



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
March 4, 2013**

Trustees Present:

Betsy Bechtel, President
Joan Barram
Pearl Cheng
Laura Casas
Bruce Swenson

Absent:

Vincent Mendoza, De Anza College Student Trustee
Antonia Zavala, Foothill College Student Trustee

REGULAR MEETING

CLOSED SESSION

The Board convened in closed session at 5:00 p.m. in the Chancellor's Office to discuss:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Government Code section 54956.9)
Santa Clara Superior Court action number 110CV175621

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Joe Moreau, Vice Chancellor, Technology
Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Linda Thor, Chancellor

Others:

John Shupe, Legal Counsel

CONFERENCE WITH LABOR NEGOTIATOR

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

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Joe Moreau, Vice Chancellor, Technology
Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Linda Thor, Chancellor

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: University Development Area, NASA Research Park, Moffett Field, CA

Agency Negotiator: University Associates-Silicon Valley, LLC

Negotiating Party: NASA Ames Research Center

Under Negotiation: Ground Lease Price and Terms of Payment

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management

Kevin McElroy, Vice Chancellor, Business Services

Judy Miner, President, Foothill College

Joe Moreau, Vice Chancellor, Technology

Brian Murphy, President, De Anza College

Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity

Linda Thor, Chancellor

Others:

Gordon Ringold

CALL TO ORDER

President Bechtel called the regular meeting of the Board of Trustees to order at 6:02 p.m. and led those present in the Pledge of Allegiance. She reported that student trustee Vincent Mendoza was not in attendance due to his participation in the March in March in Sacramento, California. Chancellor Linda Thor advised that student trustee Antonia Zavala was unable to attend due to work commitments.

REPORTING OUT FROM CLOSED SESSION

President Bechtel announced that the Board of Trustees took no reportable action during the earlier closed session.

APPROVAL OF MINUTES

President Bechtel advised that the draft minutes of the February 4, 2013, meeting had been revised to add a statement to page 2, item SS5.A. reflecting the Board's support of the long-term delivery strategy for information services and systems recommended by Vice Chancellor of Technology Joseph Moreau and to correct the fee to charge electric vehicles from \$.55 per hour to \$.55 per kilowatt hour on page 3, item SS5.B.

M/S/C:	Barram/Cheng
Board vote:	5
Absent:	Student trustees Mendoza and Zavala
Action:	Approved the minutes of the February 4, 2013, meeting.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Ken Horowitz shared a *Palo Alto Daily Post* article concerning Foothill-De Anza Community College District salaries, commented that district employees are well paid, and asked the Board to address the number of faculty working overload as well as the definition of load in the faculty contract. He also referred to a Little Hoover Commission report of February 2012, which indicates that California is ranked number 36 in the nation in terms of the percentage of students who complete a degree or certificate, and suggested that the district focus on quality, rather than enrollment.

In connection with a comment President Bechtel made at a recent League of Women Voters event, Terry Terman asked that information be provided by next month's meeting regarding the potential impact to the district of Governor Brown's proposal to tie funding to completion.

Foothill College Academic Senate President Dolores Davison announced that English faculty Scott Lankford was honored by the California Community Colleges Board of Governors with the Gerald C. Hayward Award for Excellence in Education earlier in the day. She noted that he is the fifth Foothill College faculty member to receive the award.

Foothill College Classified Senate President Erin Ortiz announced that Foothill College sent three buses filled with students to the March in March earlier in the day. She congratulated Academic Senate President Davison on chairing a successful accreditation conference and invited those present to attend the Women's Heritage Month panel discussion on March 12, 2013, at 1:30 p.m. and the Earth Justice Day College Hour on April 17, 2013.

De Anza College Academic Senate President Karen Chow reported that De Anza College hosted the Western Regional meeting of the Asian American and Native American Pacific Islander Serving Institutions (AANAPISI) on February 22, 2013. She invited those present to the eighth annual Partners in Learning conference on March 8, 2013, featuring Cabrillo College's Diego Navarro as keynote speaker.

