



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES**

**MINUTES
REGULAR MEETING
November 4, 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

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 5:15 p.m. in the District Board Room and asked if any members of the public wished to comment regarding closed session items. No members of the public were present, and the meeting was adjourned to closed session.

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

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.

RESOLUTION IN CELEBRATION OF BILL AND GAY KRAUSE AND THE KRAUSE CENTER FOR INNOVATION AT FOOTHILL COLLEGE

President Bechtel introduced Bill and Gay Krause, read the resolution celebrating the couple's work in training teachers and transforming teaching practices, and thanked them for their support of the district and their extensive work in the community. Trustee Swenson spoke of the critical need the Krause Center for Innovation fills in the

community and of Gay Krause's broad vision and attention to detail in setting up the center. The Krauses expressed appreciation to trustees for their ongoing support.

M/S/C: Casas/Swenson
Advisory vote: 2
Board vote: 5
Action: **Approved** resolution 2013-37 in celebration of Bill and Gay Krause and the Krause Center for Innovation at Foothill College

APPROVAL OF MINUTES

Trustee Casas asked that the spelling of her last name be corrected on page 3 of the October 7, 2013, minutes.

M/S/C: Barram/Adams
Advisory vote: 2
Board vote: 4
Abstained: 1 (Swenson)
Action: **Approved** the minutes of the October 7, 2013, meeting as corrected

HEARINGS: ITEMS NOT ON THE AGENDA

Students

De Anza Associated Student Body President Stacie Rowe spoke of the organization's focus this year on environmental sustainability and described events being held on campus in support of such. In response to a question from President Bechtel, she advised that a bike coordinator has been hired to support the college's bike rental program.

Staff

Dental hygiene instructor Ken Horowitz shared articles that appeared in the November 1, 2013, Palo Alto Weekly regarding raises given to teachers at Palo Alto Unified School District and the need to raise the status of the teaching profession. He urged trustees to adjust salaries and benefits to attract and retain the best quality instructors and to reconsider hours and scheduling set forth in Article 10 of the faculty contract.

Foothill College Academic Senate President Dolores Davison provided information regarding the upcoming Academic Senate for California Community Colleges plenary session and indicated that she would be giving a presentation at the event.

De Anza College President Brian Murphy reported that the college recently hosted Congressman Mike Honda at the weekly meeting of its Public Policy School. He noted that the meetings, featuring public officials and lobbyists, are held on Wednesdays at noon and that ten students involved in the program will travel to Washington, DC, in the spring to lobby on behalf of the college's interests. President Murphy invited trustees to the college's Veterans Day celebration on November 6, 2013.

Foothill College President Judy Miner commented that Congressman Mike Honda also visited Foothill College recently in connection with the Connecting Innovation and STEM in the Classroom event, which was hosted by the US Patent and Trademark Office and held at the Krause Center for Innovation.

Chancellor Linda Thor announced that the district, in partnership with Butte-Glenn Community College District, has been awarded a \$16.9 million Online Education Initiative grant by the California Community Colleges

Chancellor's Office and is eligible for an additional \$10 million per year for the next four years beyond the initial grant award. She thanked Vice Chancellor of Technology Joe Moreau for his leadership and expressed appreciation to the dozens of faculty and staff members who participated in providing the vision and number crunching for the grant proposal. She advised that a brief presentation regarding the initiative will be given at the December Board of Trustees meeting.

Chancellor Thor thanked Foothill College Vice President of Student Services Denise Swett for her work in making the second annual Technology Conference a success, made positive comments regarding De Anza College's recent Benefit Concert for Music Student Scholarships and California History Center A Taste of History events, and provided an update regarding the relocation of District Office personnel in connection with the renovation of the District Office Building.

Vice Chancellor of Business Services Kevin McElroy introduced Pam Grey, the district's new Director of Purchasing Services, and commented that he has been impressed with her observations so far.

Board

Trustee Joan Barram shared two Wall Street Journal articles which indicate that a four-year degree is not a requirement for many high demand science, technology, engineering, and mathematics careers. She remarked that the articles reinforce the importance of the district's work in this area.

Trustee Laura Casas spoke about an upcoming DREAMer Hackathon event intended to spotlight the need for comprehensive immigration reform, which is being supported by Facebook and LinkedIn. She also discussed the success of De Anza College's Puente Project, noting that at a recent event, she spoke with several successful program alumni who are now serving as mentors to current students, including Dr. Frain Rivera, a Stanford medical doctor who first attended college at De Anza College.

