



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

DRAFT MINUTES

REGULAR MEETING

February 1, 2010

CALL TO ORDER AND ROLL CALL

President Bruce Swenson declared a quorum was present and called the meeting to order at 4:50 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

Item 1

BOARD OF TRUSTEES' RECOGNITION OF PAYROLL/HR BANNER TEAM

Vice Chancellor of Technology Fred Sherman expressed appreciation for the cross-departmental effort of payroll, financial aid, ETS and human resources in the successful migration of data to the HR-Payroll module of Banner. He commended the individuals, many present in the room, whose hard work made it possible for the district to get a payroll out on schedule and with minimal problems, which required working weekends and over the Christmas and New Year holidays. Sherman also acknowledged the leadership of Kim Chief Elk, functional team leader, and Chien Shih, technical team leader.

Nancy Chao, acting assistant controller, introduced members of the payroll team and they were warmly applauded: Scottie McDaniel, Beijing Li, Hong Nguyen and Ly Luu. Chief Elk, director of human resources, noted that she is proud to have worked with so many people who understand the importance of safeguarding information that is critical to many decisions the district makes. She introduced team members from human resources, benefits and financial aid, who were warmly applauded: Kris Lestini, Araceli Kaliangara, Patti Conens, Anna Luna, Gigi Gallagher, Cynthia Smith, Debbie Haynes, Cindy Castillo, Dawna O'Malley, Kevin Harral, Patience McHenry, Christine Vo and Patty Jobs. Shih, director of information systems, proudly introduced his team and they were warmly applauded: Joe Lampo, Tom Roza, Erwin Widiarta, Irma Rodarte, Henry Ly, Matt Rapczynski, Drake Lewis, Bill Baldwin and Vicki Liao.

Getting the work done on time and on budget is a compliment to the intellect and commitment of all the people involved, and represents a remarkable accomplishment coming on the heels of the

successful finance module implementation, said Interim Chancellor Mike Brandy said. Trustees individually thanked the team members for their stellar work and dedication. Vice Chancellor of Human Resources Dorene Novotny noted that these staff members have done double duty, managing their regular assignments while also making the Banner transition. Team member Gallagher thanked Chief Elk for her leadership during the project.

CLOSED SESSION

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

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 6:05 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	Letha Jeanpierre	Dorene Novotny
	Becky Bartindale	Donna Jones-Dulin	Carmen Redmond
	Mike Brandy	Judy Miner	Fred Sherman
	Kim Chief Elk	Blanche Monary	Marisa Spatafore
	Dolores Davison	Marsha Kelly	Jennifer Dirking
	Andy Dunn	Anne Argyriou	
	Rich Hansen	Jim McMahon	
	Stacy Cook	Bhavi Patel	

Public: Jim McMahon Tess Kavanaugh
 Terry Terman Crodd Cain
 John Maloblocki Jospeh Nicola
 Drew Smith Dave Finn

Students: Jose' Romero

Media: Diana Samuels

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that there was no action to report from the closed session.

APPROVAL OF MINUTES

The board approved the minutes of November 2, 2009, December 7, 2009, and January 5, 2010, with amendments proposed by Trustee Casas Frier to Item 18 on the November minutes and Item 18 on the January minutes. Trustee Bechtel suggested that going forward, trustees try to make changes to the minutes in as timely a fashion as possible.

M/S/C: **Casas Frier/Bechtel**
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the minutes of November 2, 2009, December 7, 2009 and January 5, 2010 with amendments.

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

Bhavi Patel introduced herself to the board as the Foothill College Classified Senate's representative and invited trustees to contact her at any time with questions or concerns.

President Murphy introduced Stacy Cook, the college's new vice president of student services. He noted her extensive experience at Woodland Community College, College of Marin, University of

San Francisco, and the University of California, Berkeley, and her doctorate degree in education from the University of San Francisco.

President Miner reported that Foothill College had received an award of merit from the American Institute of Architects' San Fernando Valley chapter for the Lower Campus Center. She also announced plans for a Feb. 10 celebration of the life of longtime Foothill administrator Penny Patz.

Trustees

Trustee Casas Frier reported on a successful community forum held January 27 on issues facing community colleges, sponsored by the Leagues of Women Voters of Los Altos-Mountain View, Palo Alto and Cupertino, and the Los Altos Library. She noted that she and Trustees Barram and Cheng were among those who attended a legislative conference January 24-25 sponsored by the Community College League of California (CCLC), and that they had visited local legislators in conjunction with the conference. While in Sacramento, Casas Frier said she participated in a statewide legislative advisory task force meeting that included a discussion of consolidating assessment at the state level. She also reported on attending a Moffett Field base reuse update presented at the Moffett Field Restoration Advisory Board on January 14. She said a toxicologist reported that the contaminants in the groundwater are worse than had been thought and can cause liver and kidney damage. She submitted a related article from the Mountain View Voice to be distributed to the other Board members.

Student Trustee Barrientos Vargas presented plans by De Anza students to participate in the March 4 day of action against state budget cuts. Some students will travel to Sacramento where they will take part in a march and rally. Those who remain on campus will be able to participate in teach-in events and students hope to establish a live video link to view events in Sacramento. A rally on campus will be followed by a march to Cupertino City Hall, where students will express support for education and disapproval of budget cuts. Other campus events will include a showing of the movie "Walk Out" and a welcome party in the evening for the students returning from Sacramento. Barrientos Vargas noted that students have written a resolution in support of the March 4 day of action and requested that the Board support the resolution at its March 1 meeting.

