



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

DRAFT MINUTES

REGULAR MEETING

January 5, 2010

CALL TO ORDER AND ROLL CALL

President Bruce Swenson 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:

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

for Public Session

Erica Anderson, Foothill College Student Trustee
Isabelle Barrientos Vargas, De Anza College Student Trustee

CLOSED SESSION

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

STUDENT DISCIPLINE — EXPULSION

Student ID: 10460779

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Mike Brandy, Interim Chancellor
Andy Dunn, Vice Chancellor of Business Services
Brian Murphy, President of De Anza College
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology
Pat Hyland, Dean, Student Affairs and Activities, Foothill College

CONFERENCE WITH LABOR NEGOTIATOR

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

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Mike Brandy, Interim Chancellor
Andy Dunn, Vice Chancellor of Business Services

Brian Murphy, President of De Anza College
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Executive Administrators Present:

Mike Brandy, Interim Chancellor
Andy Dunn, Vice Chancellor of Business Services
Brian Murphy, President of De Anza College
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Swenson re-convened the public session at 6:00 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:

<i>Staff:</i>	Charles Allen	Art Heinrich	Brian Murphy
	Tom Armstrong	Pat Hyland	Dorene Novotny
	Becky Bartindale	Letha Jeanpierre	Carmen Redmond
	Mike Brandy	Donna Jones-Dulin	Fred Sherman
	Kim Chief Elk	Ron Levine	Chien Shih
	Dolores Davison	Judy Miner	Marisa Spatafore
	Andy Dunn	Blanche Monary	Donna Toyohara
	Rich Hansen		

Public: Jim McMahon
Terry Terman

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that the following action was taken in closed session.

In closed session the board considered whether to take disciplinary action against a Foothill College student. President Swenson polled the board on whether to expel that student.

M/S/C:	Barram/Casas Frier
Advisory Vote:	0
Board Vote:	unanimous
	Trustee Bechtel voted in favor
	Trustee Casas Frier voted in favor
	Trustee Cheng voted in favor
	Trustee Barram voted in favor
	Trustee Swenson voted in favor
Abstentions:	2 (Anderson/Barrientos Vargas)
Action:	To expel Foothill College student, Student ID 10460779

APPROVAL OF MINUTES

The minutes of November 2, 2009 were deferred to the next board meeting pending clarification on Item 18 regarding FHDA board review of the economic analysis results conducted by the UA board.

CORRESPONDENCE

President Swenson asked if there was any correspondence that should be brought to the Board's attention. There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

Public / Students

None

Staff

District Police Chief Ron Levine introduced Jim McMahon whose employment as De Anza College Director of Safety and Security would be presented to the board. McMahon has a background in law enforcement and the public sector.

Interim Chancellor Brandy noted the trustees' attendance at the CCLC Legislative Conference on the agenda. Brandy explained that a new board policy on trustee travel is being developed whereby the public is notified when trustees travel out of the area.

Foothill College President Miner reported that winter quarter enrollment is up by about 3% in comparing winter quarter 2009 to the current quarter. Significant shifts involved a downturn in special education offerings due to the severe cuts in state funding. Sections in math and English were added which helped to reduce the number of students on wait lists in those areas.

De Anza College President Murphy reported enrollment figures are up about 1.3 – 1.5%. 10,000 names are on wait lists, of which 585 are in chemistry representing about 70% of the entire enrollment in that department; 1,500 in math; 2,000 in social sciences and humanities; 2,000 in bio/health sciences.

President Miner reported that math instructor Young Hee Park Lee was able to secure a \$5,000 donation from her alma mater, the Korea Advanced Institute of Science and Technology, to help support a summer math show at Foothill. Art instructor Andy Ruble received a \$20,000 fellowship from the Rydell Visual Arts Fellowship. Cal Schrottenboer, part time CTIS faculty attended the Nobel Peach Prize ceremony where he was able to take photos which will be posted on the college's website.

President Murphy expressed deep appreciation to Director of College Services Donna Jones-Dulin and plant services and ETS personnel for the successful replacement of cabling over the holidays. The job required that the campus be shut down for several days. Murphy also announced that football coach Dan Atencio was named coach of the year by the coast league.