Student trustee Anita Adams reported that she met several students at the recent Statewide Student Senate General Assembly who had heard of the Foothill-De Anza Foundation Board of Directors' resolution to divest from fossil fuel companies and were interested in having their college foundations take similar action. She advised that students from the college's Environmental Sustainability Committee are urging the Cupertino City Council to join an amicus brief challenging mining rights at the Lehigh Southwest Cement facility.

President Betsy Bechtel congratulated Chancellor Thor and Vice Chancellor Moreau on securing the Online Education Initiative grant and made positive comments regarding the overflow crowd of students at Assemblyman Rich Gordon's legislative update on the California Community Colleges system held at Foothill College.

FOUNDATION BOARD REPORT

Trustee Cheng provided a summary of the Foothill-De Anza Foundation Board of Directors meeting held on October 23, 2013. She reported that the meeting featured a presentation by President Judy Miner regarding plans for the new education center as well as the previously mentioned unanimous action to approve a resolution to divest from fossil fuel companies by the end of the fiscal year, which was prompted by a request from De Anza College students. Trustee Cheng indicated that Robin Latta-Lyssenko has been appointed to serve as Interim Executive Director of the Foundation through June 30, 2014, and that there are plans to hire a development associate to handle alumni initiative activities as well as an associate gifts officer. She advised that Art Swift has rejoined the Board, noted the Foundation has realized an 8.4 percent gain on assets of \$34 million, and announced that the new website will debut in early 2014, an e-newsletter will be sent in December, and the Fundraising Committee plans to hold a Thank-a-Thon in November.

President Murphy added that the district’s foundation is the first community college foundation in the nation to divest from fossil fuels and that Foundation Treasurer Martin Neiman and the Investment Committee performed an extensive analysis prior to recommending action to ensure that divestment could be accomplished without causing losses to the portfolio.

Trustee Barram remarked that it was great to see the success of De Anza College’s student engagement in connection with the divestment resolution and that the receptiveness and responsiveness of the Foundation Board provided a positive learning experience for the students.

APPROVAL OF CONSENT CALENDAR

Trustee Swenson asked that item 6, Human Resources Report, be removed from the consent agenda and considered separately. Trustee Cheng requested removal and separate consideration of item 7, Eco Pass Transportation Fee – Student Exemption.

M/S/C: Cheng/Swenson
Advisory vote: 2
Board vote: 5
Action: **Approved/ratified** items 1-5 and 8-12 on the Consent Calendar as follows:

- Item 1** – **Ratified** contracts and agreements
- Item 2** – **Ratified** wire transfers greater than \$5,000 for July, August, and September 2013
- Item 3** – **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 dump
- Item 4** – In accordance with Education Code 81450.5, **authorized** the Director of Purchasing Services to make a donation of the equipment described herein to the Fremont Union High School District
- Item 5** – **Made** a finding that the surplus property does not exceed \$5,000.00 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)
- Item 8** - **Approved** the Foothill College curriculum changes for the 2014-2015 catalog
- Item 9** - **Approved** the Foothill College Associate in Science in Computer Science for Transfer Degree (AS-T) Program
- Item 10** - **Approved** the Foothill College Associate in Arts in Studio Arts for Transfer Degree (AA-T) Program
- Item 11** - **Approved** the Foothill College Associate in Science in Physics for Transfer Degree (AS-T) Program
- Item 12** - **Approved** the Foothill College Associate in Arts in Geography for Transfer Degree (AA-T) Program

Item 6
Human Resources Report

In response to trustee Swenson’s questions, President Miner explained that new administrative positions in the International Education Program are needed because duties previously handled by classified staff, including developing agency relationships and handling outreach and marketing abroad, require the scope of authority and responsibility granted administrators. She advised that upon completion of the reorganization, the self-funded program will experience a net gain of one classified position and stated that the increase in staff is required to support the growth of the program at both colleges and to manage an increase in accountability requirements. Association of Classified Employees (ACE) President Blanche Monary concurred that duties previously assigned to a classified employee in the program are more appropriate for management-level employees.

President Miner advised that the new associate vice president of instruction position will not be filled until funding is identified, but the position is needed to support the vice president of instruction, who has assumed responsibility for all instructional divisions other than physical education, and to ensure compliance with new initiatives and increased regulations.

