CALL TO ORDER AND ROLL CALL

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

for Public Session
Joseph Derflinger, De Anza College Student Trustee (arrived late)
Adrian Diaz, Foothill College Student Trustee

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)
Name of Case: Foothill-De Anza Community College District v. All Interested Persons and related cross-complaints filed by interested persons Melvin Emerich and Aaron Katz

Executive Administrators Present:
Mike Brandy, Vice Chancellor of Business Services
Kim Chief Elk, Director of Human Resources
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
Penny Patz, Interim President of Foothill College
Fred Sherman, Vice Chancellor of Technology

Legal Counsel Present:
Sean Absher

CONFERENCE WITH LABOR NEGOTIATOR
District Negotiator: Jane Enright
Employee Organizations: All Represented and Unrepresented Groups

Executive Administrators Present:
Mike Brandy, Vice Chancellor of Business Services
Kim Chief Elk, Director of Human Resources
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
Penny Patz, Interim President of Foothill College
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Plotkin re-convened the public session at 6:03 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, Jeanine Hawk, Judy Mowrey
      Becky Bartindale, Lydia Hearn, Brian Murphy
      Judy Baker, Ken Horowitz, Frank Nunez
      Mike Brandy, Barbara Illowsky, Jon O’Bergh
      Claudette Brero-Gow, Rob Johnstone, Penny Patz
      Debbie Budd, Martha Kanter, Hector Quinonez
      Linda Elvin, Ron Levine, Carmen Redmond
      Jane Enright, Chuck Lindauer, Shelley Schreiber
      Christina Espinosa-Pieb, Sharon Luciw, Fred Sherman
      Marie Fox Ellison, Faith Milonas, Marisa Spatafore
      Dave Garrido, Judy Miner, Paul Starer
      Robert Griffin, Patrick Morriss

Press: None

Students: Alex Lin, Rahela Sami

Public: Jim Klingensmith, Terry Terman

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

M/S/C: Bechtel/Casas Frier
Advisory vote: 1 yes (Diaz)
Board vote: unanimous
Action: Approved the minutes of the January 11, 2007 and January 16, 2007 meetings

AUDIT & FINANCE COMMITTEE REPORT

Trustee Swenson reported that the Audit & Finance Committee made the following recommendations: 1) approve the contract for independent audit services with Perry-Smith LLP for fiscal year 2006-07; 2) engage the services of Perry-Smith LLP to perform the Measure C performance and financial audit; and 3) set the scope for the Measure C performance and financial
audit to be focused on agreed upon items, which meets the legal requirements. Trustee Swenson pointed out that the two recommendations concerning the Measure C audit were less costly than other alternatives.

**FOUNDATION BOARD REPORT**

Trustee Fong reported that the Foundation held a retreat focused on ways to cultivate new donors and raise additional funds.

At this time, Student Trustee Derflinger arrived.

**CORRESPONDENCE**

President Plotkin asked if there was any correspondence which should be brought to the Board’s attention. Trustee Casas Frier announced that Senator Joe Simitian would be holding an education summit in Palo Alto. President Plotkin announced that he and Chancellor Martha Kanter have been invited to provide testimony at a Congressional hearing on March 5 regarding the cost of textbooks and the financial impact on students.

**HEARINGS: ITEMS NOT ON THE AGENDA**

*Public*
Foothill Instructor Ken Horowitz, speaking as a member of the public, addressed an article about the recently released report “Rules of the Game” from the Institute for Higher Education Leadership & Policy.

*Students*
There were no students who wished to address the Board on items not on the agenda.

*Staff*
De Anza Academic Senate President Lydia Hearn reported on the successful Teaching and Learning Conference held at De Anza on January 26 and thanked President Plotkin and Chancellor Kanter for attending. De Anza President Brian Murphy announced a reception and presentation for Nettye Goddard to be held February 6 at the California History Center. He also announced a Youth Voices United for Change civic engagement conference with high school students on February 9. Foothill Interim President Penny Patz reported on January’s successful Jewish History Month and announced events for February’s Black History Month. She expressed gratitude to Vice President of Institutional Research and Instruction Rob Johnstone and De Anza Instructor Barbara Illowsky for obtaining a state Basic Skills grant to provide training and support to California’s 109 community colleges.

