



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
June 3, 2013**

Trustees Present:

Betsy Bechtel, President
Joan Barram
Pearl Cheng
Laura Casas
Bruce Swenson
Anita Adams, De Anza College Student Trustee
Alex Baker, Foothill College Student Trustee

TOUR OF MEASURE C PROJECTS

Prior to the regular meeting, the Board of Trustees participated in a tour of De Anza College Measure C construction projects.

REGULAR MEETING

CALL TO ORDER / PUBLIC COMMENT ON CLOSED SESSION ITEMS ONLY

President Bechtel called the regular meeting of the Board of Trustees to order at 5:16 p.m. in De Anza College Hinson Campus Center Conference Room B. No member of the public was present to address the Board, and the meeting was adjourned to closed session.

CLOSED SESSION

The Board convened in closed session at 5:16 p.m. in De Anza College Hinson Campus Center Don Bautista Room to discuss:

CONSIDERATION OF APPEAL OF TITLE 5 COMPLAINT

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 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

CALL TO ORDER

President Bechtel called the public session of the regular meeting of the Board of Trustees to order at 6:00 p.m. and led those present in the Pledge of Allegiance.

SWEARING IN OF STUDENT TRUSTEES

Chancellor Thor administered the Oath of Office separately to De Anza Student Trustee Anita Adams and Foothill College Student Trustee Alex Baker.

RECOGNITION OF DE ANZA COLLEGE TRUSTEE SCHOLARSHIP RECIPIENT

President Bechtel invited Trustee Scholarship Committee members Casas and Cheng to introduce De Anza College Trustee Scholarship recipient Andy Ngo, a biological sciences major. Trustee Casas noted that the scholarship winner was chosen because he is an inspiration to other students and has overcome many personal challenges in order to pursue his goal of becoming a sports medicine physician.

RECOGNITION OF DE ANZA COLLEGE'S INNOVATION OF THE YEAR AWARD RECIPIENTS

Chancellor Thor announced De Anza College's Student Facilitator Training Program as the district's Innovation of the Year award recipient for 2013. She explained that the League for Innovation in the Community College hosts the annual competition at each of its member colleges to recognize faculty, staff, and administrators who have created and implemented innovative programs, practices, partnerships, policies, and activities that improve the ability to serve students.

De Anza College President Brian Murphy explained that the Student Facilitator Training Program was initiated through the annual Partners in Learning Conference in 2010 as part of an effort to provide leadership opportunities to students. He congratulated Donna Stasio and recognized Sal Breiter, Karen Chow, Alicia Cortez, Mary Kay Englen, Cynthia Kaufman, Coleen Lee-Wheat, Virginia Marquez, Jackie Reaza, Deepa Yuvaraj, Jeanne Swafford, guest facilitator trainer Mike Stasio and the many students involved in the program for their collective work.

Speech instructor and facilitator trainer Donna Stasio detailed the training students receive through the program, shared highlights of student-facilitated events, and discussed on- and off-campus partnerships. She noted that the program has grown from 16 to 40 students since its inception in 2010 and that a funding proposal to secure grant funds is in the works.

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

M/S/C:	Casas/Swenson
Board vote:	5
Action:	Approved the minutes of the May 13, 2013, meeting

HEARINGS: ITEMS NOT ON THE AGENDA

Staff

Foothill College President Judy Miner announced that the Foothill Commission's recent Foothill is a Gem event raised \$4,700 for the Family Engagement Institute's Stretch to Kindergarten program; the United Way awarded a three-year, \$150,000 grant to the institute; and Mountain View Chamber of Commerce facilitated a \$20,000 donation of solar panels for applied learning in the college's new energy curriculum. She also reported positive enrollment figures for the early summer session and indicated that additional classes may be opened.

De Anza College President Brian Murphy encouraged everyone to attend student end-of-year celebration events; drew attention to the anti-sweat shop and anti-child labor initiative at the college; provided information about participation in the upcoming national meeting of the Democracy Commitment in Denver, Colorado; and commented that the quality of De Anza College's student leadership has gained national notice.