- M/S/C:** Swenson/Cheng
- Advisory vote:** 2
- Board vote:** 5
- Action:** **Approved** the Human Resources Report

Item 7
Eco Pass Transportation Fee – Student Exemption

In response to trustee Cheng’s question, student trustees Adams and Baker indicated that no additional exemptions are needed.

- M/S/C:** Cheng/Adams
- Advisory vote:** 2
- Board vote:** 5
- Action:** **Approved** the exemption of the listed categories of students from the Eco Pass transportation fee

Item 13
General Fund Reserve Review as Recommended by the Audit and Finance Committee

Trustee Swenson reported that the Audit and Finance Committee had a long discussion at its last meeting regarding the possibility of institutionalizing a requirement for additional reserves in anticipation of the next economic downturn and the expiration of Education Protection Act (EPA) funding in 2017-2018. He noted that the district fared well in the last downturn and did not need to tap into its state-required five percent reserve because adequate one-time funds were available to allow attrition to reduce the need for layoffs and layoffs to be spread over a couple of years.

Vice Chancellor of Business Services Kevin McElroy advised that the committee has not yet made any recommendations and plans to discuss the matter further at its next meeting. He spoke about the merits of institutionalizing some of the practices the district has in place but cautioned that setting up a formal requirement for a specific level of reserves could reduce flexibility and force reserve replenishment to be prioritized above critical ongoing needs in the event of a downturn or crisis.

President Murphy suggested that the committee could be looking at the situation from a private industry perspective in which volatile markets mandate large capital reserves. In contrast, he noted that despite decreases in funding, the district's apportionment was never in question.

Dental hygiene instructor Ken Horowitz commented that another threat to district funding is the Affordable Care Act, noting that if not enough young people sign up for health insurance, the state may end up with less money for education. ACE President Monary reminded the Board that several employees are scheduled to be moved off Measure C funding at the same time EPA funding will expire.

Faculty Association President Rich Hansen observed that the district got through the state's extraordinary financial crisis due to the cooperation of employees who agreed to take on additional health care costs, reduce expenses, and support the stability fund. He counseled that districts with the largest reserves tend to have the poorest employee relations, noted that faculty are already discussing the need to extend EPA funding, and suggested that consideration be given to supporting legislation reducing the votes needed for parcel tax approval to 55 percent.

President Bechtel indicated that the Board is concerned about maintaining adequate reserves but is also concerned about tying its hands. Trustee Casas concurred with a desire to keep the district fiscally sound while maintaining flexibility to spend money to support students.

Trustee Swenson stated that he would share the Board's feedback with the committee.

Item 14

Board Policy 2310 (formerly 9125) Regular Meetings – Revised (First Reading)

Chancellor Thor advised that the policy changes presented for first reading were recommended as part of an overall evaluation of the district's policies against the templates provided through the Community College League of California's Policy and Procedure Service. She indicated that the Chancellor's Cabinet and Chancellor's Advisory Council have previously reviewed and approved the changes.

Item 15

Board Policy 2315 (formerly 9127) Closed Session – Revised (First Reading)

Student trustee Adams questioned whether the Board would consider allowing the student trustees to attend closed sessions on a limited basis, as is the practice at some other districts. Trustee Bechtel advised that the Board has declined to provide student trustees that privilege, and Chancellor Thor added that the privileges granted student trustees are considered each May.

Item 16

Board Policy 2320 (formerly 9126) Special and Emergency Meetings – Revised (First Reading)

Chancellor Thor noted that the only changes to the policy regarding special and emergency meetings involve adding a reference to the new administrative procedure and changing the policy number.

Item 17

Board Policy 2330 Quorum and Voting New (First Reading)

Chancellor Thor advised that the policies would be presented for approval at the December 9, 2013, meeting.

Item 18

Resolution Authorizing the Reduction in Classified Service

M/S/C: Barram/Cheng
Advisory vote: 2
Board vote: 5
Action: **Adopted** the resolution authorizing the reduction in classified service

Item 19

Public Hearing – Open Negotiations on the Current Agreement between the District and the Association of Classified Employees (ACE)

President Bechtel opened the public hearing at 7:30 p.m. and asked if anyone wished to comment on the proposal to begin negotiations. Hearing no response, President Bechtel closed the hearing at 7:30 p.m.

Item 20

2013 Risk Management Report

Trustee Barram thanked Risk Management Director Marsha Kelly for a complete and comprehensive report.

