President Bruce Swenson declared a quorum was present and called the meeting to order at 5:00 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

Trustees Present:
Bruce Swenson, President
Pearl Cheng, Vice President
Joan Barram
Betsy Bechtel
Laura Casas Frier

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

The Board immediately adjourned into closed session in the Chancellor’s Office with the individuals listed below to discuss:

STUDENT DISCIPLINE — EXPULSION
Student ID: 10460779

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Mike Brandy, Interim Chancellor
Andy Dunn, Vice Chancellor of Business Services
Brian Murphy, President of De Anza College
Judy Minner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology
Pat Hyland, Dean, Student Affairs and Activities, Foothill College

CONFERENCE WITH LABOR NEGOTIATOR
District Negotiator: Dorene Novotny
Employee Organizations: All Represented and Unrepresented Groups

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Mike Brandy, Interim Chancellor
Andy Dunn, Vice Chancellor of Business Services
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  

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  

Executive Administrators Present:  
Mike Brandy, Interim Chancellor  
Andy Dunn, Vice Chancellor of Business Services  
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 re-convened the public session at 6:00 p.m. in the District Board Room. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:  

Staff:  
Charles Allen  
Tom Armstrong  
Becky Bartindale  
Mike Brandy  
Kim Chief Elk  
Dolores Davison  
Andy Dunn  
Rich Hansen  
Art Heinrich  
Pat Hyland  
Letha Jeanpierre  
Donna Jones-Dulin  
Ron Levine  
Judy Miner  
Blanche Monary  
Brian Murphy  
Dorene Novotny  
Carmen Redmond  
Fred Sherman  
Chien Shih  
Marisa Spatafore  
Donna Toyohara  

Public:  
Jim McMahon  
Terry Terman  

REPORTING OUT FROM CLOSED SESSION  

President Swenson reported that the following action was taken in closed session.  

In closed session the board considered whether to take disciplinary action against a Foothill College student. President Swenson polled the board on whether to expel that student.  

M/S/C:  
Barram/Casas Frier  
Advisory Vote:  
0  
Board Vote:  
unanimous  
Trustee Bechtel voted in favor  
Trustee Casas Frier voted in favor  
Trustee Cheng voted in favor  
Trustee Barram voted in favor  
Trustee Swenson voted in favor  
Abstentions:  
2 (Anderson/Barrientos Vargas)  
Action:  
To expel Foothill College student, Student ID 10460779
**APPROVAL OF MINUTES**

The minutes of November 2, 2009 were deferred to the next board meeting pending clarification on Item 18 regarding FHDA board review of the economic analysis results conducted by the UA board.

**CORRESPONDENCE**

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

**HEARINGS: ITEMS NOT ON THE AGENDA**

Public / Students
None

Staff
District Police Chief Ron Levine introduced Jim McMahon whose employment as De Anza College Director of Safety and Security would be presented to the board. McMahon has a background in law enforcement and the public sector.

Interim Chancellor Brandy noted the trustees’ attendance at the CCLC Legislative Conference on the agenda. Brandy explained that a new board policy on trustee travel is being developed whereby the public is notified when trustees travel out of the area.

Foothill College President Miner reported that winter quarter enrollment is up by about 3% in comparing winter quarter 2009 to the current quarter. Significant shifts involved a downturn in special education offerings due to the severe cuts in state funding. Sections in math and English were added which helped to reduce the number of students on wait lists in those areas.

De Anza College President Murphy reported enrollment figures are up about 1.3 – 1.5%. 10,000 names are on wait lists, of which 585 are in chemistry representing about 70% of the entire enrollment in that department; 1,500 in math; 2,000 in social sciences and humanities; 2,000 in bio/health sciences.

President Miner reported that math instructor Young Hee Park Lee was able to secure a $5,000 donation from her alma mater, the Korea Advanced Institute of Science and Technology, to help support a summer math show at Foothill. Art instructor Andy Ruble received a $20,000 fellowship from the Rydell Visual Arts Fellowship. Cal Schrotenboer, part time CTIS faculty attended the Nobel Peach Prize ceremony where he was able to take photos which will be posted on the college’s website.