Student Trustee Anderson reported that Foothill students plan to participate in the March in March in Sacramento on March 22. She said that 400 students already have signed up and that students would be visiting local legislators while in Sacramento. She passed out March in March fliers and said a major push is under way on campus to get students involved with this event.

Trustee Barram, commenting on the January 27 Foothill-De Anza Foundation board meeting, said the foundation is becoming more active than ever in trying to raise money, and its board is now meeting monthly. Barram said that among her take-aways from the CCLC legislative conference is that legislators and their staff are committed to community colleges and appear willing to do what they can to help as long as it doesn't cost money. The consensus in Sacramento is that the governor's budget proposal is too rosy, and that the \$7 billion it counts on in federal funding is unlikely to come through. She noted that the district's representatives at the conference met with Senator Joe Simitian and Assembly members Ira Ruskin and Paul Fong.

Trustee Cheng said she was impressed by the many ideas being put forward for discussion at the CCLC conference because of California's dire financial situation. Among those that surfaced during was the difficult discussion about possibly raising student fees. Other ideas include lowering the

voter-approval threshold for parcel taxes, as proposed in SCA 6, and the possibility of community colleges offering four-year degrees in certain programs, Cheng said.

Trustee Bechtel reported that she had attended Senator Simitian's recent education town hall meeting. "On the whole, it was very discouraging," she said. Vice Chancellor Dunn, who also attended the town hall, said there appears to be little hope for legislative action on Simitian's SCA6, which would lower from two-thirds to 55 percent the voter approval needed to pass parcel taxes. Bechtel congratulated student trustees Barrientos Vargas and Anderson for their work on the March advocacy events.

Speaking on behalf of the Board, President Swenson expressed trustees' deep appreciation to Interim Chancellor Brandy for his willingness to step in and serve as interim chancellor for much of the past year, help get a new chancellor on board and work through some very difficult financial challenges facing the district, all of which set the stage for a smooth transition to the next chancellor. Swenson read portions of a resolution from the Board of Trustees expressing gratitude for Brandy's leadership of the district over the past eight months.

After receiving a rousing ovation, Brandy expressed his appreciation to those he has worked with, including the Board of Trustees, which he said is one of the best boards in the state. Traveling throughout the district, talking with faculty and classified professionals at the colleges and in Central Services, he said he was deeply impressed by the depth of leadership and commitment among all employees in the district. He expressed his gratitude for the support he has received from the chancellor's staff, the senior staff and the support staff in the chancellor's office. Brandy also thanked his wife for her support and tolerance of his long hours and days away from home.

Terry Terman, an observer for the League of Women Voters, said he had been particularly impressed by how Brandy always "kept his cool" as he managed budget cuts, and how he always had budgets and plans prepared even as circumstances changed.

APPROVAL OF CONSENT CALENDAR

M/S/C: Cheng/Anderson
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved/ratified** Items 2-17

Item 2 - **Approved** APPOINTMENT OF DR. LINDA THOR AS SECRETARY TO THE BOARD OF TRUSTEES

Item 3 - **Approved** RATIFICATION OF CONTRACTS AND AGREEMENTS

Item 4 - **Approved** NON-RESIDENT TUITION RATE FOR 2010-11

Item 5 - **Approved** RESOLUTION AUTHORIZING CHILD CARE CONTRACT #CIMS-9643

Item 6 - **Approved** RESOLUTION AUTHORIZING SEPARATE BANK ACCOUNTS

Item 7 - **Approved** YEAR THREE SOFTWARE START-UP COSTS FOR SUNGARD HIGHER EDUCATION BANNER

Item 8 - **Approved** APPROVAL OF CONTRACTS FOR CELEBRITY FORUM

Item 9 - **Approved** APPROVAL OF AGREEMENT FOR SERVICES – RICE UNIVERSITY CONNEXIONS CONTRACTOR

Item 10 – **Approved** SALE OF MISCELLANEOUS SURPLUS ELECTRONIC EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the items in accordance with Education Code 81452(a).

Item 11 – **Approved** SALE OF SURPLUS DISTRICT AUTOMOTIVE TECHNOLOGY EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing to sell the items in accordance with Education Code 81452(a).

Item 12 – **Approved** DONATION OF TWO SURPLUS MICROSCOPES
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing to donate the items to the Gamble Garden Organization.

Item 13 – **Approved** DONATION OF SURPLUS MILLING MACHINE
Made a finding that the property is unsatisfactory for further use by the District and authorized the Director of Purchasing and Material Services to make a donation of the equipment described to the Fremont Union High School District in accordance with Education Code 81450.5

Item 14 – **Approved** DISPOSAL OF SURPLUS DISTRICT TABLET ARM CHAIRS
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing to distribute for reuse, recycling or disposal.