Chancellor Linda Thor echoed President Murphy's suggestion about attending the district's many wonderful end-of-the-year activities. She provided information regarding the recent Chancellor's Business and Industry Advisory Council meeting, which yielded valuable ideas for the new educational center from the perspective of the employer community. Chancellor Thor advised that as part of an ongoing effort to explore initiatives that improve student learning and engagement, an expanded Chancellor's Cabinet recently visited Apple's executive briefing center to learn about the company's higher education initiatives, particularly content for learning on mobile devices. Additionally, she reported that President Murphy participated in a panel discussion concerning new forms of access in connection with Stanford University's year-long exploration of Education's Digital Future and noted that the first study under the district's joint research partnership with the university's School of Education will be completed next month.

Board

Trustee Bruce Swenson congratulated trustee Casas for receiving the Los Altos-Mountain View American Association of University Women's Status of Women award.

Trustee Laura Casas spoke favorably about De Anza College's Puente Program and the graduation celebration for the program that she recently attended.

Trustee Joan Barram made positive comments about recent district events, including De Anza College's Spring Fling, Stress Town, and Student Art Reception and Awards; Middlefield Center's barbecue; Foothill College's Foothill is a Gem event and International Night; and the districtwide Classified Professional Flex Day. She also complimented trustee Casas on her award acceptance speech at the Los Altos-Mountain View American Association of University Women luncheon and spoke about the Silicon Valley Economic Summit.

President Betsy Bechtel encouraged everyone to attend the upcoming De Anza College Student Film and Video Show.

FOUNDATION BOARD REPORT

Trustee Barram reported that the Foothill-De Anza Foundation Board of Directors meeting held May 29, 2013, included an engaged discussion of the Foundation's \$100 million fundraising goal as well as strategic plan, Onizuka campaign, and web site refresh updates. She commented that Foundation treasurer Martin Neiman mentioned being pleasantly surprised that the De Anza College students who met with the Finance Committee earlier in the day were well informed, articulate, and respectful.

AUDIT AND FINANCE COMMITTEE REPORT

Trustee Swenson advised that at the Audit and Finance Committee meeting held May 30, 2013, the committee discussed Measure E and Measure C projects, the Third Quarter Report, next year's budget, unfunded retiree medical benefits, the audit calendar, and auditor selection procedures. He reported that upcoming district performance audits would focus on cash handling and ProCards.

APPROVAL OF CONSENT CALENDAR

President Bechtel asked that item 4, Ratification of Contracts and Agreements, be removed from the consent calendar.

M/S/C: **Cheng/Swenson**

Board vote: **5**

Action: **Approved** items 1 – 3 and 5 - 10 on the Consent Calendar as follows:

Item 1 – **Adopted** revised board policy 1200 Mission of the Foothill-De Anza Community College District (formerly board policy 1000)

Item 2 – **Adopted** new board policy 2100 Board Elections

Item 3 – **Adopted** revised board policy 2010 Number of Elected Trustees and Term of Office (formerly board policy 1000)

Item 5 - **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 or dispose of the items in accordance with Education Code 81452.

Item 6 - **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 7 – **Approved** the Human Resources Report

Item 8 – **Approved** the salary schedules and job descriptions for temporary employees

Item 13 – **Approved** the Performing Arts Alliance contracts

Item 14 – **Approved** the 2013 Report on Open Educational Resources

Item 4

Ratification of Contracts and Agreements

At President Bechtel's request, Vice Chancellor Kevin McElroy provided background information regarding the Higher One, Inc. contract renewal included on the list of approved contracts and agreements. He spoke about challenges involved in changing vendors due to software integration issues and noted that the district has contracted with the company for financial aid disbursements for the past three years and is pleased with the services from an operational perspective. Vice Chancellor McElroy acknowledged that Higher One, Inc is one of the financial institutions that has received negative press and congressional scrutiny for excessive fees to students, but indicated that the company has addressed concerns in its latest contract by eliminating virtually all student fees, adding a second automated teller machine (ATM) to each campus, and changing practices that required

students to open an account in order to access funds. Moreover, he indicated that a change in the way the district is charged for the service will result in substantially reduced costs. Vice Chancellor McElroy advised that students could avoid fees by refraining from use of non-Higher One or “foreign” ATMs and by using the Higher One card as a credit card, rather than a debit card. He also noted that students may have their financial aid disbursements deposited into any existing bank account.

