance with Education Code 81452 (a), make a finding that the property does not exceed \$5,000 in value and authorize the Director of Purchasing Services to sell the miscellaneous furniture.**

**11. Personnel Actions as Follows:**

*Name:* **Phil Green**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Applied Technologies - Automotive Technology  
*Action:* **50% load reduction in accordance with Article 18**  
*Effective Dates:* Academic Year 2009-10

*Name:* **Julie Madigan**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Unpaid leave**  
*Effective Dates:* Spring Quarter 2009

*Name:* **Marilyn Patton**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **75% load reduction as per Article 18**  
*Effective Dates:* Academic Years 2009-10, 2010-11, 2011-12, and 2012-13

*Name:* **Randolph Splitter**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Language Arts  
*Actions:* **Change load from 0.611% to 0.722% for Academic Year 2008-09**  
**Change load to 50% for Academic Year 2009-10**  
**In accordance with Article 18**

*Name:* **Janet Spybrook**  
*Position:* Faculty  
*College:* Foothill College  
*Division:* Adaptive Learning Division and Disability Services  
*Action:* **Resignation**  
*Effective Dates:* January 9, 2009

*Name:* **David D. Stringer**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Business and Computer Systems  
*Action:* **11% load reduction in accordance with Article 18**  
*Effective Dates:* Academic Year 2009-10

*Name:* Marion Winters  
*Position:* Director  
*College:* De Anza College  
*Division:* Diversity  
*Action:* Correction to retirement action not to reflect Article 19  
*Effective Dates:* June 30, 2009

## 12. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, new positions, promotions, reassignments, reclassifications, separations, 39 month re-employment, permanent contract changes, professional growth awards, service recognition awards and longevity awards. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

## 13. Additional Professional Development Leaves for 2009-10

Board approval is requested for Professional Development Leaves for the 2009-10 Academic Year. The Professional Development Leave Committee received 25 applications requesting a total of 74 quarters of leave. According to the terms of the *Agreement* with the Faculty Association, 107 quarters of leave (including 15 carryover quarters from 2008-09) are available for 2009-10. At this time, the Professional Development Leave committee requests that 5 quarters be awarded to the 2 faculty members recommended by the Committee in addition to the other 21 applications that were approved at the prior Board meeting. It is the responsibility of each faculty member to complete the plan for the leave as outlined in the application.

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny and the Professional Development Leave Committee recommend **approval**.

## BOARD BUSINESS

## 14. Election of Board President and Vice President

In order to have more time to attend to family matters, Laura Casas Frier wishes to step down from her role as President of the Board. Board policy does not address the mid-year election of a new president, but Board Policy 9120, "Officers of the Board," does state that "The offices of President and Vice President will be rotated among Board members in as equitable a manner as possible." According to Board practice, the Vice President — Betsy Bechtel — would be elected as President at the Board's organizational meeting in December

2009, and the trustee who would next rotate into the Vice President's position is Hal Plotkin. The Board needs to elect a President and Vice President at this time.

#### **15. Legislative Goals for 2009-10**

The Board reviewed the draft Legislative Goals at its February 2, 2009 meeting. These goals will be used in advocating the Board's priorities to the legislature and the public in preparing for the 2009-10 fiscal year. The District affirms its continued commitment to the California Master Plan for Higher Education and its dedication to student access, equity, affordability and success. The goals as presented reflect feedback from the Board, the District Legislative Committee and Chancellor's Advisory Council.

Chancellor Martha Kanter recommends that the Board **approve the Legislative Goals for 2009-10.**

#### **16. New Board Policy 3115, Reserves**

A new Board policy has been developed to address budget reserves. The policy has been reviewed by the Chancellor's Advisory Council and is presented for a first reading.

#### **17. Revised Board Policy 4640, Harassment and Discrimination**

Board Policy 4640 has been revised in response to changes to Title 5. The policy has been reviewed by the Chancellor's Advisory Council and is presented to the Board for a first reading.

