



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
May 2, 2011

CLOSED SESSION

Trustees Present:

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

For Public Session Only:

Etienne Bowie, Foothill College Student Trustee
Thomasina Countess Russaw, De Anza College Student Trustee

The Board immediately adjourned into closed session with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

- 1) Name of Case: West Bay Builders v. Foothill-De Anza Community College District
- 2) Case #106CV062422

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor of Business Services
John Mummert, Acting President of Foothill College
Brian Murphy, President of De Anza College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Linda Thor, Chancellor

Others Present:

Phil Jaret

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of Potential Cases: 1

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor of Business Services
John Mummert, Acting President of Foothill College
Brian Murphy, President of De Anza College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology
Linda Thor, Chancellor

Others Present:

David Casnocha

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management

Kevin McElroy, Vice Chancellor of Business Services
John Mummert, Acting President of Foothill College
Brian Murphy, President of De Anza College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology
Linda Thor, Chancellor

CONFERENCE WITH LABOR NEGOTIATOR

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

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor of Business Services
John Mummert, Acting President of Foothill College
Brian Murphy, President of De Anza College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology
Linda Thor, Chancellor

CALL TO ORDER

President Pearl Cheng called the meeting to order at 6:08 p.m. She led those present in the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

President Cheng reported that in closed session trustees took the following actions:

1. Unanimously affirmed and ratified the suspension of an employee in a Custodian II position
2. Unanimously affirmed and ratified the suspension of an employee in a Facilities and Equipment Assistant position

CORRESPONDENCE

There was no correspondence.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

There were none.

Students

DASB President Ze-Kun Li invited all to a benefit concert on May 12 from 6-9:30 p.m. in the Visual and Performing Arts Center. Proceeds from the ticket sales will go towards helping the victims of the recent earthquake and tsunami in Japan.

Staff

De Anza President Brian Murphy extended an invitation to the dedication ceremony for the new Child Development Center at De Anza on May 27 from 2-3:30 p.m.

President Murphy announced that Lois Jenkins, Lori Susi, and Marisa Spatafore, in De Anza's Marketing and Communications Department, have been awarded several prizes by the California Community College Public Relations Organization:

- First place for the Occupational Training Institute's health insurance brochure
- First place for the electronic class schedule
- Second place for the outdoor media ads on Santa Clara County VTA buses
- Third place for folder design

President Murphy said that each year the Marketing and Communications Department is rewarded for its excellent communication strategies.

Mobilize.org sponsored a 3-day meeting of community college teams in the western region that were developing projects for civic engagement and civic responsibility. The teams were competing for cash prizes to support their projects. De Anza's Integral Movement for AB540 Student Success (I M.A.S.S.) group that advocates for the rights of undocumented students, won first prize and will receive between \$7,500-\$10,000 toward the continuation of their efforts.

The board congratulated I M.A.S.S. for their work and President Cheng noted that this is just one example of how excellent our colleges are.

Acting Foothill President John Mummert conveyed President Judy Miner's regrets for not being at the board meeting. President Miner is in Washington, DC attending a meeting of the Council for Higher Education Accreditation Board of which she is a member.

Chancellor Linda Thor said that much of April was spent on budget matters – advocacy, planning, and communicating. She complimented Vice Chancellor of Business Services Kevin McElroy who has held town hall meetings at each of the colleges and central services in order to inform and update employees on the budget crisis. Chancellor Thor attended the town halls and expressed her appreciation for the comments and suggestions from all employees who are working very hard to assist in identifying where and how the cuts should be made while simultaneously completing their accreditation self-studies and bringing the academic year to a close.

Last Thursday and Friday Chancellor Thor attended an orientation retreat for the American Leadership Forum Silicon Valley (ALF) for Class XXIII. The retreat was amazing, and she is looking forward to the year-long program. The class consists of 20 distinguished leaders representing a cross section of the community. She thanked Trustee Bechtel for nominating her to the American Leadership Forum and expressed gratitude to ALF for recognizing the fiscal challenges we are faced with by granting her a substantial scholarship to cover her participation in the program.

Chancellor Thor congratulated Trustee Laura Casas Frier on her election to the California Community Colleges Trustees board. Trustee Casas Frier received the highest number of votes of those on the ballot.

Vice Chancellor of Technology Fred Sherman announced that two managers in his department have been nominated to statewide and national committees. Director of Networks, Communications and Computer Services Sharon Luciw was elected to the Chief Information Systems Officers Association (CISOA). She will be the northern regional representative on the

board. Andrew LaManque, Director of Institutional Research and Planning, has been invited to participate in the National Center for Education Statistics' Common Education Data Standards Stakeholder Group, the primary federal entity for collecting and analyzing data related to education in the United States and other nations.