Chancellor Kanter reported that she and several trustees attended the Community College League of California (CCLC) Legislative Conference in Sacramento and distributed the League’s legislative priorities for 2007. She reported on Joint Venture Silicon Valley’s annual event celebrating the release of the State of the Valley report and expressed how disheartened she was to see the decline in the county’s high school graduation rate. She also pointed out information in the report on the long waiting list for enrollment in allied health programs. She announced a “From High School to College” forum on February 6 at the Los Altos Youth Center. Lastly, she reported that the first round of interviews for the Foothill presidential search would be conducted this weekend and reminded the Board that open forums would be scheduled with finalists the week of February 26.
Trustees
Trustee Bechtel thanked staff for the tour of Foothill College construction projects that was held earlier in the day. She reported that she attended the CCLC Legislative Conference and highlighted the importance of maintaining relationships with legislators. Trustee Casas Frier mentioned a recent article by Washington Post journalist and Pulitzer Prize winner Jose Vargas about being mentored by Pat Hyland, Foothill Dean of Faculty of Staff. President Plotkin reported on his attendance at the De Anza Teaching and Learning Conference.

APPROVAL OF CONSENT CALENDAR

M/S/C: Bechtel/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-6 of the Consent Calendar as follows:

Item 1 — Ratified CONTRACTS AND AGREEMENTS

Item 2 — Approved CONTRACT EXTENSION WITH WAN/LAN FOR ALCATEL NETWORKING EQUIPMENT

Item 3 — Approved CONTRACT FOR INDEPENDENT AUDIT SERVICES WITH PERRY-SMITH LLP FOR FISCAL YEAR 2006-07 AT A COST NOT-TO-EXCEED $152,000

Item 4 — Approved SUBCONTRACT WITH STATE ACADEMIC SENATE FOR BASIC SKILLS AND ENGLISH AS A SECOND LANGUAGE PROFESSIONAL DEVELOPMENT GRANT

Item 5 — Approved PERSONNEL ACTIONS:

Name: John N. Fleming
Position: Instructor
College: De Anza
Division: Language Arts
Action: Resignation for the purpose of Retirement
Effective Date: June 30, 2007
Comments: In accordance with Article 19 of the Agreement between the District and the Faculty Association

Name: Manuel R. Mendoza
Position: Manager, Custodial Operations
College: De Anza
Division: College Services
Action: Resignation for the purpose of Retirement
Effective Date: June 29, 2007

Name: Kristin Samarov
Position: Instructor/Counselor
College: Foothill
Division: Counseling
Action: Resignation
Effective Date: December 20, 2006
Name: Sandra Spencer  
Position: Instructor  
College: De Anza  
Division: Business and Computer Systems  
Action: Unpaid Leave of Absence  
Effective Date: January 8, 2007 – April 6, 2007  
Comments: In accordance with Article 16.28 of the Agreement between the District and the Faculty Association

Name: Marshall Sperbeck  
Position: Instructor/Coach  
College: Foothill  
Division: Human Performance and Physical Education  
Action: Unpaid Leave of Absence  
Effective Date: January 16, 2007 – January 4, 2008  
Comments: In accordance with Article 16.28 of the Agreement between the District and the Faculty Association

Position: Dean, Student Development Programs and Services  
College: Foothill College  
Action: Approve Reclassification of Dean of Student Outreach and Retention Position  
Effective Date: February 6, 2007  
Compensation: Level J  
Comments: In accordance with Chapter XI of the Administrators Handbook