### PERSONNEL

#### **18. Re-Employment of First-Year Faculty (Phase I) to Second-Year (Phase II) for the 2009-10 Academic Year**

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following faculty re-employment:

De Anza College:

Ilan Glasman, Esther Halwani, Mehrdad Khosravi, Iaroslav Kryliouk, Mark Larson, Christine Magnin, Ramachandran Subramaniam

Foothill College:

Sarah De Los Santos, Charles Denault, Isaac Escoto, Don MacNeil, Erica Onugha, Young-Hee Park Lee, Judy Yamamoto

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval.**

**19. Re-Employment of Second-Year Faculty (Phase II) to Phase III for the 2009-10 and 2010-11 Academic Years**

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following faculty re-employment:

De Anza College:

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

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval.**

BUSINESS AND FINANCE/FACILITIES

**20. 2008-09 Second Quarter Report**

Presented to the Board for information is the 2008-09 Second Quarter Report. An update will also be provided on the budget reflecting the recent approval of a state budget.

**21. Resolutions to Adopt Second Quarter Budget Transfers and Revisions**

Presented to the Board for adoption are the 2008-09 second quarter budget transfers and revisions. Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve Resolution #2009-05 (Budget Transfers) and Resolution #2009-06 (Budget Revisions).**

## 22. District Annual Self-Assessment of Fiscal Condition

In October 2007, the State Chancellor's Office issued an Accounting Advisory which outlined the conditions under which the State Chancellor's Office would review and possibly intervene if a district was in fiscal crisis. As part of the State Chancellor's Office effort to prevent problems from occurring, they prepared a document called "Sound Fiscal Management Self-Assessment Checklist" which is described in the attached memo. This is a voluntary assessment tool at this point if the district is not in a fiscal crisis.

District staff believe this instrument provides a useful overview of a district's fiscal condition and recommend that a new self-assessment be completed each year and shared with the Audit and Finance Committee and the Board.

## MEASURE E PROJECTS

### 23. Measure E Consent Calendar

Board approval and/or ratification is requested for the Measure E action. The aggregate amount for this item is \$204,023.

- A.** *Title:* FINAL - Change Order #18  
*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:* \$204,023  
*For:* Provide additional building infrastructure, detailing, finishes, mechanical, electrical, and plumbing system revisions, framing modifications, and credits for deleted scope as described by the backup documentation. The contract completion date of December 31, 2008 is unaltered by this change order.  
The total FINAL change orders for this project represent 7.14% against the original contract amount.  
*Action:* Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen and De Anza Director of Bond Program Management Tom Armstrong recommend that the Board **ratify Measure E consent item A.**

## MEASURE C PROJECTS

### **24. Measure C Consent Calendar**

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount of these items is \$386,651.70.

- A.** *Title:* Change Order #3  
*Vendor:* CRW Industries, Inc.  
*Agreement Date:* November 21, 2008  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000 Renovation  
*Amount:* \$18,248  
*For:* Architect-directed ADA compliance to use an automated door opener in lieu of dramatic framing changes to door 5023. Field condition required the replacement of some plywood and purlins. The remaining items are architect-directed changes to address field conditions that didn't match the as-built drawings and to improve the fit and finish of some non structural items.
- This change order plus previous change orders represents 8.64% above the base contract amount; funding for this change is within the current budget.
- Action:* Ratification
- B.** *Title:* Change Order #5  
*Vendor:* CRW Industries, Inc.  
*Agreement Date:* February 11, 2009  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000 Renovation  
*Amount:* \$3,349  
*For:* Miscellaneous owner and architect directed changes to improve functionality of facility and safety/code compliance.
- This change order plus previous change orders represents 8.77% above the base contract amount; funding for this change is within the current budget.
- Action:* Ratification