Trustees

Foothill Student Trustee Etienne Bowie said the Cultural Awareness monthly series continues in May with the celebration of Latino Heritage Month. He invited everyone to attend the Friday, May 20, International Night that once again promises to be a very special event.

Trustee Bowie also attended the Mobilize 20/20 summit and said everyone left with the promise of returning to their districts and colleges with the commitment of helping to improve education for future students.

This was the student trustees' last meeting and Trustee Bowie shared some personal thoughts. He said he has learned so much this past year. The opportunities to meet students from other schools were invaluable and made him realize that we are a unique district. Foothill has been a life changing experience for him, and he attributes that to the leadership of the chancellor, the board of trustees, and college presidents. Trustee Bowie said he will miss working with the board and staff but will continue to advocate for both schools to show others how education can improve their lives. Future students will become more empowered and will make many changes because of the board's support.

President Cheng said this last meeting for the student trustees is a milestone. She commended both for their hard work during the year and is confident that they will continue to contribute to their communities.

Chancellor Thor presented the student trustees with gifts of appreciation for their service on the board.

De Anza Student Trustee Thomasina Russaw thanked everyone for the awesome opportunity to serve with them. She expressed thanks to Chancellor Thor for mentoring her and President Murphy and the board for being so supportive of students. She said it's a good feeling to know that the board's actions are in the students' best interests, as well as good advertisement for the district.

Trustee Laura Casas Frier said that after working with them, she is very impressed with the students' commitment to their constituencies. She would not be surprised to one day seeing either one in Congress.

Trustee Swenson said he was impressed with the student trustees' advocacy for the district during the parcel tax campaign, and to see them presenting the district's case in such an articulate fashion. In addition, their level of commitment and hard work was remarkable. He thanked both for their service to the district.

Trustee Betsy Bechtel said she observed the students advocating for the district and the students and thanked them for their hard work and dedication.

President Cheng expressed appreciation for their service to their colleges and constituencies.

Trustee Swenson shared one of the many positive statements he hears about the district from a fellow Rotarian who was recently at a local conference attended by a number of Silicon Valley CEO's. The CEO's were given a survey asking what makes Silicon Valley such a strong economic engine and what things attracted them to establish their companies in the valley. One of the top answers given was the Foothill-De Anza Community College District. Trustee Casas Frier added that that is representative of our students, staff, faculty, administration, all who work very well together.

Trustee Casas Frier represented the trustees at the CCLC conference on April 29-May 1. She learned from the accreditation workshops that the teams are looking not so much at success, but at outcomes and completion. She also reported that in his presentation, Scott Lay said that community colleges are being "picked on" by outside organizations as to the mission of community colleges and whether they are doing a good job.

She reported that the following candidates were successful in their elections to the CCCT board:

Jim Moreno, Coast CCD
Stephen Castellanos, San Joaquine Delta CCD
*Laura Casas Frier
Nancy C. Chadwick, Palomar CCD
*Mary Figueroa, Riverside CCD
Robert Jones, Los Rios CCD
*Paul J. Gomez, Chaffey CCD
Pauline Larwood, Kern CCD
* incumbent

APPROVAL OF MINUTES

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|-----------------------|---|
| M/S/C: | Bechtel/ Barram |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the minutes of March 14, 2011 as corrected Approved the minutes of April 4, 2011 as submitted |

Item 1

Approval of ASFC Budget

President Cheng thanked the students from both colleges for the time and hard work it took to develop their budgets. On behalf of the Board of Trustees and the district, President Cheng thanked both student bodies for their support of the parcel tax, and even though the campaign was not successful, she realized that it was a part of their budget deliberations.

On behalf of President Miner, Acting President John Mummert said she appreciates and admires the student leaders and has a great respect for them; their contributions make a huge difference to the college. President Miner also expressed great appreciation to Daphne Small, Director of Student Activities and Affairs and Pat Hyland, Dean of Student Affairs and Activities for their hours of hard work with the students in developing their budget. Ms. Small said it was her distinct pleasure to work with a very dedicated and talented team in developing the ASFC budget.

The ASFC budget was presented by ASFC President Gustavo Okamura, ASFC Vice President for Finance Jason Ma, Joseph Otayde, and Joseline Diaz.