Item 15 – **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORTS

Item 16 – **Approved** HUMAN RESOURCES REPORT

Item 17 – **Approved** PERSONNEL ACTIONS AS FOLLOWS:

<i>Name:</i>	David Barney
<i>Position:</i>	Faculty
<i>College:</i>	De Anza
<i>Division:</i>	Creative Arts
<i>Action:</i>	24% load reduction as per Article 18 for the next ten years
<i>Effective Date:</i>	AY 2010-2011

<i>Name:</i>	Mike Brandy
<i>Position:</i>	Interim Chancellor
<i>College:</i>	Central Services
<i>Division:</i>	Chancellor's Office

Action: **Interim appointment**
Effective Date: January 1, 2010 through Feb. 15, 2010

Name: **Juanita Cordero**
Position: Faculty
College: De Anza College
Division: Social Sciences
Action: **50% load reduction as per Article 18 for the next ten years**
Effective Date: AY 2010-2011

Name: **Sue Gatlin**
Position: Division Dean
College: Foothill College
Division: Physical Education & Human Performance
Action: **Retirement**
Effective Date: July 1, 2010

Name: **Jack Lynch**
Position: Instructor
College: De Anza College
Division: Business and Computer Systems
Action: **End Interim Dean assignment and return to faculty position**
Effective Date: January 1, 2010

Name: **Eloise J. Orrell**
Position: Interim Vice President
College: Foothill College
Division: Instruction & Institutional Research
Action: **Interim assignment**
Effective Date: January 11, 2010 through June 30, 2010
Compensation: Range M, Step 4 @ \$12,235.76/month

Name: **Walter Scott**
Position: Library Coordinator
College: Foothill College
Division: Library
Action: **Retirement**
Effective Date: December 31, 2009

Name: **Randolph Splitter**
Position: Faculty
College: De Anza College
Division: Language Arts
Action: **Amended to 60% load reduction as per Article 18 for AY 2009-10 and 50% load reduction as per Article 18 for AY 2010-11**
Effective Date: AY 2009-2010 and AY 2010-2011

<i>Name:</i>	Charlotte Thunen
<i>Position:</i>	Librarian
<i>College:</i>	Foothill College
<i>Division:</i>	Library
<i>Action:</i>	25% load reduction as per Article 18 for the next five years
<i>Effective Date:</i>	AY 2010-2011

Item 18

CITIZENS BOND OVERSIGHT COMMITTEE ANNUAL REPORT

Vice Chancellor Dunn introduced James Sandstrom, chairman of the Measure C Citizens' Bond Oversight Committee. Mr. Sandstrom reviewed the primary duties of the oversight committee, including ensuring that bond proceeds are expended for the purposes set forth in Measure C and preparing an annual report. At quarterly meetings, the committee reviews projects; actual costs of projects against budgeted costs; project revisions; and audit procedures and reports. The committee also periodically tours bond projects to see progress and results.

In presenting the board with the annual report for the year ending June 30, 2009, Mr. Sandstrom noted that the review of expenditures performed by Perry Smith showed no issues of noncompliance with the terms of Proposition 39. Based on the audit results and the committee's own oversight activities, he said that the committee believes that the Foothill-De Anza Community College District is in full compliance with responsibilities described in Article XII(a) Section 1(b)(3) of the California Constitution.

Mr. Sandstrom said the committee also wanted to convey to the board that it believes the bond funds are being spent efficiently and effectively. For example, because of good project management practices, when the Measure C lawsuit was resolved, the district was able to ramp up project activities to quickly take advantage of a favorable environment in the construction industry in which to go out for bids, he said. That resulted in savings in a number of projects.

Mr. Sandstrom said the committee appreciates the district's strong commitment to sustainable practices. This is demonstrated by the recent photovoltaic projects at Foothill and De Anza, which will result in energy savings over time; design and construction goals that meet or exceed LEED certification requirements for all appropriate projects; and the district's commitment to design excellence and quality as illustrated by the award of merit from the Community College Facilities Coalition for Foothill's Physical Sciences and Engineering Center. So not only is the money being spent as authorized by the voters in Measure C, Mr. Sandstrom said, it is being spent wisely and appropriately.

The Citizens' Bond Oversight Committee's annual report for 2008-2009 is available online. Trustees thanked Mr. Sandstrom and the committee for the report and for the members' volunteer service on the committee.

M/S/C:	Casas Frier/Bechtel
Advisory vote:	2 yes
Board vote:	Unanimous
Action:	Accepted the Citizens' Bond Oversight Committee Annual Report

Item 19

PRESENTATION OF 100% CONSTRUCTION DOCUMENT PHASE DRAWINGS – PROJECT #261, MEDIATED LEARNING CENTER, DE ANZA COLLEGE

President Murphy complimented the design team on its work and gave special credit to Donna Jones-Dulin, associate vice president of finance and educational resources, for her work on the project. Charles Allen introduced Ratcliff architects' principal Joseph Nicola, who in turn introduced Ratcliff team members Crodd Chin, principal designer of the building, and Tess Kavanaugh, project manager. Chin conducted an electronic "fly through" presentation for the Board, describing the building's design features. After the presentation, Chin responded to questions by Trustee Bechtel about whether the building's windows open, how floors and windows will be maintained, and whether there is bicycle parking. In response to a question from Trustee Casas Frier, he described how the building is constructed to provide maximum space flexibility and minimize noise. Kavanaugh, answering a question posed by President Swenson about energy costs associated with a LEED platinum building, said that the energy cost savings for the building is estimated at \$100,000 annually. Swenson expressed the Board's excitement about the building and complimented the team on its work.

Item 20

BOARD POLICY 2620, BOARD TRAVEL (1ST READING)

Interim Chancellor Brandy introduced the proposed policy, noting that the district has not had a specific policy on board travel. Requiring trustees to notice the public when they plan to travel outside the area to represent the board on district business, at district expense, is meant to provide transparency to the public. Responding to comments by Trustee Bechtel, Brandy said that Board also could report the amount of the board's travel budget at the beginning of the fiscal year to further the goal of transparency. Trustee Barram noted that language in the policy about trustees receiving travel reimbursement for travel "directed by the Board" provides the Board with a way to deal with any potential abuses. Trustee Casas Frier noted in her experience, Board members have acted responsibly and there have not been instances of abuse.