De Anza College President Brian Murphy expressed pleasure at the energy students and faculty bring to both colleges. He cited strong representation at the March in March as well as De Anza College's outreach efforts, such as the Silicon Valley Reads event with *The Long Walk* author Brian Castner, panel discussion on student veterans' reentry issues, and African American and Latino student summits. President Murphy reported that a recent California Community Colleges Board of Governors' announcement concerning aggregate success rate scores ranked both colleges among the top ten community colleges in the state.

Foothill College President Judy Miner made positive comments about the Physical Sciences and Engineering Center (PSEC) open house and the press coverage received. She announced that the Palo Alto Rotary awarded Foothill College a \$10,000 grant for a summer camp designed to attract underrepresented high school junior and senior students to science, technology, engineering, and mathematics (STEM) fields.

Chancellor Thor shared highlights of the League for Innovation in the Community College CEO/Trustee retreat, which featured an update on the United States Department of Education given by Under Secretary Martha Kanter, a report on the completion agenda from former League for Innovation President Terry O'Banion, a presentation of national issues by Association of Community College Trustees President J. Noah Brown, and a discussion of disruptive innovation led by Mario Martinez of the University of Nevada, Las Vegas. Chancellor Thor advised that Foothill-De Anza Community College District will host the League for Innovation's spring Board meeting April 30 – May 2, 2013; commented on the carpet recently installed in the District Board Room; and advised that audience chairs are scheduled to be replaced by the April 1, 2013, meeting.

Board

Trustee Bruce Swenson spoke of participating with President Bechtel in the well-attended Meet Your Elected Officials event held March 3, 2013, by the League of Women Voters of the Los Altos – Mountain View Area. He noted that local elementary and high school officials who participated in the event spoke of enrollment increases, which may bode well for the future of the district.

Trustee Joan Barram praised Foothill College's new Physical Sciences and Engineering Center and spoke of the enthusiasm students and faculty have for the facility.

Trustee Pearl Cheng echoed trustee Barram's comments regarding the new facility. Additionally, she complimented Academic Senate President Davison's work in chairing the 2013 Accreditation Institute and shared the printed program with trustees.

Trustee Laura Casas agreed with previous comments regarding the Physical Sciences and Engineering Center open house and displayed a bracelet produced by the three-dimensional printer housed in the facility.

President Betsy Bechtel added to praise of Foothill College's new building, applauding the easy-to-clean floors and furniture in addition to the well-used common areas. With regard to the League for Innovation CEO/Trustee retreat, she expressed appreciation for the opportunity to discuss issues with trustees from outstanding community colleges all over the nation.

APPROVAL OF CONSENT CALENDAR

President Bechtel asked that the Ratcliff Architects contract listed on consent agenda item 2, Ratification of Contracts and Agreements, be removed from consideration until additional information regarding funding is provided.

M/S/C: Swenson/Cheng
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Approved** items 1 - 6 on the Consent Calendar as follows, with the exception of the Ratcliff Architects contract listed on item 2, Ratification of Contracts and Agreements:

Item 1 – **Ratified** international travel

Item 2 – **Ratified** contracts and agreements

Item 3 - **Made** a finding that the items were of insufficient value to defray the costs of arranging a sale, and **authorized** the Interim Director of Purchasing Services to recycle the items or dispose of them in the local public dump

Item 4 - **Made** a finding that the items were of insufficient value to defray the costs of arranging a sale, and **authorized** the Interim Director of Purchasing Services to recycle the items or dispose of them in the local public dump

Item 5 – **Approved** the Human Resources Report

Item 6 – **Approved** the De Anza College Associate in Arts Degree in Child Development and Education for transfer and state approval

Item 7

Board Policy 3440 Service Animals – New (1st Reading)

In response to trustee Swenson's question, Chancellor Thor explained that updates to the district's policies and procedures are usually triggered by changes in laws, regulations, and accreditation standards. She indicated that the Chancellor's Cabinet and Chancellor's Advisory Council review all changes, the Academic and Professional Matters Committee is consulted if academic and professional matters are involved, and legal counsel is asked to weigh in, if necessary, on any further concerns. She noted that the district subscribes to the Community College League of California's Policy and Procedure Service, which provides templates created by the law firm of Liebert Cassidy Whitmore, as well as periodic recommendations for updates.