Item 21

2013-14 First Quarter Report

Vice Chancellor McElroy explained that since the first quarter report captures a period of time that ends just weeks after the district's annual budget is adopted, the report reflects little change. He reminded the Board that revenue assumptions are based on last year's decline of full time equivalent students (FTES) of approximately 1,700 and that cost of living adjustments approved for employees will not be reflected until the second quarter report. He also noted that a significant increase in non-resident enrollment revenue is anticipated and that the district is transferring \$1.5 million to the Other Post-Employment Benefits trust this year.

Vice Chancellor McElroy advised that at the recent Association of Chief Business Officials meeting, there were reports that state revenues are exceeding projections and no cash deferrals are expected this year. He indicated that there continues to be a disagreement between the community college system and the Department of Finance regarding calculation of redevelopment agency funding, which will likely result in a deficit factor for both 2012-2013 and 2013-2014.

Item 22

Resolutions to Adopt Budget Revisions and Transfers

M/S/C: Casas/Adams
Advisory vote: 2
Board vote: 5
Action: **Adopted** the 2013-2014 first quarter budget revisions and transfers resolutions

Item 23

Authorize Award of a Contract Pursuant to Bid Document 1673, Law Enforcement Dispatching Services

M/S/C: Barram/Swenson

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to execute an agreement with San Jose State University pursuant to the prices, terms, and conditions set forth in Bid 1673 for an amount of \$150,000 annually for the first two years, with an option to renew for three additional one-year periods

Item 24

Measure E Consent

M/S/C: Adams/Swenson

Advisory vote: 2

Board vote: 5

Action: Ratified Measure E consent item A as follows:

Central Services Measure E Consent

A) Calstate Construction – Change Order #3 – District Office Building – (\$6,551)

Item 25

Award a contract pursuant to Bid #1664-282 CATV/MATV Distribution - \$180,038

M/S/C: Barram/Baker

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid Document #1664-282, in the aggregate amount of \$180,038 to PCD

Item 26

Measure C Consent

President Bechtel asked that item 26.A. Lionakis – Revision #2 – Property Acquisition - \$74,870 be removed from the Measure C Consent agenda and considered separately.

M/S/C: Casas/Barram

Advisory vote: 2

Board vote: 5

Action: Ratified/approved Measure C consent items B - J as follows:

De Anza College Measure C Consent

B) Enovity – PAA 9 – Revision # 1 – ATC - \$0.00

C) Guerra Construction Group – Prime Contract Change Order #03 – Combined Site Improvements Phase II - \$31,341

D) RC Benson Construction – Prime Contract Change Order #01 Final – 200F PE6 ADA Shower Upgrades - \$8,264

E) Sundt Construction – Prime Contract Change Order #7 – ATC - \$55,333

Foothill College Measure C Consent

- F) OC Jones & Sons, Inc. – Change Order #3 – Parking and Circulation Phase 2 - \$124,739
- G) SJ Amoroso Construction – Change Order #6 – Modernization of Learning Support Center, Biology, and General Classrooms - \$150,994
- H) WRNS Studio – Revision #14 – Parking and Circulation, Phase 2 - \$8,480
- I) WRNS Studio – Agreement for Services – Repair and Upgrade Miscellaneous Projects - \$25,800
- J) Authorize Use of FCCC Contract for Building 5600 Furniture Purchase Pursuant to Public Contract Code 20652

Item 26.A

Measure C Consent

A) Lionakis – Revision #2 – Property Acquisition - \$74,870

In response to questions from President Bechtel, Executive Director of Facilities Charles Allen clarified that the street widening applies to the area of Innovation Way along the district’s property and complies with the City of Sunnyvale requirements for all of Moffett Business Park.

M/S/C: Bechtel/Swenson
Advisory vote: 2
Board vote: 5
Action: **Ratified** Lionakis Revision #2 for additional design effort required for widening Innovation Way

Item 27

Reject All Bids Received for Painting and Bird Remediation at Foothill College, Bid #1665-141

M/S/C: Barram/Cheng
Advisory vote: 2
Board vote: 5
Action: In accordance with PCC 20651(b), **rejected** all bids received for Bid #1665-141, Painting and Bird Remediation at Foothill College

ADJOURNMENT

President Bechtel reminded those present that Board of Trustees meetings will be held in Foothill College’s Toyon Room (Room 2020) until the renovation of the District Office Building is complete late next year. She adjourned the meeting at 8:11 p.m.



Chancellor and Secretary to
the Board of Trustees

Approved 12/9/13