



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
MINUTES  
REGULAR MEETING  
April 1, 2013**

**Trustees Present:**

Betsy Bechtel, President  
Joan Barram  
Pearl Cheng  
Laura Casas  
Bruce Swenson  
Vincent Mendoza, De Anza College Student Trustee  
Antonia Zavala, Foothill College Student Trustee

**REGULAR MEETING**

**CLOSED SESSION**

The Board convened in closed session at 5:15 p.m. in the Chancellor's Office to discuss:

**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

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

**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

**CALL TO ORDER**

President Bechtel called the regular meeting of the Board of Trustees to order at 6:00 p.m. and led those present in the Pledge of Allegiance. She announced that former trustee Dr. Robert B. Smithwick passed away on March 22, 2013.

## 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

**M/S/C:** Casas/Mendoza  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the minutes of the March 4, 2013, meeting

**M/S/C:** Barram/Zavala  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the minutes of the March 11, 2013, meeting

## HEARINGS: ITEMS NOT ON THE AGENDA

### Public

William Tinsley outlined his background in education and his long affiliation with Foothill College. He spoke highly of the part-time faculty at the college, noted that the Faculty Association previously offered part-time faculty much stronger protections, and introduced his wife of 56 years.

Indicating that she would like the Board of Trustees to know something about her, Barbara Tinsley spoke about her educational background, family, and employment as a part-time faculty member with Foothill College. She also read excerpts of letters retrieved from her personnel file.

Terry Terman made positive comments about online education and indicated that the online driver's education course he recently completed was more effective than the traditional course he audited.

Foothill College President Judy Miner distributed a press release regarding Foothill College's partnership with the Philippine government to provide a professional development program for Filipino teachers that focuses on using technology to improve student learning.

Chancellor Linda Thor announced that Director of Information Systems and Operations Chien Shih was awarded the 2013 Technology Excellence Award by the Chief Information Systems Officers Association and that a memorial service for Dr. Smithwick will be held on April 19, 2013, at 2:00 p.m. in the Smithwick Theatre. She complimented trustee Cheng for her presentation before the Cupertino City Council and thanked Coordinator of District Communications Becky Bartindale for excellent work in researching the presentation.

### Board

Trustee Joan Barram congratulated Foothill College President Judy Miner for receiving Hillel of Silicon Valley's Pillar of the Community award and De Anza College mathematics instructor Barbara Illowsky for being honored with OpenCourseWare Consortium's Educator Award for OpenCourseWare Excellence (Educator ACE). She commented that De Anza College students who testified at an Assembly budget subcommittee hearing on Cal Grants were well spoken and charming, and she discussed the great job training and educational opportunities being provided through Year Up's new Silicon Valley campus.

Student trustee Vincent Mendoza apologized for missing the Board of Trustees meetings in March in order to attend the March in March in Sacramento and the League for Innovation in the Community College conference in Texas, but expressed gratitude for the opportunity to pursue advocacy efforts in Sacramento and to make a well-received presentation regarding Latina/o Empowerment at De Anza (LEAD) at the conference in Texas.

Trustee Bruce Swenson reported that he served on an interview committee for the Rotary Club that awarded vocational scholarships ranging from \$1,200 to \$1,800 to three Foothill College and two De Anza College students. He commented that the committee was impressed by the high quality of the presentations and the obstacles the students had overcome to pursue higher education.

Trustee Laura Casas spoke about Dr. Smithwick's passion for students and stated that he had served as a mentor when she became a trustee.

Trustee Pearl Cheng complimented Chancellor Thor and President Bechtel for their comments in media reports concerning Dr. Smithwick.

President Bechtel commended Becky Bartindale and Chancellor Thor for their quick and effective media response to the death of the former district trustee. She commented that Dr. Smithwick participated in Rotary Club meetings until just recently and had once coordinated an effort to provide dental equipment to Africa.

Student trustee Antonia Zavala spoke about the opportunities available to students through Foothill College's new United Nations Club, which was formed by Organizations Board of Directors (OBD) Vice President Sarah Schueler.

#### FOUNDATION BOARD REPORT

Trustee Barram reported that at the March 27, 2013, meeting, the Foothill-De Anza Foundation Board of Directors heard a presentation from a De Anza College student regarding her experiences and challenges, received an investment report from Bernstein Global Wealth Management, and reviewed a policy revision that would allow endowments and assessments to be modified under exceptional circumstances by the Executive Director of the Foundation. She indicated that the Foundation has raised \$3.1 million toward its \$4.4 million fundraising goal for the year.

#### APPROVAL OF CONSENT CALENDAR

Trustee Cheng asked that item 1, Ratification of Contracts and Agreements, be removed from the consent calendar.