Position: Director of EOPS  
College: Foothill College  
Action: Approve New Position  
Effective Date: February 6, 2007  
Compensation: Level G  
Comments: In accordance with Chapter XI of the Administrators Handbook

**Item 6 — Approved HUMAN RESOURCES REPORT**

**Item 7**

PROFESSIONAL DEVELOPMENT LEAVES FOR 2007-08

M/S/C: Casas Frier/Derflinger  
Advisory vote: 2 yes  
Board vote: unanimous  
Action: Approved Professional Development Leaves for 2007-08 for the following:

**De Anza College**

Veronica Acevedo Avila  Mary Pape  
Salamander Breiter  Adrienne Pierre  
Patrick Bresnan  Diane Pierce  
Judith Clavijo  Julie Phillips
Item 8
CLASSIFIED STAFF DEVELOPMENT LEAVES FOR 2007-08

Responding to a question from Trustee Bechtel, Vice Chancellor of Human Resources and Equal Opportunity Jane Enright responded that the number of leave requests is not often as large as the current list of requests, but the Classified Staff Development Leave Committee felt that the number of requests — fourteen — was not much over the minimum funded amount of ten and warranted approval.

M/S/C: Fong Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Classified Staff Development Leaves for 2007-08 for the following:

De Anza College
Sofia Abad
Susan Edman
Melissa Ingalls
Rebecca Levin
Jose Marte
Jewell Rene McGinley

Foothill College
Gigi Gallagher
Robert Garcia
Al Guzman
Donna Lambrecht
Karen Oeh
Pat Wood

Central Services
Marilyn Booye
Henry Ly
**Item 9**  
**PRESENTATION: OPEN EDUCATIONAL RESOURCES/PUBLIC DOMAIN**

Foothill Director of Distance and Mediated Learning Judy Baker and De Anza Distance Learning Center Supervisor Linda Elvin gave a presentation on Open Educational Resources (OER) in response to the Board’s public domain policy. They reviewed the variety of training available for faculty, projects underway, and faculty collaboration and involvement. Among the challenges they cited are providing more resources for faculty support, faculty compliance with accessibility and fair use issues, finding quality online resources, articulation and transfer issues, identification of collaborative tools for development, and the use and delivery of OER learning materials.

Trustee Swenson suggested considering how to measure progress toward goals. Trustee Casas Frier asked what obstacles keep faculty from completely embracing OER. Foothill Instructor Patrick Morriss mentioned the difficulty of finding quality material and the influence of the textbook industry over curriculum articulation between colleges. De Anza Academic Senate President Hearn mentioned copyright issues. Foothill Academic Senate President Paul Starer noted that the idea of surrendering reliance on a textbook is difficult for some faculty to embrace.

Trustee Bechtel commended the presenters and highlighted the need to be sensitive to what is appropriate in terms of textbooks or OER for both faculty and students in different circumstances. Student Trustee Derflinger stressed the need to ensure that there is support for students who do not have access to computers at home by making additional computers available in the Open Media labs. President Plotkin thanked everyone involved with OER and singled out Foothill Instructor Morriss and De Anza Instructor Barbara Illowsky for their efforts in development of OER. He urged the District to continue its lead in supporting those faculty who want to use OER.

**Item 10**  
**BOARD AREAS OF FOCUS FOR 2007**

Chancellor Kanter presented the list of Board Areas of Focus, noting that the items were in no particular order. Trustee Bechtel asked whether some of the ongoing efforts could be omitted and argued in favor of shortening the list; however, after some discussion, the Board reached a consensus not to remove any items.

**Item 11**  
**BOARD LEGISLATIVE GOALS FOR 2007**

Chancellor Kanter presented the proposed Board Legislative Goals for a first reading. Trustee Casas Frier and President Plotkin suggested adding an explicit reference to supporting Assemblymember Ira Ruskin’s proposed legislation that would advance the District’s efforts to encourage the use of open educational resources.