Chancellor Thor advised that the new and revised board policies referenced in items 7, 8, 9, and 10 would be presented for approval at the March 11, 2013, meeting.

Item 8

Board Policy 3500 Alcohol on Campus – New (1st Reading)

Trustees reviewed the proposed new policy concerning alcohol on campus.

Item 9

Board Policy 5050 Furnishing Information Concerning Students – Revised (1st Reading)

Vice Chancellor of Technology Joseph Moreau noted that the proposed changes include consolidating policies and procedures concerning disclosure of student information and making revisions to comply with federal and state laws.

Item 10

Board Policy 6060 Prerequisites/Corequisites – Revised (1st Reading)

Trustee Barram suggested that the purposes set forth in Title 5 for which prerequisites and corequisites may be established be added to the board policy for clarification. After discussion, it was determined that because Title 5 regulations change regularly, the reference to allowable purposes is appropriately placed in the administrative procedure, since procedures can be more promptly modified.

Item 11

Resolution Authorizing the Reduction in Classified Service

Vice Chancellor of Human Resources and Employee Relations Dorene Novotny explained that the position reductions were recommended after a detailed process at the colleges to respond to the district's budget deficit and need to comply with the Fifty Percent Law. She advised that many of the positions are vacant and expressed regret at the emotional toll upon those impacted by the reductions.

Ken Horowitz asked trustees to oppose the reduction in classified service, questioning the fairness of eliminating some positions while others receive overtime and extra pay. President Bechtel responded that there are both pros and cons to offering overload.

Trustees individually expressed sadness at eliminating the positions, but also confidence that the district was following a rational process in taking action to right size the district to match enrollment, reduce the structural deficit, and comply with the Fifty Percent Law.

M/S/C: Barram/Swenson
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Adopted** resolution 2013-07 eliminating classified positions, and **authorized** the district Office of Human Resources to provide the affected employees with a sixty (60) day notice of layoff.

Item 12

Resolution Authorizing the Reduction or Discontinuance of Particular Kinds of Faculty Service

Vice Chancellor Novotny advised that most of the faculty positions recommended for reduction are vacant and that employment through 2013-2014 has been found for the few faculty members currently occupying positions being eliminated.

Trustee Swenson commented that although it may appear that classified employees are taking the brunt of the reductions, many part-time faculty members have been affected by the workload reductions imposed by the state.

M/S/C: Swenson/Cheng
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Adopted** resolution 2013-09 regarding the reduction or discontinuance of faculty service, and **authorized** the district to provide the affected employees with notice of the effects of reduction in force, effective June 30, 2013.

Item 13

Resolution Authorizing the Reduction or Administrative Service

M/S/C: Casas/Barram
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Adopted** resolution 2013-08 regarding the reduction or discontinuance of faculty service, and **authorized** the district to provide the affected employees with notice of the effects of reduction in force, effective June 30, 2013.

Item 14

Listing of District Investments as of December 31, 2012

Vice Chancellor of Business Services Kevin McElroy presented the listing of district investments as of December 31, 2012.

Item 15

Transfer of 2012/13 OPEB Obligation to CERBT

Vice Chancellor McElroy reported that prior to June 30, 2013, the district will transfer \$500,000 to the CalPERS California Employers' Retiree Benefit Trust (CERBT) to fully fund the annual required contribution for other post employment benefits for the 2012-2013 year.