President Murphy expressed deep appreciation to Director of College Services Donna Jones-Dulin and plant services and ETS personnel for the successful replacement of cabling over the holidays. The job required that the campus be shut down for several days. Murphy also announced that football coach Dan Atencio was named coach of the year by the coast league.

Vice Chancellor of Technology Fred Sherman reported that on January 1, 2010 the HR/Payroll module of Banner went live. Sherman explained that this is a very complex migration and
acknowledged Director of Human Resources Kim Chief Elk and Director of Information Systems & Operations Chien Shih and their teams for their work on the project.

Trustees
Trustee Bechtel reported that trustees Barram and Cheng will be attending the CCLC Legislative Conference in Sacramento on January 24-25.

APPROVAL OF CONSENT CALENDAR

Brandy informed the Board that Item 3, De Anza Facility Use Policy, Fees, Process and Procedures, was withdrawn from the agenda and will be presented at a later date.

Regarding Item 10, Trustee Barram questioned the need for a separate company to load test the Banner student system. Vice Chancellor Sherman explained that AppLabs has no relationship with SunGard/Banner and the test will give an indication of how much load the system can effectively handle.

On Item 13, Vice Chancellor of Human Resources Dorene Novotny retracted Randolph Splitter’s resignation for purpose of retirement until the next fiscal year.

          M/S/C: Cheng/Casas Frier
            Advisory vote: 2 yes
            Board vote: unanimous
            Action: Approved / Ratified Items 1, 2, 4-13 of the Consent Calendar as amended:

Item 1 - Approved RATIFICATION OF B WARRANTS AND WIRE TRANSFERS GREATER THAN $5,000 FOR SEPTEMBER, OCTOBER, AND NOVEMBER 2009

Item 2 – Approved RATIFICATION OF CONTRACTS AND AGREEMENTS

Item 3 – Approved DE ANZA FACILITY USE POLICY, FEES, PROCESS AND PROCEDURES

Item 4 - Approved APPROVAL OF NEW COURSES BEGINNING WINTER 2010 QUARTER

Item 5 - Approved STAND ALONE COURSES

Item 6 - Approved NON-CREDIT PROGRAM: GERIATRIC HOME AIDE

Item 7 - Approved NON-CREDIT PROGRAM: MATHEMATICAL FOUNDATIONS

Item 8 - Approved MOU WITH PALO ALTO UNIVERSITY

Item 9 - Approved MOU BETWEEN THE CALIFORNIA COMMUNITY COLLEGES CHANCELLOR’S OFFICE AND FOOTHILL COLLEGE TO ESTABLISH AN OPEN EDUCATION RESOURCE CENTER PILOT
**Item 10** – Approved AGREEMENT WITH APPLABS TO LOAD TEST THE BANNER STUDENT SYSTEM

**Item 11** – Approved DISPOSAL OF SURPLUS DISTRICT PERSONAL PROPERTY
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to recycle or dispose of the items in the local public dump.

**Item 12** – Approved HUMAN RESOURCES REPORT

**Item 13** – Approved PERSONNEL ACTIONS AS AMENDED:

- **Name:** Charles DeNault  
  **Position:** Faculty  
  **College:** Foothill College  
  **Division:** Physical Sciences, Mathematics and Engineering  
  **Action:** Resignation  
  **Effective Date:** December 30, 2009

- **Name:** Phil Green  
  **Position:** Faculty  
  **College:** De Anza College  
  **Division:** Applied Technologies  
  **Action:** Resignation for purposes of retirement under Article 19  
  **Effective Date:** June 25, 2010

- **Name:** Ronald McFarland  
  **Position:** Division Dean  
  **College:** De Anza College  
  **Division:** Business and Computer Systems  
  **Action:** Employment  
  **Compensation:** Range K, Step 1 @ $9,803.74/month  
  **Effective Date:** January 19, 2010 through June 30, 2010