**Item 12**  
**FOOTHILL NEW DEGREE OPTIONS AND CERTIFICATES FOR CTIS PROGRAMS: ORACLE ADMINISTRATION CAREER, ENTERPRISE NETWORKING, BUSINESS TECHNOLOGY (HELP DESK/TECH SUPPORT)**

Foothill Dean of Computers, Technology & Information Systems Chuck Lindauer gave an overview and responded to questions. Foothill Interim President Patz thanked the faculty members who
developed the curriculum. Chancellor Kanter noted how this is an example of addressing a workforce need, one of the Board’s ongoing areas of interest.

**M/S/C:** Casas Frier/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Oracle Database Administration Career Certificate Option, Enterprise Networking A.S. Degree Option, and Business Technology (Help Desk/Tech Support) A.S. Degree Option for Foothill College

**Item 13**  
**NON-RESIDENT TUITION RATE FOR 2007-08**

Trustee Swenson asked about the rationale for recommending $107 instead of the statewide average of $115. Vice Chancellor of Business Services Brandy explained that the international program directors preferred only a moderate increase to ensure that student recruitment remained strong in an increasingly competitive marketplace, and $107 represents actual cost.

**M/S/C:** Bechtel/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the rate of $107 per quarter unit for non-resident students and the capital outlay rate of $11 per quarter unit for foreign students for 2007-08

**Item 14**  
**MEASURE E CONSENT CALENDAR**

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

**A.**  
**Title:** Change Order #2  
**Vendor:** Joseph J. Albanese, Inc.  
**Agreement Date:** September 27, 2006  
**Campus:** Foothill College  
**Project No.:** 416  
**Project Name:** District Parking Lot Improvements  
**Amount:** $696  
**For:** Added concrete drain box in upper parking lot to carry rain water away from loading dock; this change order plus all previous change orders represent 2.1% above the base contract amount  
**Action:** Ratification
B. Title: Change Order #44  
Vendor: S. J. Amoroso Construction Co., Inc.  
Agreement Date: February 24, 2005  
Campus: Foothill College  
Project No.: 152  
Project Name: Lower Campus Complex  
Amount: $75,820  
For: Various plumbing revisions in Buildings 7100 and 7500 and miscellaneous concrete, reinforcing, flashing, and demolition changes; this change order plus all previous change orders represent 5.23% above the base contract amount  
Action: Ratification

C. Title: Revision #1 to Addendum #F51 (PO #M671157)  
Vendor: Cleary Consultants, Inc.  
Agreement Date: June 27, 2005  
Campus: Foothill College  
Project No.: 171  
Project Name: Central Plant  
Amount: $1,474  
For: Final billing for additional soils engineering observation and testing services  
Action: Ratification

D. Title: Change Order #12  
Vendor: Trident Builders  
Agreement Date: February 4, 2005  
Campus: Foothill College  
Project No.: 133  
Project Name: Sciences II  
Amount: $4,605  
For: Additional paint scope in Room 5300, door changes in Room 5312A for accessibility, patch vinyl flooring after cabinet modifications made by college, back charge for roofing inspection; this change order plus all previous change orders represent 4.3% above the base contract amount  
Action: Ratification

E. Title: Change Order #3  
Vendor: Hagensen Pacific Construction, Inc.  
Agreement Date: September 21, 2006  
Campus: De Anza College  
Project No.: 213  
Project Name: Campus Center Renovation  
Amount: $11,389  
For: Miscellaneous construction changes including framing, electrical and architectural finishes; the total change orders to date represent 2.0% against the original contract amount  
Action: Ratification
F. **Title:** Change Order #2  
**Vendor:** Joseph J. Albanese, Inc.  
**Agreement Date:** July 25, 2006  
**Campus:** De Anza College  
**Project No.:** 208  
**Project Name:** Campus Entries  
**Amount:** $7,538  
**For:** Miscellaneous changes including additional grading and underground utility work; the total change orders to date represent 0.4% against the original contract amount  
**Action:** Ratification