Vice Chancellor of Technology Fred Sherman reported that on January 1, 2010 the HR/Payroll module of Banner went live. Sherman explained that this is a very complex migration and acknowledged Director of Human Resources Kim Chief Elk and Director of Information Systems &

Operations Chien Shih and their teams for their work on the project.

Trustees

Trustee Bechtel reported that trustees Barram and Cheng will be attending the CCLC Legislative Conference in Sacramento on January 24-25.

APPROVAL OF CONSENT CALENDAR

Brandy informed the Board that Item 3, De Anza Facility Use Policy, Fees, Process and Procedures, was withdrawn from the agenda and will be presented at a later date.

Regarding Item 10, Trustee Barram questioned the need for a separate company to load test the Banner student system. Vice Chancellor Sherman explained that AppLabs has no relationship with SunGard/Banner and the test will give an indication of how much load the system can effectively handle.

On Item 13, Vice Chancellor of Human Resources Dorene Novotny retracted Randolph Splitter's resignation for purpose of retirement until the next fiscal year.

M/S/C: Cheng/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1, 2, 4-13 of the Consent Calendar as amended:

Item 1 - **Approved** RATIFICATION OF B WARRANTS AND WIRE TRANSFERS GREATER THAN \$5,000 FOR SEPTEMBER, OCTOBER, AND NOVEMBER 2009

Item 2 – **Approved** RATIFICATION OF CONTRACTS AND AGREEMENTS

Item 3 – ~~**Approved** DE ANZA FACILITY USE POLICY, FEES, PROCESS AND PROCEDURES~~

Item 4 - **Approved** APPROVAL OF NEW COURSES BEGINNING WINTER 2010 QUARTER

Item 5 - **Approved** STAND ALONE COURSES

Item 6 - **Approved** NON-CREDIT PROGRAM: GERIATRIC HOME AIDE

Item 7 - **Approved** NON-CREDIT PROGRAM: MATHEMATICAL FOUNDATIONS

Item 8 - **Approved** MOU WITH PALO ALTO UNIVERSITY

Item 9 - **Approved** MOU BETWEEN THE CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE AND FOOTHILL COLLEGE TO ESTABLISH AN OPEN EDUCATION RESOURCE CENTER PILOT

Item 10 – **Approved** AGREEMENT WITH APPLABS TO LOAD TEST THE BANNER STUDENT SYSTEM

Item 11 – **Approved DISPOSAL OF SURPLUS DISTRICT PERSONAL PROPERTY**

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 public dump.

Item 12 – **Approved HUMAN RESOURCES REPORT**

Item 13 – **Approved PERSONNEL ACTIONS AS AMENDED:**

Name: **Charles DeNault**
Position: Faculty
College: Foothill College
Division: Physical Sciences, Mathematics and Engineering
Action: **Resignation**
Effective Date: December 30, 2009

Name: **Phil Green**
Position: Faculty
College: De Anza College
Division: Applied Technologies
Action: **Resignation for purposes of retirement under Article 19**
Effective Date: June 25, 2010

Name: **Ronald McFarland**
Position: Division Dean
College: De Anza College
Division: Business and Computer Systems
Action: **Employment**
Compensation: Range K, Step 1 @ \$9,803.74/month
Effective Date: January 19, 2010 through June 30, 2010

Name: **James McMahon**
Position: Director
College: De Anza College
Division: Campus Safety and Security
Action: **Employment**
Compensation: Range H, Step 3 @ \$8,526.01/month
Effective Date: January 6, 2010 through June 30, 2010

Name: ~~_____~~ **Randolph Splitter**
Position: ~~_____~~ Faculty
College: ~~_____~~ De Anza College
Division: ~~_____~~ Language Arts
Action: ~~_____~~ **Resignation for purposes of retirement under Article 20**
Effective Date: ~~_____~~ June 24, 2011

Name: **Lakshmi Vanniasagaram**
Position: Faculty
College: De Anza College

Division: Physical Sciences Math & Engineering
Action: **Resignation for purposes of retirement under Article 19**
Effective Date: June 25, 2010