Former student trustee Vincent Mendoza cautioned against providing Higher One cards to students without also providing information about money management. He expressed concern about undocumented students’ ability to access funds and distributed information regarding U.S. Bank, which offers fee-free accounts to students, including those without social security numbers. Anaruth Hernandez spoke of the challenges she faced accessing internship money without a social security number, and Maria Chavez and Johnny Gonzales concurred with Mr. Mendoza’s request that more information be provided to students about their options.

Alicia Fox noted that night students have difficulty avoiding fees as the Higher One ATM at De Anza College is located inside a locked building. Ren Johnson indicated that the ATM on the De Anza College campus often runs out of cash on disbursement days, forcing students to incur fees at foreign ATMs. Mounia O’Neal also advocated for increasing the number of ATMs on- and off-campus and expressed concern about excessive fees imposed on the most vulnerable students.

Luis Flores suggested that the contract renewal period be shortened to one year while the district explores alternatives, and Stacie Rowe expressed support for a reduced contract term. Mark Johnson shared his personal struggles with unexpected fees and recommended that the district contract with a community credit union for aid disbursement services. Rachel Balazar also provided personal testimony of difficulties encountered in trying to access funds while avoiding fees and explained that having aid deposited into another account may appear to be a good option, but it delays receipt of funds.

Student Senate for California Community Colleges (SSCCC) representative Rich Copenhagen called upon the Board to serve as a model in finding solutions to these access issues, which students are facing across the nation; SSSCC representative and former De Anza College student trustee Emily Kinner provided information about statewide student advocacy efforts surrounding the issue, echoed earlier comments, and asked the Board to explore using a community bank; and SSSCC representative Charles Steven asked that the Board put themselves in students’ shoes before extending the contract beyond one year.

Foothill College Financial Aid Director Kevin Harral explained that Higher One cards arrive before aid is disbursed because the district wants to ensure that students have immediate access to funds. He indicated that the district is trying to negotiate the best deal for students and agreed that there is a need for more financial literacy training. Director Harral also noted that the first page of the Higher One web site, which students access for account activation, indicates that if a student does nothing, a check will be mailed to the address on file.

President Bechtel thanked the students for their comments and suggested that easily digested information about account options and preventing fees be provided to students prior to financial aid disbursement. She questioned whether the contract could be modified, noting that it had been signed by administration and was only being presented to the Board of Trustees for ratification. Chancellor McElroy explained that the terms of the contract had been negotiated and the contract signed in accordance with board resolution. He reiterated that software integration issues complicate the process of quickly changing vendors.

Trustee Swenson agreed that the district must honor its contracts, but recommended that administration form a committee charged with creating a list of grievances and then address the grievances with Higher One.

Trustee Casas thanked students for sharing their concerns and also expressed appreciation to staff for negotiating beneficial changes in the Higher One contract, but asked that measures be taken to ensure undocumented

students' ability to access funds. Vice Chancellor McElroy clarified that students without a social security card are able to set up Higher One accounts. Student trustee Adams questioned whether undocumented students are provided Higher One cards as well as accounts. Director Harral explained that Higher One's past issues with undocumented students are related to United States Patriot Act regulations, but the colleges are actively working with students to find solutions.

Trustee Cheng expressed concern about being locked in to the contract and suggested that the district not mail Higher One cards to students who already have bank accounts in order to avoid confusion. She also asked that administration negotiate with Higher One and other institutions to increase fee-free access to ATMs.