**M/S/C:** Barram/Zavala  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** items 2 - 11 on the Consent Calendar as follows:

**Item 2** – **Ratified** board warrants greater than \$5,000 for January and February 2013.

**Item 3** - **Made** a finding that the surplus property does not exceed \$5,000.00 in value, and **authorized** the Interim Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

**Item 4** - **Made** a finding that the property does not exceed \$5,000.00 in value, and **authorized** the Interim Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

**Item 5** - **Made** a finding that the items are 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 6** – **Approved** the Human Resources Report

**Item 7** – **Approved** the Foothill College Stand Alone courses for the 2013-2014 catalog

**Item 8** – **Approved** the Foothill College curriculum changes for the 2013-2014 catalog

**Item 9** – **Approved** the contract for the Customized Philippine Training Program

**Item 10** – **Approved** the HOPE Services lease agreement for the 2013-2014 fiscal year

**Item 11** – **Approved** the renewal of the Hoefler lease agreement for the period 2013-2018

### **Item 1**

#### **Ratification of Contracts and Agreements**

Trustee Cheng asked that future reports provide a brief description of the contract or agreement as well as additional funding detail.

**M/S/C:** Cheng/Casas  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Ratified** contracts and agreements

### **Item 12**

#### **Annual Review of Board Policy 9110.1 Number of Student Trustees; Term of Office; Rights – Revised (1<sup>st</sup> Reading)**

Since the law requires that the Board of Trustees annually review privileges granted to student trustees, trustee Barram suggested that the policy specifically set forth the amount of compensation student trustees receive. Chancellor Thor suggested amending the statement regarding compensation in the current policy to include the student trustee compensation for meeting attendance of \$450 per month prorated to the meetings that the student trustees are expected to attend.

Student trustee Mendoza thanked the Board for providing student trustees with the privileges of casting an advisory vote and making and seconding motions, but questioned why student trustees are not extended the privilege of attending closed session. Chancellor Thor read relevant sections of California Education Code Section 72023.5, which generally prohibits student trustees from attending executive session, but provides an exception for governing boards that wish to allow student trustees to attend closed sessions that do not involve personnel or collective bargaining matters. After discussion, President Bechtel indicated that the governing board was not inclined to grant student trustees the privilege of attending closed sessions, and trustee Casas recommended that language indicating such be included in the policy.

Chancellor Thor advised that the revised board policy would be presented for approval at the May 13, 2013, meeting.

**Item 13**

**California Community College Trustees Board of Directors 2013 Election**

**M/S/C:** Bechtel/Cheng

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Voted** for the following seven candidates to fill three-year terms on the California Community College Trustees Board of Directors:

Adrienne Grey, West Valley-Mission Community College District  
Cy Gulassa, Peralta Community College District  
Louise Jaffe, Santa Monica Community College District  
Isabel Barreras, State Center Community College District  
Garrett Yee, Ohlone Community College District  
Jeffrey Lease, San Jose-Evergreen Community College District  
Linda S. Wah, Pasadena Area Community College District

**Item 14**

**Resolution Authorizing Trustee Absence for Vincent Mendoza**

**M/S/C:** Cheng/Casas

**Advisory vote:** 1 (Zavala)

**Board vote:** 5

**Abstained:** 1 (Mendoza)

**Action:** **Adopted** the resolution pursuant to Education Code Section 72024(d).

**Item 15**

**Citizens' Bond Oversight Committee Member Terms**

Vice Chancellor of Business Services Kevin McElroy indicated that the district would begin the recruiting process this summer for applicants to replace the members whose terms expire at the end of 2013.

**M/S/C:** Barram/Swenson

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** a second term for Citizens' Bond Oversight Committee at large member Susan Silver and senior citizens' organization member William Dietz.

**Item 16**

**Ratification of CalPERS Health Benefits Plan Resolution – Vesting Requirement Effective May 17, 2012**

**M/S/C:** Swenson/Casas

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Ratified** the CalPERS Health Benefits Plan Resolution regarding the vesting requirement effective May 17, 2012

**Item 17**

**Salary Schedules affecting the agreements and/or Handbooks between Foothill-De Anza Community College District and the California Schools Employees Association, Association of Classified Employees, Operating Engineers 3, Teamsters, Faculty Association, Administrative Management Association, and Confidential Employees**

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny noted that the salary schedules were revised due to pension reform requirements and the revisions do not reflect any changes to compensation.

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the revised Salary Schedules

**Item 18**

**Public Hearing – Open Negotiations for a Successor Agreement between the District and the Faculty Association (FA)**

President Bechtel opened the public hearing at 6:58 p.m. and inquired whether any members of the public wished to comment regarding the opening of negotiations for a successor agreement between the district and the Faculty Association. After determining that no one wished to speak, President Bechtel closed the public hearing at 6:59 p.m.