- C. Title:** Foothill Telecommunication Assessment  
*Vendor:* Salas O'Brien  
*Agreement Date:* March 3, 2009  
*Campus:* Foothill College  
*Project No.:* 135  
*Project Name:* Utility and Technology Infrastructure Repairs and Upgrades  
*Amount:* \$149,791  
*For:* Salas O'Brien will perform field investigations to document existing conditions of all telecommunications outside plant (OSP) at Foothill College. Record drawings will be generated showing existing conditions, and a written report will be prepared to summarize the investigations and make recommendations for future telecommunications infrastructure upgrades to support the campus' growth over the next twenty to thirty years. The funding for this change is within the current budget.  
*Action:* Approval
- D. Title:** Professional Services  
*Vendor:* Sandis Civil Engineers Surveyors Planners Inc.  
*Agreement Date:* February 11, 2009  
*Campus:* Foothill College  
*Project No.:* 147  
*Project Name:* Ornamental Horticulture  
*Amount:* \$25,895  
*For:* Provide construction documents for the demolition of the old Ornamental Horticulture and Veterinary Technology complex in order for the site to be cleared and made ready in advance of the Physical Sciences and Engineering Center construction.  
*Action:* Ratification
- E. Title:** Revision #3 to 2008-09 Agreement for Services  
*Vendor:* Gilbane-Maas  
*Agreement Date:* July 7, 2008  
*Project Name:* Measure C Bond Program  
*Amount:* \$120,834  
*For:* Measure C Program and Construction Management Services:  
  - Provide estimating services on the Physical Sciences and Engineering Center project at Foothill College as detailed below:
    - 50% Design Development Estimate
    - 100% Design Development Estimate
    - 50% Construction Documents Estimate
  - Reconciliation for all three estimates*Action:* Approval

- F.** *Title:* Agreement Revision #6 to PO #G774030  
*Vendor:* Christopher A. Joseph  
*Agreement Date:* March 6, 2007  
*Campus:* Foothill College  
*Project No.:* 766172  
*Project Name:* Environmental Impact Report (EIR)  
*Amount:* \$3,400  
*For:* Provide additional analysis in response to correspondence from Caltrans letter dated December 23, 2008, with regards to 2030 Cumulative Traffic Inputs.  
*Action:* Approval
- G.** *Title:* Change Order #2  
*Vendor:* Legend Theatrical, Inc.  
*Agreement Date:* September 30, 2008  
*Campus:* De Anza College  
*Project No.:* VPAC – Group II  
*Project Name:* Draperies and Production Lighting  
*Amount:* \$647.32  
*For:* Construction changes include additional lighting equipment wiring and lamps. Fixtures were changed during submittal review and these items were required for electrical connections. The contract completion date of December 1, 2008 is unchanged. The total change orders to date represent 0.66% against the original contract amount; funding is included in the current budget.  
*Action:* Ratification
- H.** *Title:* Revision #1 to Agreement for Professional Services  
*Vendor:* Salas O'Brien Engineers  
*Agreement Date:* August 5, 2008  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2/S6 Phase II – Utility Master Plan Phase I  
*Amount:* \$22,491  
*For:* Provide additional services for design and sub-contractor to complete De Anza campuswide survey of telecommunications and data infrastructure including but not limited to:
  - Field mapping of sixty-seven (67) additional pull boxes discovered in addition to originally estimated seventy-two (72): \$7,991
  - Additional design services to supervise sub-contractor, document, report, and CAD drawings: \$14,500*Action:* Ratification

- I.** *Title:* Revision #2 to PO #G979221 / PAA-2B  
*Vendor:* Architectural Resources Group (ARG)  
*Agreement Date:* November 6, 2007  
*Campus:* De Anza College  
*Project No.:* 766-203  
*Project Name:* Baldwin Winery & East Cottage  
*Amount:* \$28,143  
*For:* Additional Design Services for ARG to provide:
1. Revise the HVAC system for the East Cottage
  2. Provide stand-alone VRV system
  3. Reconfigure landscaping to accommodate one condenser and pad
  4. Revise attic structural framing to house the mechanical unit
- Action:* Ratification
- J.** *Title:* Revision #1 to ICA  
*Vendor:* Joseph J. Albanese, Inc.  
*Agreement Date:* December 19, 2008  
*Campus:* De Anza College  
*Project No.:* 766-255  
*Project Name:* Sump Closure Floor Repair  
*Amount:* \$8,706  
*For:* Additional work due to unforeseen conditions. Larger than anticipated excavation resulted in added labor hours, additional imported fill materials, additional compaction efforts to this increased amount of materials, and an increase in the amount of concrete to complete the concrete floor replacement.
- Action:* Ratification
- K.** *Title:* Change Order #1  
*Vendor:* MJO Earthscience Services, Inc.  
*Agreement Date:* December 9, 2008  
*Campus:* De Anza College  
*Project No.:* 766-270  
*Project Name:* E-1 Autotech – Sump Closure  
*Amount:* \$5,147.38  
*For:* Over-cutting of sump area concrete, additional removal and disposal of over-cut concrete floor area surrounding the sumps as well as additional removal and disposal of excessively thick concrete sump walls, and minor added time to accomplish their contract in the allowable time frame.
- Action:* Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen, De Anza Director of Bond Program Management Tom Armstrong and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **approve/ratify Measure C consent items A-K.**