- **Name:** James McMahon  
  **Position:** Director  
  **College:** De Anza College  
  **Division:** Campus Safety and Security  
  **Action:** Employment  
  **Compensation:** Range H, Step 3 @ $8,526.01/month  
  **Effective Date:** January 6, 2010 through June 30, 2010

- **Name:** Randolph Splitter  
  **Position:** Faculty  
  **College:** De Anza College  
  **Division:** Language Arts  
  **Action:** Resignation for purposes of retirement under Article 20  
  **Effective Date:** June 24, 2011
**Item 14**

**APPROVAL OF REVISION TO BP 4190, ACADEMIC FREEDOM**

M/S/C: Casas Frier/Cheng  
Advisory vote: 2 yes  
Board vote: unanimous  
Action: Approved revision to Board Policy 4190, Academic Freedom

**Item 15**

**1ST READING OF REVISIONS TO BP 6120, GRADUATION REQUIREMENTS**

The policy has been approved by both college senates and the Chancellor’s Advisory Council. After discussion it was determined that the title “Graduation Requirements for Degrees and Certificates” would be reworded.

**Item 16**

**AGREEMENTS WITH THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT AND ASSOCIATION OF CLASSIFIED EMPLOYEES (ACE), OPERATING ENGINEERS, LOCAL 3 (OE3) AND CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND ITS CHAPTER 96, FOR UNIT A (CSEA)**

Trustee Barram congratulated ACE on their first contract. Director of Human Resources Kim Chief Elk expressed her respect for and appreciation of the time spent to form a new organization and feels the district will be well served by ACE.

M/S/C: Casas Frier/Cheng  
Advisory vote: 2 abstentions  
Board vote: unanimous  
Action: Approved the agreement between Foothill-De Anza Community College District and Association of Classified Employees (ACE), effective November 1, 2009 through October 31, 2011

Although a small union, Director of Human Resources Kim Chief Elk feels the district will be well served by OE3.

M/S/C: Barram/Bechtel  
Advisory vote: 2 abstentions  
Board vote: unanimous  
Action: Approved the agreement between Foothill-De Anza Community College District and Operating Engineers, Local 3 (OE3), effective January 1, 2010 through December 31, 2012
Chief Elk said that between CSEA and the Teamsters unions much bargaining occurred between the benefits and additional contract language changes.

**M/S/C:** Cheng/Bechtel  
**Advisory vote:** 2 abstentions  
**Board vote:** unanimous  
**Action:** Approved Agreement between Foothill-De Anza Community College District and California School Employees Association and Its Chapter 96, for Unit A (CSEA), effective January 1, 2010 through December 31, 2012

**M/S/C:** Bechtel/Barram  
**Advisory vote:** 2 abstentions  
**Board vote:** unanimous  
**Action:** Approved changes in the following articles from the current Teamster Agreement, effective July 1, 2007 through June 30, 2010:

- Article 8 – Absences from Work  
  - Section 8.9: Industrial Accident And Illness Leave

- Article 15 – Health & Welfare Benefits
- Article 16 – Retirement

**Item 17**

**DECLARATION OF DISCREPANCY CONCERNING ATTENDANCE ACCOUNTING RELATED ISSUES IN THE FOOTHILL COLLEGE PHYSICAL EDUCATION DIVISION**

Vice Chancellor of Business Services Andy Dunn shared additional information related to the attendance accounting discrepancy in the Foothill physical education division. The information was transmitted to the state chancellor’s office in a declaration of discrepancy. Vice Chancellor Dunn feels that after board ratification of the Declaration of Discrepancy no further action needs to be taken.

**M/S/C:** Casas Frier/Barram  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified the Declaration of Discrepancy as presented

**Item 18**

**MOU BETWEEN THE REGENTS OF THE UNIVERSITY OF CALIFORNIA AND THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT**

Interim Chancellor Brandy explained that the MOU as presented would allow the district’s contributions to the University Associates to be used exclusively for pre-development costs. Specifying such use qualifies use of the Measure C bond funds.

Both Interim Chancellor Brandy and trustee Bechtel assured trustee Casas Frier that the project lists contained in the Measure C bond allows for $40,000,000 to be set aside for site acquisition. The MOU would authorize a capital contribution for 2009-10 only; additional capital contributions
would require board approval. Brandy said that under the UA agreement the district would maintain its option to withdraw from the project.