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the opening of negotiations between the District and the Faculty Association

**Item 19**

**Health Benefits Plan Changes Effective January 1, 2014**

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the health benefits plan changes effective January 1, 2014

**Item 20**

**2013-2014 Tax and Revenue Anticipation Note (TRAN) Resolution**

Vice Chancellor McElroy advised that although the district does not anticipate that the issuance of a tax and revenue anticipation note (TRAN) will be necessary, the authorization of such allows flexibility should the state decide to defer additional funds

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Adopted** resolution no. 2013-11 authorizing the issuance of a 2013-14 tax and revenue anticipation note

**Item 21**

**Authorize Issuance of Purchase Orders to Verizon Wireless for wireless communication and equipment services**

**M/S/C:** Cheng/Zavala

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Authorized** the Interim Director of Purchasing Services to issue purchase orders to Verizon Wireless for cellular services, PTT radio Services, equipment, and repair based upon the terms and conditions of WSCA Agreement No. 1907 through October 31, 2016

**Item 22**

**Measure C Consent**

**M/S/C:** Barram/Mendoza

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Ratified/Approved** Measure C Consent items as follows:

**De Anza College**

- A) Swenson Associates – Change Order #6 Corporation Yard - \$46,228
- B) Cleary – Revision #2 to Agreement – Corporation Yard - \$4,950
- C) Noll & Tam – Revision #3 to PAA 5B to Master Agreement – ATC - \$26,965
- D) Noll & Tam – Revision #1 to PAA #3B to Master Agreement – G Building - \$9,430
- E) Calstate – Final Change Order #1 – G-Building - \$16,959
- F) Enovity – Rev. #1 to PAA 8 to Master Agreement – Corporation Yard - \$0.00 Time Extension Only
- G) Keller & Daseking Architects – Agreement for Services – Environmental Studies Area - \$20,000

**Foothill College**

- H) Cal Pacific Construction – Change Order #2 – Building 2600 Structural and Acoustical Upgrades - \$21,161
- I) Cogent Energy – Revision #3 to PAA #2 – Physical Sciences and Engineering Center - \$3,626
- J) Taber Construction – Change Order #11 – Central Campus Site Improvements - \$53,102

**Item 23**

**Standard Form of Agreement for Design Professional Services with Lionakis Architects – Property Acquisition**

In response to questions from President Bechtel and trustees Barram and Swenson, Executive Director of Facilities, Operations and Construction Management Charles Allen advised that the work performed to date by Lionakis has been satisfactory, a proposal will be presented to the Board of Trustees after the design development phase, and project budget pressures include expenses of acquisition, the \$5 million estimated for demolition, increasing construction expenses, and soft costs for project management, environmental assessments, and legal issues.

**M/S/C:** Cheng/Casas

**Advisory vote:** 1 (Mendoza)

**Board vote:** 5

**Absent:** 1 (Zavala)

**Action:** **Approved** the Standard Form of Agreement for Professional Services with Lionakis

**Item 24**

**Noll & Tam – PAA 10B to Master Agreement – Library - \$759,980**

De Anza College Associate Vice President of Finance & Educational Resources Donna Jones-Dulin explained in answer to trustee Swenson’s inquiry that the project will modernize De Anza College’s Library and allow for increased use of technological resources and collaborative spaces.

**M/S/C:** Barram/Mendoza  
**Advisory vote:** 1 (Mendoza)  
**Board vote:** 5  
**Absent:** 1 (Zavala)  
**Action:** **Approved** Project Authorization Amendment #10-B between Foothill-De Anza Community College District and Noll & Tam Architects

**Item 25**

**Sundt – Prime Contract Change Order #1 ATC \$139,109**

In reply to trustee Swenson’s question, De Anza College President Brian Murphy and Associate Vice President Jones-Dulin clarified that the programmatic changes prompting the change order stemmed primarily from the elimination of the Computer Applications and Office Systems (CAOS) program.

**M/S/C:** Barram/Mendoza  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** Prime Contract Change Order #1

**Item 26**

**Award a contract pursuant to Bid #1625-115, Smithwick Emergency Generator Replacement at Foothill College**

**M/S/C:** Swenson/Casas  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Waived** the minor irregularity in the NEMA Construction response to Bid #1625-115, and **authorized** the Interim Director of Purchasing Services to award a contract pursuant to Bid #1625-115, Smithwick Emergency Generator Replacement in the amount of \$299,000 to NEMA Construction

**ADJOURNMENT**

President Bechtel adjourned the meeting at 7:30 p.m. in memory of Dr. Smithwick.



Chancellor and Secretary to  
the Board of Trustees

Approved 5/13/13