Item 21

BOARD POLICY 4176, INTERNATIONAL TRAVEL (1ST READING)

Trustee Bechtel requested that the first line be amended to read: "The Board of Trustees recognizes that there is an occasional need for international travel to advance the purpose of the District." Brandy said the policy is not intended to place restrictions on academic classes that pursue international study, but is intended to regulate international travel by staff members. He said he would return to the board with new language that would broaden the scope beyond the Office of International Students and Campus Abroad program of the academic programs that can engage in international travel without prior Board approval.

Item 22

BOARD POLICY 6120, REQUIREMENTS FOR DEGREES AND CERTIFICATES (2ND READING)

Interim Chancellor Brandy noted that the word “graduation” has been removed from the title, reflecting the fact that students who receive certificates don’t necessarily graduate.

M/S/C: Bechtel/Casas Frier
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** adoption of Board Policy 6120, Requirements for Degrees and Certificates

Item 23

RESOLUTION TO SUPPORT SJ 2020 ELIMINATING THE ACHIEVEMENT GAP

Interim Chancellor Brandy noted that the resolution supports the district mission of eliminating the achievement gap and also reflects the growing importance placed on that goal by government and industry partners throughout the region.

M/S/C: Casas Frier/Cheng
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** resolution in support of SJ 2020 Eliminating the Achievement Gap

Item 24

PROFESSIONAL DEVELOPMENT LEAVES FOR 2010-11

Vice Chancellor Novotny introduced the 23 applications forwarded to the Board by the Professional Development Leave Committee, and noted that two additional applications are pending. Board President Swenson said he believes in sabbatical and professional development leaves, but also noted that it is painful to be granting leaves when the district is in the process of laying people off. He and other trustees suggested that granting leaves in future years during difficult budget times is something that may need to be revisited in negotiations. Interim Chancellor Brandy said the total cost of PDLs in 2010-11 would be about \$1.4 million counting those granted earlier that are rolling forward. The estimated cost of the 23 leaves before the Board would be about \$600,000. Trustee Casas Frier requested more information about professional development leave practices in other districts. Faculty Association President Rich Hansen noted that when the state enacted mid-year budget cuts around 2003 the Faculty Association agreed to postpone PDLs for a year, although it ended up not being necessary. Hansen said it is disruptive for faculty to have to rearrange their PDL plans, and since only a small number of faculty are affected each year, the burden of delaying PDLs would not be widely shared.

M/S/C: Bechtel/Barram
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the recommended professional development leaves for 2010-11 for Matt Abrahams, Rebecca Board Liljenstolpe, Frank Cascarrano, Marc Coronado, Sherri Cozzens, Lenore Desilets, Ion Georgiou, Elaine Haight,

Ron Herman, Maristella Huerta, Kristin Jensen Sullivan, Kate Jordahl, Laura Karst, Linda Lum, Martin McNamara, Richard Morasci, Cristina M. Moreno, Eugene Rodriguez, Ameeta S. Tiwana, Diane Uyeda and Letty Wong.

Item 25

PROPERTY/LIABILITY INSURANCE BROKERAGE CLIENT SERVICE AGREEMENT RENEWAL

Responding to a question, Marsha Kelly, director of risk management, said that the \$4,774 savings reflects a recognition of the fiscal difficulties facing community colleges. She said there is no commission paid to the brokerage and that the district would go through an RFQ process next year.

M/S/C:	Barram/Cheng
Advisory vote:	2 yes
Board vote:	Unanimous
Action:	Approved renewal of the District's client services agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc.

Item 26

AUTHORIZE DISTRICT TO SEND OUT RFP FOR CONSULTANTS TO CONDUCT FEASIBILITY STUDY OF PARCEL TAX

Interim Chancellor Mike Brandy began the discussion by noting that a group called Californians for Improved School Funding has begun a grassroots effort to place an initiative on a statewide ballot to lower the voter-approval threshold for school- and community college district parcel taxes from the current two-thirds to 55 percent. He said that the San Mateo County Community College District has completed feasibility polling for both a parcel tax and bond, and that the San Jose-Evergreen Community College District also is considering polling. Brandy urged the board to take the "baby step" of authorizing a feasibility poll of district voters, at an estimated cost of \$30,000 to \$35,000, to help determine whether a district parcel tax would have a chance of passing.

Trustee Cheng noted that the Fremont Union, Palo Alto Unified and Mountain View-Los Altos school districts are planning to go to the voters for parcel taxes or bonds, so timing is important. Finding out what the electorate is thinking is critical for the district, Cheng said. Trustee Barram questioned whether a poll would really produce meaningful information. Rather than spending money on a poll now, she suggested the district could gain insight into the voters' thinking by waiting to see if the effort to lower the threshold to 55 percent is successful and how other school bond and parcel-tax measures fare with the local voters. Trustee Bechtel noted that the district's Measure E bond passed with 72 percent of the vote and that Measure C came in just shy of 66 percent. Bechtel said she thought taking this first step of a poll was worth it because a parcel tax could make a difference in helping the district avoid laying off people who are critical to educating students. Brandy noted that June would probably be the soonest the district could place a parcel tax on the ballot.