## **25. Foothill College Facilities Master Plan Environmental Impact Report**

The Foothill College Facilities Master Plan Environmental Impact Report (EIR) analyzes the potential impacts of campus growth under the Facilities Master Plan (“the Project”) and addresses project-specific environmental effects associated with construction of near-term projects. The completed EIR is the result of a process dictated by the California Environmental Quality Act (CEQA) that included notification of local agencies, jurisdictions and residents, as well as public meetings.

A Notice of Preparation of the EIR was published in September 2007. After modifications to the EIR in response to public comment, a Draft EIR was published in August 2008, followed by a 45-day period for public review. The Final EIR contains responses to all comments received during that public review process.

By approving the EIR, the Board hereby finds, on the basis of the Environmental Impact Report and the whole record before it, that with the exception of a cumulative significant and unavoidable air quality impact with respect to greenhouse gas emissions, all other environmental impacts are less than significant or changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the Environmental Impact Report.

Impacts from any new greenhouse gas emissions on climate change are not known. Therefore, the cumulative impacts associated with the Project on climate change would be considered significant and unavoidable. Despite this impact, the Project is being approved because of the overriding benefit of maintaining Foothill College as an educational resource to the community.

The Final Environmental Impact Report findings are attached. The Draft Environmental Impact Report and other supporting documents are available for review at the District website, [www.fhda.edu](http://www.fhda.edu), filed under the “Facilities” tab.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Environmental Impact Report and the Project based upon the findings set forth in the EIR and summarized in Attachment A.**

**26. Lease Agreement with Piercey North, Inc.**

This Lease Agreement is with Piercey North, Inc. to lease the Piercey Toyota facility located at 2108 N. First Street, San Jose, CA 95131 for the interim use by the De Anza Automotive Technology group for their instructional program. The renovation of the Automotive Technology facility during the Spring, Summer, and Fall of 2009 requires moving the program to an alternate location to accommodate the construction and renovation of the existing facility. To accomplish this work in a timely fashion and allow the Automotive Technology program to continue functioning with their currently enrolled classes, it was discussed and agreed to by the Automotive Technology group and the college to move the entire program off-site into an unused local facility instead of canceling or prolonging the completion of classes by students currently enrolled. The disruption would significantly delay completion of classes and severely disrupt the planned completion of these multi-year programmed classes of currently enrolled students. The upcoming construction work on the Automotive Technology facility will add much needed teaching classroom space and upgrade the facility for another 40 years of useful life. Funding for this lease is available within the project budget (255 Auto Technology – Measure C).

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the lease agreement with Piercey North, Inc. for the terms and conditions presented.**

**27. Measure C Project List Revision with Central Services Budget Transfer #06, Foothill Budget Transfer #11 and De Anza Budget Transfer #12**

On June 16, 2008, the Board approved the guiding principles for distribution of interest earnings. This revision to the Measure C Project List is being presented to recognize the actual earned interest of \$3,330,661.88 for the second quarter of fiscal year 2008-09 by distributing it into the projects of the Measure C Program in the following manner:

- Central Services Budget Transfer #06 places \$123,234.49 of interest earned in project #499 (District Program Contingency);
- Foothill Budget Transfer #11 places \$1,615,371.01 of interest earned in project #199 (Foothill Program Contingency);
- De Anza Budget Transfer #12 places \$1,592,056.38 of interest earned into project #261 (Mediated Learning Center). The Mediated Learning Center Project is the largest project of the De Anza Measure C Program and will establish a state-of-the-art environmentally sustainable building to house the Technical Resources Area, Anthropology, and additional classrooms.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Measure C Bond Project List Revision with**

**District Budget Transfer #6, Foothill Budget Transfer #11 and De Anza Budget Transfer #12.**

MJK:jo