M/S/C: Swenson/Barram

Advisory vote: Opposed 2

Board vote: 3

Opposed: 2 (Casas and Cheng)

Action: **Ratified** the contract with Higher One, Inc. with the provision that the district form a joint management and student committee to review the company's practices and develop a list of issues and solutions, which will be communicated to Higher One, Inc. with a request for immediate resolution

M/S/C: Barram/Cheng

Advisory vote: 2

Board vote: 5

Action: **Ratified** all other contracts and agreements as listed

Item 11

Board Policy 1100 District Name – New (1st Reading)

President Bechtel explained that board policies are presented for information prior to being considered for adoption.

Item 12

Resolutions to Adopt Budget Revisions and Transfers

M/S/C: Swenson/Cheng

Board vote: 5

Action: **Adopted** the budget revision and transfer resolutions

Item 13

2012-13 Third Quarter Report

Vice Chancellor McElroy presented the Third Quarter Report, noting that it reflects the drop in full time equivalent students (FTES) and an increased projection of the total fund balance from \$30 million to \$33 million. In response to trustee Cheng's question, Vice Chancellor McElroy clarified the calculations that went into the projection of a \$2.5 million increase in non-resident enrollment revenue.

Item 14

Update on 2013-14 Budget

Vice Chancellor McElroy provided a preliminary overview of the 2013-2014 tentative budget, which will be presented to the Board of Trustees for adoption at the June 17, 2013, regular meeting. He advised that although the district projects a reduction in apportionment of \$7 million due to the decline in FTES, the reduction will be

partially offset by the increase in non-resident enrollment as well as the cost of living adjustment, increase in lottery money, and reduction in the deficit factor proposed in the Governor's May Revised Budget. Vice Chancellor McElroy indicated that after considering revenue adjustments and increased expenses, the deficit for 2013-2014 is anticipated to be approximately \$3.1 million.

Item 15

Measure E Consent

M/S/C: Cheng/Barram

Board vote: 5

Action: Ratified/Approved Measure E Consent item as follows:

- A) Noll & Tam Architects – Agreement for Design Professional Services - Measure E DSA Closeout - \$16,600

Item 16

Measure C Consent

Trustee Casas requested that item A be removed from the Measure C Consent agenda and considered separately.

M/S/C: Cheng/Barram

Board vote: 5

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

De Anza College Measure C Consent

- B) Consolidated Engineering Laboratories, Inc. - Change #2 to Agreement for Services - Lots A & B and Kirsch PVs - \$0 Time Extension
- C) Keller & Daseking Architects - Change #1 to Agreement for Services - Environmental Studies Area - \$5,060
- D) Sundt Construction, Inc. - Prime Contract Change Order #19-FINAL CHANGE ORDER - Media & Learning Center - \$4,087

Foothill College Measure C Consent

- E) SJ Amoroso Construction - Change Order #1 - Modernization of Learning Support Center, Biology and General Classrooms - \$17,928
- F) Award a contract pursuant to Bid #1640-162, Parking and Circulation Phase 2 at Foothill College

Central Services Measure C Consent

- G) US Department of Veteran Affairs - Amendment #1 to Memorandum of Agreement - Property Acquisition (FHDA Education Center) - \$0

Items 16.A

Measure C

- A) Noll & Tam Architects - Revision #4 to PAA 5B to Master Agreement - ATC - \$11,240

In response to trustee Casas' question, Executive Director of Facilities, Operations, and Construction Management Charles Allen indicated that the remote access control project requires some engineering and architectural design.

M/S/C: Casas/Barram
Board vote: 5
Action: Approved Measure C items 16.A

ADJOURNMENT

President Bechtel adjourned the meeting at 8:20 p.m.

A handwritten signature in cursive script, appearing to read "Paula M. Thor".

Chancellor and Secretary to
the Board of Trustees

Approved 6/17/13