Trustee Casas Frier said her understanding is that sponsors of the initiative to lower the parcel tax voter-threshold to 55 percent are aiming to place it on the ballot in November, 2010. She also suggested waiting to see what happens with the initiative, since the lower threshold would greatly increase changes that a parcel tax would be successful. Casas Frier said she senses a lot of "voter fatigue" about bonds and parcel taxes, and did not want to spend money for a poll when the parcel

tax threshold is still so high. Board President Swenson questioned whether the district would be able to raise the estimated \$300,000 needed to mount a campaign if it appeared that two-thirds of the voters would support a parcel tax. Brandy said it would be a challenge, but he thought it could be done. President Murphy suggested that knowing early whether district voters support the idea of a parcel tax would be valuable information in analyzing how to move forward.

Association of Classified Employees (ACE) President Blanche Monary said she thinks the long list of employees facing layoffs would make a persuasive case illustrating the need for a parcel tax. Faculty Association (FA) President Rich Hansen said his perception is that people are frustrated about what is happening in California, and that local residents may be primed for taking more responsibility. Marie Fox Ellison, executive director of the Foothill-De Anza Foundation, suggested that if a feasibility study is conducted, she hopes the district also would explore the community's willingness to provide philanthropic support for a multi-year fundraising campaign. President Miner said that based on her conversations in the community, she believes that local voters are concerned about the state's under-funding of the district and are ready to lend their support. Board President Swenson suggested that concurrently with moving forward with an RFP, the district begin conversations with members of the foundation and with K-12 districts about whether they would be prepared to support a district parcel tax. Trustee Barram said that if employee groups think spending money on the poll is a worthwhile risk, she would support it.

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

Advisory vote: 2 yes

Board vote: 4 yes
1 no (Casas Frier)

Action: **Approved** authorization for staff to work with a subcommittee of the board to prepare a Request for Proposals (RFQ) to conduct a feasibility study of a parcel tax election.

Trustee Casas Frier voted against the motion, saying she favors delaying consideration of a feasibility poll for several months.

Item 27

UPDATE ON DEVELOPMENT OF 2010-11 BUDGET

Interim Chancellor Brandy described the district's strategy for addressing a projected \$10.6 million budget deficit for 2010-11. He said the deficit is made up of about \$6.5 million in state funding cuts to categorical program plus \$4.1 million in projected cost increases for 2010-11. He said throughout the planning process, the district has done everything it can to avoid lay offs, including assigning people to other funds, making partial reductions in contracts, and eliminating unfilled positions. Unfortunately, it still will be necessary to eliminate filled positions for 2010-11, as it appears that state funding for categorical programs will not be restored. Of the filled positions that will be eliminated, some positions will have to be cut as of June 30, 2010 and others will be carried forward for a year, if possible.

Brandy noted that last year the district reduced 67 positions and this year about 35 positions will be eliminated, all taking effect on June 30, 2010. That is a reduction of approximately 100 positions out of about 550 support staff, he said. Even with all these actions, the district still faces a projected deficit of about \$2.6 million. To address that remaining \$2.6 million would require eliminating an additional 35 positions, all filled, and it does not seem possible to run the district

with that many fewer positions, Brandy said. So the district has drawn a line at the last 35 positions, and will use money from its stability fund to create an “Escrow 2” account to carry those 35 positions through the end of 2010-11, if possible, depending on whether community colleges escape deep state funding cuts for 2010-11.

Brandy noted that all employees affected by these actions have been personally notified, a somber process attended by many tears and fears. He said the position eliminations are a result of \$15 million in state funding cuts to Foothill-De Anza in 2009-10, made during the greatest recession in California history. “The reality is harsh and hard, and sad and somber, and at this point there is no solution to backfill such a large cut from the state,” Brandy said. Actions to eliminate some positions will be required of the Board at the March 8 meeting. “It’s a sad day for education in California when colleges and K-12 and everyone else have to go through this kind of downsizing,” Brandy said. “It is absolutely the wrong thing we be need to be doing for the state to get the economy thriving.”

In response to a question from Trustee Barram about whether the 2010-11 budget projections are based on the governor’s proposed budget, Brandy said the projections are a status-quo budget and reflect neither the decreases nor increases the governor proposed. Trustees expressed their sorrow at the difficult situation facing all employees and thanked everyone for their hard work. Rather than wait until the Legislature passes a budget this summer or fall and then try to deal with possible additional reductions so late, Board President Swenson suggested making the best projection possible now of what level of budget reduction might be forthcoming from the state and begin working this spring with employee groups on how to deal with it. Swenson said that if the district delays until the summer, employee groups will be gone and the district would be working in a vacuum. The longer decisions are delayed, he said, the more alternatives are closed off. Brandy said the district plans to work on various “what if” scenarios to determine what the budget priorities would be.

ACE President Monary suggested combining all the Escrow 1 and Escrow 2 lists and making the ending date Dec. 31, 2010 for everyone, which she said would provide certainty for planning in terms of the budget impact. FA President Rich Hansen said the Faculty Association has shown it is able to move quickly once it has a clear picture of what the budget situation is. If a possible second federal stimulus package came to pass, that could change the picture of what the district is facing, Hansen said, plus there is some hope that California’s economic recovery is only a year away. Perhaps by building some contingencies into the budget, he said, the district and employee groups could move forward even without complete certainty about what the budget will be.