G. **Title:** Change Order #5  
**Vendor:** Hagensen Pacific Construction, Inc.  
**Agreement Date:** September 21, 2006  
**Campus:** De Anza College  
**Project No.:** 213  
**Project Name:** Campus Center Renovation  
**Amount:** $36,851  
**For:** Miscellaneous construction changes including concrete demolition, framing, electrical and architectural finishes  
**Action:** Ratification

H. **Title:** Budget Transfer #DA-53  
**Campus:** De Anza College  
**Project No.:** 217  
**Project Name:** Forum Renovation  
**For:** Budget Transfer DA #53 in the amount of $90,917 includes funds transferred from Program Contingency to Project 217, Forum Renovation. Pursuant to the Release and Settlement Agreement dated June 1, 2006 between DES Architects & Engineers and the District, Program Contingency funds are being transferred into Measure E Project 217 Forum Renovation Design to fund the DES Architects Design Services Revision #2, which includes HVAC and Mechanical design changes. This transfer revises Measure E Program Contingency to a total of $1,806,467, which represents 5.03% of the estimated revenue balance to complete all active and planned De Anza Measure E projects. Please refer to the backup for a summary of individual budget revisions and revised Measure E Budget. Project Specific Cost Details are available for review in the Chancellor’s office.  
**Action:** Ratification

**Item 15**  
**PROPOSAL FOR SERVICES WITH tBP/ARCHITECTURE — ARCHITECTURAL PROGRAMMING FOR DISTRICT OFFICES/DATA CENTER FACILITIES**

Responding to a question from Trustee Bechtel, Executive Director of Facilities, Operations and Construction Management Charles Allen explained that tBP/Architecture is already working on the Facilities Master Plan update and thus has familiarity with the campus and District facilities. Vice Chancellor of Business Services Brandy clarified that the architect for the District Offices/Data
Center Facilities would help define all of the program needs including what program(s) could feasibly be situated in the Griffin House, and the architect specializing in historical preservation — who would be selected at a subsequent meeting — would determine the cost of renovating the Griffin House for the identified program(s). He noted that a detailed rationale will be needed to justify what program(s) can and cannot be situated in the Griffin House. He added that tBP/Architecture would be able to build upon the previous program assessment that was done by Perkins & Will several years ago. SEIU Chapter Chair Shelley Schreiber pointed out an error in the Professional Rate Schedule attached to the contract.

M/S/C: Derflinger/Swenson  
Advisory vote: 2 yes  
Board vote: unanimous  
Action: Approved the Proposal Scope of Services with tBP/Architecture for the estimated cost of $44,000

**Item 16**

**CHANGE ORDER #4 TO AGREEMENT WITH HAGENSEN PACIFIC CONSTRUCTION, INC. — DE ANZA PROJECT #213, CAMPUS CENTER RENOVATION**

Trustee Casas Frier asked why recycled materials were more expensive. Executive Director of Facilities, Operations and Construction Management Allen responded that higher costs are not unusual for recycled products. Responding to a question from Trustee Swenson, Executive Director Allen explained that there was an oversight in communicating the standard that was intended. De Anza Vice President of Finance and College Services Jeanine Hawk added that the college is committed to use more environmentally-friendly materials and the change represents what would have been the original intended cost. Vice Chancellor of Business Services Brandy noted that one of the lessons learned from Measure E is the need for a Standards Manual, which will be developed for Measure C projects.