Item 14

APPROVAL OF REVISION TO BP 4190, ACADEMIC FREEDOM

M/S/C: Casas Frier/Cheng
Advisory vote: 2 yes
Board vote: unanimous
Action: **Approved** revision to Board Policy 4190, Academic Freedom

Item 15

1ST READING OF REVISIONS TO BP 6120, GRADUATION REQUIREMENTS

The policy has been approved by both college senates and the Chancellor's Advisory Council. After discussion it was determined that the title "Graduation Requirements for Degrees and Certificates" would be reworded.

Item 16

AGREEMENTS WITH THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT AND ASSOCIATION OF CLASSIFIED EMPLOYEES (ACE), OPERATING ENGINEERS, LOCAL 3 (OE3) AND CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND ITS CHAPTER 96, FOR UNIT A (CSEA)

Trustee Barram congratulated ACE on their first contract. Director of Human Resources Kim Chief Elk expressed her respect for and appreciation of the time spent to form a new organization and feels the district will be well served by ACE.

M/S/C: Casas Frier/Cheng
Advisory vote: 2 abstentions
Board vote: unanimous
Action: **Approved** the agreement between Foothill-De Anza Community College District and Association of Classified Employees (ACE), effective November 1, 2009 through October 31, 2011

Although a small union, Director of Human Resources Kim Chief Elk feels the district will be well served by OE3.

M/S/C: Barram/Bechtel
Advisory vote: 2 abstentions
Board vote: unanimous
Action: **Approved** the agreement between Foothill-De Anza Community College District and Operating Engineers, Local 3 (OE3), effective January 1, 2010 through December 31, 2012

Chief Elk said that between CSEA and the Teamsters unions much bargaining occurred between the benefits and additional contract language changes.

M/S/C: Cheng/Bechtel

Advisory vote: 2 abstentions
Board vote: unanimous
Action: **Approved** Agreement between Foothill-De Anza Community College District and California School Employees Association and Its Chapter 96, for Unit A (CSEA), effective January 1, 2010 through December 31, 2012

M/S/C: **Bechtel/Barram**
Advisory vote: 2 abstentions
Board vote: unanimous
Action: **Approved** changes in the following articles from the current Teamster Agreement, effective July 1, 2007 through June 30, 2010:

- Article 8 – Absences from Work
 - Section 8.9: Industrial Accident And Illness Leave
- Article 15 – Health & Welfare Benefits
- Article 16 – Retirement

Item 17

DECLARATION OF DISCREPANCY CONCERNING ATTENDANCE ACCOUNTING RELATED ISSUES IN THE FOOTHILL COLLEGE PHYSICAL EDUCATION DIVISION

Vice Chancellor of Business Services Andy Dunn shared additional information related to the attendance accounting discrepancy in the Foothill physical education division. The information was transmitted to the state chancellor's office in a declaration of discrepancy. Vice Chancellor Dunn feels that after board ratification of the Declaration of Discrepancy no further action needs to be taken.

M/S/C: **Casas Frier/Barram**
Advisory vote: 2 yes
Board vote: unanimous
Action: **Ratified** the Declaration of Discrepancy as presented

Item 18

MOU BETWEEN THE REGENTS OF THE UNIVERSITY OF CALIFORNIA AND THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Interim Chancellor Brandy explained that the MOU as presented would allow the district's contributions to the University Associates to be used exclusively for pre-development costs. Specifying such use qualifies use of the Measure C bond funds.

Both Interim Chancellor Brandy and trustee Bechtel assured trustee Casas Frier that the project lists contained in the Measure C bond allows for \$40,000,000 to be set aside for site acquisition. The MOU would authorize a capital contribution for 2009-10 only; additional capital contributions would require board approval. Brandy said that under the UA agreement the district would maintain its option to withdraw from the project.