Item 28

MEASURE E CONSENT CALENDAR

M/S/C: Barram/Anderson
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the Measure Consent Calendar, A-E, as follows:

A. Title: PAA #D02
Vendor: Joni L. Janecki & Associates, Inc.
Agreement Date: May 4, 2009

Campus: De Anza College
Project No.: 765-278
Project Name: Master Landscape Phase II
Amount: \$40,000
For: Provide design reviews and coordination efforts of associated projects to enrich their design development through reviews of various campus site and landscape elements. The Consultant will review projects as they relate to the Landscape Master Planning elements. Specifically, they will review the associated projects for coordination, cohesiveness, constructability, and design intent. They will also provide full-size drawing “mark-ups” of these associated projects that will be reviewed by the respective consultants and campus representatives. The information developed during these reviews will be incorporated alongside the De Anza College Landscape Master Plan and will be utilized in the forthcoming development and completion of design documents for the Landscaping Phase II construction project.
Action: **Approved**

- B.** *Title:* PAA #D20
Vendor: Allana Buick Bers, Inc.
Agreement Date: February 1, 2010
Campus: De Anza College
Project No.: 765-277 Minor Improvements
Project Name: PE Shower Repairs
Amount: \$24,205
For: Waterproofing Repairs: Women’s Shower Room Located in PE-6
Action: **Approved**
- C.** *Title:* PAA #D-03
Vendor: Salas O’Brien Engineers, Inc.
Agreement Date: December 1, 2008
Campus: De Anza College
Project No.: 765-277
Project Name: Minor Improvements: Science Center Fire Sprinklers
Amount: \$9,960
For: Design, procurement and construction administration services related to repairs of the De Anza Science Center fire sprinkler system.
Action: **Approved**
- D.** *Title:* Agreement for Design Professional Services
Vendor: Sandis
Agreement Date: February 2, 2010
Campus: De Anza College
Project No.: 765-278

Project Name: Master Landscape Phase II
Amount: \$180,720
For: Provide a comprehensive campus-wide Topographic Survey for De Anza College at a scale of 1" = 20'. This includes an aerial topographic survey followed by on-site supplemental topographic survey to precisely show the location of existing buildings and structures as well as all above-ground improvements such as planter areas, tree wells, walkways, fences, adjacent roadways and parking areas, and storm and sanitary sewer information for the entire campus. The location of utility vaults, manholes, catch basins and invert elevation information of the storm and sanitary sewers will be shown based upon the supplemental field survey.
Action: **Approved**

E. *Title:* Design Professional Service Agreement
Vendor: Cody Anderson Wasney Architects, Inc.
Agreement Date: January 15, 2010
Campus: Foothill College
Project No.: 403
Project Name: Renovation of the District Office Building
Amount: \$202,867
For: Design services for renovation of the District Office Building, including design development, construction documentation, bidding/negotiations, and construction administration.
This Agreement authorizes the basic services above for an amount not to exceed \$202,867.00. The fee includes design services of all engineering consultants to the Architect.
Action: **Approved**

Item 29

MEASURE C CONSENT CALENDAR

M/S/C: Bechtel/Casas Frier
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the Measure C Consent Calendar, Items A-B and D-H, with Item C considered separately, as follows:

M/S/C: Swenson/Bechtel
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the Item C on the Measure C Consent Calendar as follows:

In response to questions from Board President Swenson, Charles Allen explained some of the reasons behind the most costly items in the S2-S6 Phase II – Utility Master Plan – Phase I change order. This is a big, complicated and messy project that involves digging up more than 6,000 linear feet of the De Anza campus and more changes on the project are coming, Allen said. Additional requirements came up after the award of the contract when the district learned through the Santa Clara County fire marshal that it needed additional portable generators during the 10-day power shutdown; it realized that additional power conduits would be required on the same path and into the same manhole for a future project, and that doing in it now would reduce future costs; it became clear that additional lighting and barriers for campus safety and security were needed during the shutdown; and a decision was made to move up completion of the shutdown to accommodate the De Anza Flea Market and Admission and Records.

- A.**
- | | |
|-----------------|---|
| Title: | PAA #6-A to Master Agreement |
| Vendor: | Noll & Tam Architects |
| Agreement Date: | December 6, 2007 |
| Campus: | De Anza College |
| Project No.: | 766-256 |
| Project Name: | Campus Center Phase II |
| Amount: | \$188,350 |
| For: | The PAA for this project includes the following:
Professional services for Programming, Schematic Design, Design Development, Construction Documents, Procurement, Construction Administration and DSA Closeout Phases for the renovation of the upper level bathrooms, the lower level accessible lift, the Financial Aid Suite (Rooms 117-120) and the DASB area (Rooms 126-130). Included are meetings with the College's designated groups to coordinate Architect's efforts with, and incorporation of comments from, all parties. Assist with Bidding. Provide Construction Administration services to respond to construction communications, observe and document construction services through the course of the project, attend weekly meetings, and provide close-out documentation for all related activities. |
| Action: | Approved |
- B.**
- | | |
|-----------------|---|
| Title: | PAA #4-C 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: | \$136,190 |
| For: | Professional services for Construction Design Documents, Bidding, and Construction Administration Phases to include the preparation of all construction design documentation to obtain DSA approval and bid the project based on the outcome of the professional services performed |

under PAA #4-B. The services to be performed will include, but are not limited to, the facilitation and management of construction design review and comment incorporation, the preparation of construction cost estimate, the reconciliation of scope and construction budget, assistance with the procurement process, administration of the construction contract, and coordination of the project closeout.