M/S/C: Fong/Diaz  
Advisory vote: 1 yes (Diaz); 1 no (Derflinger)  
Board vote: unanimous  
Action: Approved Change Order #4 to the Agreement with Hagensen Pacific Construction, Inc. in the amount of $65,451

**Item 17**

**MEASURE C CONSENT CALENDAR**

M/S/C: Derflinger/Diaz  
Advisory vote: 2 yes  
Board vote: unanimous  
Action: Approved / Ratified the Measure C Consent Calendar, A as follows:
A. **Title:** Standard Form of Agreement  
**Vendor:** Consolidated Engineering Laboratories  
**Agreement Date:** February 5, 2007  
**Campus:** De Anza College  
**Project No.:** 766-201  
**Project Name:** Forum Modernization  
**Amount:** $5,846  
**For:** Provide materials testing and special inspection services  
**Action:** Ratification

**Item 18**  
**Authorization to Purchase Apple Computers Without Advertising for Bids**

- **M/S/C:** Bechtel/Derflinger  
- **Advisory vote:** 2 yes  
- **Board vote:** unanimous  
- **Action:** Authorized the Director of Purchasing Services to issue a purchase order to Apple Computer, Inc. in the amount of $92,381.72 without advertising for competitive bids

**Item 19**  
**Authorization to Purchase Photo Equipment Pursuant to Bid #1071**

- **M/S/C:** Fong/Casas Frier  
- **Advisory vote:** 2 yes  
- **Board vote:** unanimous  
- **Action:** Authorized the Director of Purchasing Services to issue purchase orders to Keeble & Shuchat in the amount of $198,724.54 and to trade in District-owned equipment in accordance with Bid 1071

**Item 20**  
**Award of Contract Pursuant to Bid #1079-249, De Anza Modular Relocation**

Responding to a question from Trustee Bechtel regarding the cost, Director of Construction Program Management Claudette Brero-Gow explained the extensive work involved in obtaining approval from the Division of State Architect and in dismantling the structure and reassembling it.

- **M/S/C:** Fong/Diaz  
- **Advisory vote:** 2 yes  
- **Board vote:** unanimous  
- **Action:** Authorized the District Purchasing Director to award a contract in the amount of $533,676 for the Base Bid Proposal and Alternates #1 and #3 only to the lowest responsible and responsive bidder, El Camino Paving, Inc.
Item 21
SELECTION OF CHRISTOPHER A. JOSEPH & ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES

Wanting to ensure that any Environmental Impact Report (EIR) not be a merely perfunctory analysis, Trustee Bechtel asked about the firm’s experience locally. Director of Construction Program Management Claudette Brero-Gow confirmed that checking references was part of the review, and both firms which responded to the Request for Proposal had experience with EIRs for schools and colleges in the area.

M/S/C: Bechtel/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the selection of Christopher A. Joseph & Associates to prepare an Environmental Impact Report and Mitigation Measure Monitoring Program for the construction work being funded by the Measure C bond program on the Foothill and De Anza College campuses, for a fee in the amount of $200,850

Item 22
PROPOSAL FOR MEASURE C PROGRAM MANAGEMENT SERVICE WITH GILBANE/MAAS COMPANY — MOBILIZATION, IMPLEMENTATION PLAN DEVELOPMENT, AND MANAGEMENT OF QUICKSTART PROJECTS

Responding to a question from Trustee Fong, Executive Director of Facilities, Operations and Construction Allen explained that Gilbane and MAAS would both be signing the contract as a joint entity.

M/S/C: Fong/Derflinger
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Proposal for Measure C Program Management Services from Gilbane/MAAS Company — Mobilization, Implementation Plan Development, and Management of Quickstart Projects — for an amount not to exceed $1,411,213

DATES TO REMEMBER

March 5, 2007 — Regular Meeting
March 12, 2007 — Regular Meeting

CLOSED SESSION

At 7:55 p.m., the Board reconvened into closed session in the Chancellor’s Office with the individual listed below to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Position: Chancellor
Executive Administrator Present:
Martha Kanter, Chancellor
REPORTING OUT FROM CLOSED SESSION / ADJOURNMENT

President Plotkin reconvened the public session at 8:15 p.m. to report that no action was taken in closed session, then adjourned the meeting.

jco
Approved: 3/5/07

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Martha J. Kanter, Chancellor
Secretary, Board of Trustees