M/S/C: **Bechtel/Barram**
Advisory vote: 2 yes
Board vote: 4 yes

Action: 1 no (Casas Frier)
Authorized the Interim Chancellor or designee to sign the Memorandum of Understanding between the Regents of the University of California and the Foothill-De Anza Community College District

Trustee Casas Frier voted against the motion on the grounds that the site is on the EPA's list of superfund sites and the district has not yet received the results of the economic analysis.

Item 19

HMC AGREEMENT FOR SERVICES AND CHANGE #1 FOR FLINT CENTER ELECTRICAL IMPROVEMENTS

M/S/C: Cheng/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: **Ratified** the agreement with HMC and change #1 for Flint Center Electrical Improvements

Item 20

MEASURE C CONSENT CALENDAR

M/S/C: Cheng/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: **Approved / Ratified** the Measure C Consent Calendar, A-G as follows:

- A.** *Title:* Revision #1 to PAA #4-B to Master Agreement
Vendor: Noll & Tam Architects
Agreement Date: December 6, 2007
Campus: De Anza College
Project No.: 766-214
Project Name: Corporation Yard
Amount: (\$5,120)
For: Reduction to contract price for professional services for Design Development Phase. No reduction in scope.
Action: Ratification
- B.** *Title:* PAA #D06
Vendor: Allana Buick Bers, Inc.
Agreement Date: January 6, 2010
Campus: De Anza College
Project No.: 766-236
Project Name: Tile Roof Repairs
Amount: \$34,380
For: Provide investigation and preparation of design documents, bid phase services, construction administration, and construction monitoring, for replacement and repairs of the following: 1) Repair Tile Roofs and Replacement of Parapet Stucco and Coping on Buildings E2 and E3; 2) Repair Flat

Roof on Storage Room - Building E2, 3) Site Logistics Plan.

Action: Approval

- C.** *Title:* Change Order #8
Vendor: Zolman Construction and Development, Inc.
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Autotech Renovation
Amount: \$3,416
For: Change Order: Provide and install DSA-approved twist wire anchoring system for the clay roof tiles.

The total Change Orders to date represent 11.83% against the original contract amount. Funding is included in the current budget.

Action: Ratification

- D.** *Title:* Revision #01 to PAA #D01
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-228
Project Name: CDC Playground Maintenance & Upgrades
Amount: \$6,000
For: This Revision is to compensate the Landscape Architect and their Architectural Consultant for additional DSA submission costs. The original project scope as defined in PAA D01 did not include a shade structure, which was added during the schematic design phase. DSA requires structural review of the shade structure, therefore additional funding is being added to the Architect's contract.

Completion date of the contract for PAA D01 is being extended to Sept. 9, 2010, which reflects the revised construction duration.

Action: Ratification

- E.** *Title:* Change #5 to Agreement for Services
Vendor: Ross Luthin Creative
Agreement Date: December 14, 2004
Campus: De Anza College
Project No.: 766-215
Project Name: Signage
Amount: (\$250)
For: Changes to Agreement 1) Contract extension

required to process final payment due to contract expiration and 2) Contract amount reduction required for services not performed. Services will be completed by Ross Luthin Creative under the new Measure C Project 218 Agreement for Services approved by the Board of Trustees on October 5, 2009.

Action: Ratification

- F.** *Title:* Revision #2
Vendor: Quali-Con Enterprises
Agreement Date: June 4, 2007
Campus: De Anza College
Project No.: 765-209
Project Name: Visual & Performing Arts Center
Amount: \$0
For: Revise contract end date to July 1, 2010, to facilitate DSA closeout activities. The contract value is not being changed with this revision.
Action: Ratification

- G.** *Title:* Revision #3 to PO #G979221/PAA #2B
Vendor: Architectural Resources Group (ARG)
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery & East Cottage
Amount: \$21,448
For: Additional contract administration and project support during construction. Increasing the Architect and Engineering group on-site coordination and reviews at the beginning of construction and for increased project close-out efforts. Extend expiration date for ARG's Purchase Order to November 10, 2010. Reason: The PO will expire prior to the completion of the project.
Action: Ratification

ADJOURNMENT

President Swenson adjourned the meeting at 6:50 p.m.

Approved: _____

Mike Brandy, Interim Chancellor

Secretary, Board of Trustees