Item 16

Second Quarter End Report

Vice Chancellor McElroy presented the 2012-2013 Second Quarter Report and advised that the report reflects a reduced deficit due to the passage of Proposition 30 as well as a projected two percent enrollment decline. He reported that it does not appear that the state will be imposing a deficit factor for 2012-2013, non-resident enrollment is higher this year than last, and a deficit is projected for 2013-2014 due to rising expenses.

Item 17

Resolutions to Adopt Budget Revisions and Transfers

M/S/C: Casas/Cheng
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Adopted** the 2012-2013 second quarter budget revision (2013-05) and transfer (2013-04) resolutions.

Item 18

Measure E Consent

M/S/C: Cheng/Barram
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Ratified/Approved** Measure E Consent items as follows:

De Anza College

A) Sandis – Revision #3 to PAA D-001 – Combined Site Improvements Phase I - \$4,500

Central Services

B) Accept a list of general contractors as prequalified to bid on the District Office Building – Measure E Project #420

Item 19

Measure C Consent

M/S/C: Barram/Swenson
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Ratified/Approved** Measure C Consent items as follows:

De Anza College

A) Ecovation – Revision #3 to Agreement – ESA Pond - \$16,000

B) Noll and Tam – Revision #1 to PAA #10A for Design/CA/Closeout – Library \$0 Time Extension Only

C) Swenson Associates – Change Order #5 – Corporation Yard - \$18,242

D) Cleary – Revision #4 to Original Contract – Stadium and Track - \$9,500

E) Verde – Revision #5 to Agreement – Stadium and Track - \$11,003

F) Newcomb Anderson McCormick – Change #2 to Agreement for Services – Lots A & B and Kirsch PV's - \$5,000

Foothill College

G) Cogent Energy – Revision #2 to PAA #2 – Physical Sciences and Engineering Center - \$0

H) Quali-Con Enterprise, Inc. – Agreement for Services - \$180,000

I) Robert A. Bothman – Change Order #6 – Parking & Circulation - \$59,092

J) WRNS Studio – Revision #11 to PAA F-WRNS-1B – Central Campus Site Improvements - \$23,105

K) WRNS Studio – Revision #11 to PAA F-WRNS-2B – Parking & Circulation - \$5,180

L) WRNS Studio – Revision #12 to PAA F-WRNS-1B – Central Campus Site Improvements - \$33,530

M) WRNS Studio – Revision #12 to PAA F-WRNS-2B – Parking & Circulation - \$31,580

- N) Accept a list of general contractors as prequalified to bid on Foothill College Measure C Projects #115 – Fine Arts Scene Shop and #173 – Print Shop and Plant Services.

Item 20

Firm Selection for Design Services for Small Projects

M/S/C: Swenson/Cheng
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Approved** the list of twelve firms to be included in a Small Projects Design Pool

Item 21

Measure C Project List Revision with Foothill Budget Transfer #38 and De Anza Budget Transfer #36

M/S/C: Casas/Barram
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Approved** the Bond Project List Revision with Foothill Budget Transfer #38 and De Anza Budget Transfer #36

Item 22

Award a contract pursuant to Bid Document #1623-105 Modernization of Learning Support Center, Biology, and General Classrooms – Foothill College

M/S/C: Barram/Swenson
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Authorized** the Interim Director of Purchasing Services, Gina Bailey, to award a contract pursuant to Bid Document #1623-105 for the base bid proposal amount less the two deductive alternates in the aggregate amount of \$10,550,000 to S. J. Amoroso Construction Co, Inc.

Item 23

C.W. Driver – Change #1 to Preconstruction Services Agreement – FHDA Education Center - \$50,000

M/S/C: Swenson/Casas
Board vote: 5
Absent: Student trustees Mendoza and Zavala
Action: **Approved** Change #1 to the Preconstruction Services Agreement.

ADJOURNMENT

Trustee Swenson asked that planning for educational programming at the Onizuka site and innovation, particularly in terms of what massive open online courses (MOOCs) might mean for the district, be added as discussion topics on a future agenda. President Bechtel adjourned the meeting at 7:16 p.m.



Chancellor and Secretary to
the Board of Trustees