Action: **Approved**

C. *Title:* Change Order #4
Vendor: S.J. Amoroso, Inc.
Agreement Date: July 10, 2009
Campus: De Anza College
Project No.: 766-241
Project Name: S2-S6 Phase II – Utility Master Plan – Phase I
Amount: \$176,874
For: Miscellaneous change orders: Provide temporary facilities for power generators, grout 12” RCP pipe at cooling tower pad, maintain power to TX 8 and TX 8A, provide power conduits at heading E11, slurry void at utility corridor, raise floor drain at S6, add rebar at cooling tower pad, raise lid of manhole #7 to match existing AC, infill roof opening at S2 and S6, replace notched 6”x6” post at S2, provide campus closure during Shutdown 2, revise Milestone 2 completion date.
The total Change Orders to date represent 3.42 % against the original contract amount. Funding is included in the current budget.

Action: **Approved**

D. *Title:* Revision #2 to Standard Form of Agreement
Vendor: Salas O’Brien Engineers
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-241
Project Name: S2-S6 Phase II – Utility Master Plan - Phase I
Amount: \$21,600
For: Revise Standard Form of Agreement to allow Salas O’Brien Engineers to provide engineering and design services to support this project, including: Campus access plan at driveway entrances including signage; replacement of electrical service feeders from Administration Building to S2; updates to the temporary generator plan; and for temporary heating for buildings affected by hydronic system shutdown.

Action: **Approved**

- | | | |
|----|------------------------|--|
| E. | <i>Title:</i> | Agreement for Design Professional Services |
| | <i>Vendor:</i> | Forell/Elsesser Engineers, Inc. |
| | <i>Agreement Date:</i> | February 2, 2010 |
| | <i>Campus:</i> | De Anza College |
| | <i>Project No.:</i> | 766-216 |
| | <i>Project Name:</i> | Learning Center |
| | <i>Amount:</i> | \$10,940 (NTE) |
| | <i>For:</i> | Structural Tier 1 Evaluation of De Anza Learning Center and Learning Center West per ASCE-31 Requirements. |
| | <i>Action:</i> | Approved |
| F. | <i>Title:</i> | Independent Contractor Agreement for 5-Year Wet Sprinkler Systems Certification and Deficiency Repairs |
| | <i>Vendor:</i> | Bay Cities Pyrotector |
| | <i>Agreement Date:</i> | November 25, 2009 |
| | <i>Campus:</i> | Foothill College |
| | <i>Project No.:</i> | 100 |
| | <i>Project Name:</i> | Scheduled Maintenance |
| | <i>Amount:</i> | \$20,491 |
| | <i>For:</i> | Professional services to repair fire sprinkler deficiencies and to document the repairs and certify the wet sprinkler systems at Foothill College, in accordance with the requirements of California Health and Safety Code, Title 19 and local authorities. |
| | <i>Action:</i> | Approved |
| G. | <i>Title:</i> | Inspector of Record Agreement |
| | <i>Vendor:</i> | Quali-Con Enterprise, Inc. |
| | <i>Agreement Date:</i> | December 30, 2009 |
| | <i>Campus:</i> | Foothill College |
| | <i>Project No.:</i> | 112 |
| | <i>Project Name:</i> | Modernization of Administration Building and General Classrooms |
| | <i>Amount:</i> | \$79,200 |
| | <i>For:</i> | Inspector of Record services to meet Division of State Architect requirements for the Foothill College Measure C Project 112 – Modernization of Administration Building and General Classrooms. The agreement authorizes inspection services on an hourly basis not to exceed a fee of \$79,200 for the project. |
| | <i>Action:</i> | Approved |
| H. | <i>Title:</i> | Professional Services – Revision #06 |
| | <i>Vendor:</i> | Ratcliff Architects |
| | <i>Agreement Date:</i> | April 8, 2008 |
| | <i>Campus:</i> | Foothill College |
| | <i>Project No.:</i> | 160 |

Project Name: Physical Sciences & Engineering Center
Amount: \$23,560
For: Design services for additional acoustic treatment
for mechanical equipment.
Action: **Approved**

Item 30

AWARD OF CONTRACT PURSUANT TO BID DOCUMENT 1229-134–EXTERIOR SIGNAGE AT Foothill College

M/S/C: **Bechtel/Barram**
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to 129-134–Exterior Signage at Foothill College in the amount of \$109,351 to Young Electric Sign Company.

Item 31

AWARD A CONTRACT PURSUANT TO BID DOCUMENT 1235-130 – UTILITY LIDS – PHASE 2, Foothill College

M/S/C: **Barram/Casas Frier**
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Authorized** the Director of Purchasing Services to award of a contract pursuant to 1235-130 – Utility Lids – Phase 2, Foothill College, in the amount of \$184,500 to Bugler Construction after accepting the recommendation of the Director of Purchasing Services to waive a minor irregularity that Appendix A and Appendix C were not initially included with Bugler Construction's bid proposal.

Item 32

AWARD OF A CONTRACT PURSUANT TO BID DOCUMENT 1239-112 – MODERNIZATION OF ADMINISTRATION BUILDING AND GENERAL CLASSROOMS AT Foothill College

M/S/C: **Bechtel/Anderson**
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to 1239-112 – Modernization of Administration Building and General Classrooms at Foothill College in the amount of \$4,743,000 inclusive of Alternate #1 to Zolman Construction and Development, Inc.