M/S/C: Bechtel/Barram
Advisory vote: 2 yes
Board vote: 4 yes
1 no (Casas Frier)
Action: Authorized the Interim Chancellor or designee to sign the Memorandum of Understanding between the Regents of the University of California and the Foothill-De Anza Community College District

Trustee Casas Frier voted against the motion on the grounds that the intended family housing portion of the site is on the EPA’s list of superfund sites and the district has not yet received the results of the economic cost benefit analysis.

Item 19
HMC AGREEMENT FOR SERVICES AND CHANGE #1 FOR FLINT CENTER ELECTRICAL IMPROVEMENTS

M/S/C: Cheng/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Ratified the agreement with HMC and change #1 for Flint Center Electrical Improvements

Item 20
MEASURE C CONSENT CALENDAR

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

A. Title: Revision #1 to PAA #4-B to Master Agreement
Vendor: Noll & Tam Architects
Agreement Date: December 6, 2007
Campus: De Anza College
Project No.: 766-214
Project Name: Corporation Yard
Amount: ($5,120)
For: Reduction to contract price for professional services for Design Development Phase. No reduction in scope.
Action: Ratification

B. Title: PAA #D06
Vendor: Allana Buick Bers, Inc.
Agreement Date: January 6, 2010
Campus: De Anza College
Project No.: 766-236
Project Name: Tile Roof Repairs
Amount: $34,380

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 and Replacement of Parapet Stucco and Coping on Buildings E2 and E3; 2) Repair Flat Roof on Storage Room - Building E2; 3) Site Logistics Plan.

Action: Approval

C. Title: Change Order #8
Vendor: Zolman Construction and Development, Inc.
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Autotech Renovation
Amount: $3,416

For: Change Order: Provide and install DSA-approved twist wire anchoring system for the clay roof tiles.

The total Change Orders to date represent 11.83% against the original contract amount. Funding is included in the current budget.

Action: Ratification

D. Title: Revision #01 to PAA #D01
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-228
Project Name: CDC Playground Maintenance & Upgrades
Amount: $6,000

For: This Revision is to compensate the Landscape Architect and their Architectural Consultant for additional DSA submission costs. The original project scope as defined in PAA D01 did not include a shade structure, which was added during the schematic design phase. DSA requires structural review of the shade structure, therefore additional funding is being added to the Architect’s contract.

Completion date of the contract for PAA D01 is being extended to Sept. 9, 2010, which reflects the revised construction duration.

Action: Ratification

E. Title: Change #5 to Agreement for Services
Vendor: Ross Luthin Creative  
Agreement Date: December 14, 2004  
Campus: De Anza College  
Project No.: 766-215  
Project Name: Signage  
Amount: ($250)  
For: Changes to Agreement 1) Contract extension required to process final payment due to contract expiration and 2) Contract amount reduction required for services not performed. Services will be completed by Ross Luthin Creative under the new Measure C Project 218 Agreement for Services approved by the Board of Trustees on October 5, 2009.

Action: Ratification

F. Title: Revision #2  
Vendor: Quali-Con Enterprises  
Agreement Date: June 4, 2007  
Campus: De Anza College  
Project No.: 765-209  
Project Name: Visual & Performing Arts Center  
Amount: $0  
For: Revise contract end date to July 1, 2010, to facilitate DSA closeout activities. The contract value is not being changed with this revision.

Action: Ratification

G. Title: Revision #3 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: $21,448  
For: Additional contract administration and project support during construction. Increasing the Architect and Engineering group on-site coordination and reviews at the beginning of construction and for increased project close-out efforts. Extend expiration date for ARG’s Purchase Order to November 10, 2010. Reason: The PO will expire prior to the completion of the project.

Action: Ratification

ADJOURNMENT

President Swenson adjourned the meeting at 6:50 p.m.
Approved: 2/1/10

________________________________________
Mike Brandy, Interim Chancellor
Secretary, Board of Trustees