Item 33

MAKING A FINDING PURSUANT TO PUBLIC CONTRACT CODE 3400(C)(3) THAT REQUIRED SYNTHETIC TURF PRODUCT IS ONLY AVAILABLE FROM ONE SOURCE

M/S/C: Bechtel/Barram
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** a finding pursuant to Public Contract Code 340(c)(3) that FieldTurf Pro Series Duo (2") FTSH12 manufactured by FieldTurf International is a necessary item that is only available from one source, given that no other product fully complies with the district's requirements and specifications, and will be designated by specific brand name and not followed by the words "or equal" in bid documents for the Foothill College Soccer and Softball Complex project, Bid #1238-142.

Item 34

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 1230 FOR THE DE ANZA COLLEGE ATC 121 SOUND STUDIO UPGRADE

M/S/C: Bechtel/Barram
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the withdrawal of AVI-SPL's bid and authorized the Director of Purchasing Services to award a contract pursuant to Bid 1230 in the amount of \$243,214.90 to Cutting Edge.

Item 35

ADDITIONAL PHOTOVOLTAIC INSTALLATIONS

M/S/C: Casas Frier/Bechtel
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the initiation of planning for installation of additional photovoltaic installations at Foothill College and De Anza College subject to subsequent Board approvals of construction contracts.

Charles Allen presented an overview of how up to \$10 million, instead of the \$5 million originally proposed, could be taken from future Measure C bond interest earnings to fund the photovoltaic project. Allen said that the Measure C Series A and B bonds had earned \$26 million in interest as of the end of December 2009, which is \$3 million over the budgeted projection. By the end of June 2010, he said, he expects that interest earnings will be \$5 million over budgeted projections, and the series will continue earning interest beyond that date. In response to a question from Trustee Barram, Allen estimated that projected annual electricity cost savings for Foothill College alone, combined with rebates, would be about \$1 million annually for the first five years if the project is in place September 2010. Allen said he could bring more information on that question back to the board. Trustee Barram said she wondered how the campuses would look with photovoltaic-topped carports covering the parking lots. Brandy said the carports would cover acres of asphalt and cars and make an important statement to the community about the district's commitment to achieving

energy savings and benefitting the environment by reducing its carbon footprint. In response to a question from Trustee Bechtel, Brandy said that both colleges are prepared to make Measure C budget transfers to the photovoltaic expansion, which he said would help the district for decades to come by removing the the majority of costs in the electrical utility line item from the budget, which in the current economic environment would save save several jobs After the vote, President Murphy said the photovoltaic installations would stand as a legacy to Interim Chancellor Brandy.

Item 36

MEASURE C PROJECT LIST REVISION, DE ANZA BUDGET TRANSFER #19, FOOTHILL BUDGET TRANSFER #18 AND ETS-DISTRICT BUDGET TRANSFER #2

Trustee Bechtel noted that this action does not eliminate any projects and is saving money.

M/S/C:	Bechtel/Casas Frier
Advisory vote:	2 yes
Board vote:	Unanimous
Action:	Approved the Bond Project List Revision, De Anza Budget Transfer #19, Foothill Budget Transfer #18 and ETS-District Budget Transfer #2.

Item 37

LEASE LEASEBACK CONSTRUCTION PROCUREMENT PROCESS FOR LARGE CAPITAL PROJECTS

Charles Allen spoke to what he said are the significant multiple benefits of using the lease-leaseback approach allowed under the Education Code section 81335 to acquire a construction contractor for Foothill's Physical Sciences and Engineering Center and De Anza's Mediated Learning Center. He said he believes this approach will attract the highest caliber of contractor in terms of capability, experience and qualifications to perform quality work in a timely fashion. If the board gives the go-ahead, he said the district would prepare an RFQ and bring back a short list to Board, along with a recommendation, as well as the form and format of the contracts that would be used for the site agreement, facilities lease agreement and preconstruction services agreement, drawing on best practices in the industry to protect the district's interests. Two separate procurement processes would take place, starting with the Foothill project.

Responding to questions from trustees about whether any of the participants have reservations about moving forward with the new approach, Allen said there had been some initial concern that there could be a lawsuit that would slow progress on the projects, and that attorney Phil Jarret has suggested filing a validation action as a precaution. Allen said the lease-leaseback methods puts pressure on the design team because the contractor is held responsible for delivering projects with zero or minimal change orders. As a result, contractors will be taking a close look at the design plans and speaking up about any problems they see. Although that puts the design team on the hotseat, he noted it's better to find out about problems before beginning a complex project, rather than in the middle.

Allen said that everyone involved believes the lease-leaseback approach will save the district money. Construction costs and direct costs will be about the same, he said; the savings will come in the areas of project administration, design team administration and claims, including reduced litigation and claims avoidance costs.

M/S/C: Casas Frier/Barram
Advisory vote: 2 yes
Board vote: Unanimous
Action: **Approved** the initiation of a construction procurement process under the Lease Leaseback provision of Education Code section 81335 for the Physical Sciences and Engineering Center at Foothill College and the Mediated Learning Center at De Anza College, subsequent to Board approvals as noted.

ADJOURNMENT

President Swenson adjourned the meeting at 8:55 p.m.

Approved: _____

Mike Brandy, Interim Chancellor
Secretary, Board of Trustees