The 2011-12 ASFC budget was initially approved on March 10, 2011. With news of severe budget cuts, major adjustments were made, and the budget was re-approved on April 14, 2011. Included in their budget are salaries for a student activities specialist, student activities secretary, and the volunteer center/intramural coordinator. President Okamura said that other budget priorities include increased funding for lobbying efforts, promoting communications, and supporting activities and programs that improve the Foothill experience for students.

President Cheng thanked the students and commended them on their presentation.

Trustee Barram said it is obvious that a lot of work went into creating the budget document that addresses so many needs. She acknowledged that the students have thought carefully about the financial situation of the college and noted that there is nothing frivolous in their budget. The trustees thanked the students for their thoughtfulness in supporting the salaries of the 3 positions and hope that in the future the college will be in a position to put those positions back into their budget to give the students more money to use toward student activities and student needs.

Trustee Casas Frier expressed appreciation for the allocation toward advocacy and political awareness that will be so critical for the colleges in the coming years. She also thanked them for support of the tutorial program.

Trustee Bechtel agreed with comments made by her colleagues and commended the students for using a portion of their reserves.

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| M/S/C: | Bechtel/ Bowie |
| Advisory vote: | 1 |
| Board vote: | unanimous |
| Abstention: | 1 (Bowie) |
| Action: | Approved the ASFC budget as presented |

Item 2

Approval of DASB Budget

President Murphy introduced DASB President Ze-Kun Li. On behalf of the administrative leadership and faculty and staff, President Murphy said it has been a pleasure working with Ze-Kun, and his entire team has provided uncommon leadership and demonstrated a remarkable level of engagement. President Murphy acknowledged Director of College Life John Cognitiona who has worked closely with the students during the year.

President Ze-Kun Li and Chair of Finance Leo Nguyen presented the DASB budget.

The students have allocated a portion of their budget to be used for "divisional support" that directly benefits instructional programs. Additional expenditures will be used to strengthen and expand the Honors Program and for salaries and benefits for student workers in the Tutorial and Academic Skills Center, Student Success Center, and the Math Performance Success program, among others. Realizing that the budget difficulties stem from Sacramento, President Li noted that funding has been expanded for student advocacy efforts and leadership training in 2011-12. Of note also is that the budget for the

Puente Program has been increased to \$11,610 in order to fund transportation for underserved and first-generation students to visit colleges and universities they may be interested in transferring to.

President Cheng thanked the students for their presentation.

President Murphy said that when the leadership made the request this year to increase the student fee by \$3 it was an example of how students at a California publicly funded community college chose to tax themselves. Having negotiated an agreement with the VTA for eco passes for all De Anza students who request them, the students soon will be voting on a transportation fee. The ability to negotiate and put another taxation on their ballot for their own student body is due entirely to their leadership. The students have set an example for the local community, and their actions have been noticed statewide. President Murphy thanked the students for their leadership.

Trustee Bechtel thanked the students for the thoughtfulness that went into developing their budget. However, out of a budget of \$1.2 million, there is \$500,000 in reserves. Trustee Bechtel asked why the students are keeping almost 45% in reserves. Director Cognetta responded that the amount has been consistent for at least the past 10 years. The income from the flea market has been fluctuating the last few years, dropping from about \$350,000 to about \$310,000 this year. Should income from the flea market cease, the reserves would carry them until they could make adjustments. Trustee Bechtel thanked him and suggested that in the future the reserves be held to less than 45% of their total budget.

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| M/S/C: | Bowie/Russaw |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the DAB budget as presented |

APPROVAL OF CONSENT CALENDAR

Trustee Casas Frier removed items 10 and 11 for separate action.

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| M/S/C: | Barram/Bechtel |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved Consent Items 3-9 and 12-15 on the Consent Calendar as follows: |

Item 3 – **Ratified** Contracts and Agreements

Item 4 – **Re-adopted** with no changes Board Policy 9110.1 Number of Student Trustees; Term of Office; Rights

Item 5 – **Ratified** Board Warrants Greater than \$5,000 for February 2011 and March 2011

Item 6 – **Approved** the Amendment to the FY 2010-11 South Bay Regional Public Safety Training Consortium Contract

Vice Chancellor McElroy clarified that the amendment is for fiscal year 2010-11 rather than 2011-12 as stated on the agenda submittal.

Item 7 – **Approved** the Advance of Student Fees to Dr. Samuel Connell, FH Anthropology Instructor, to Support Archeology Classes in Belize and Ecuador During Summer Quarter 2011

Item 8 – **Approved** the Celebrity Forum Speaker Series, 2011-2012

Item 9 – **Approved** the Independent Contractor Agreement for Catherine Ayers

Item 12 – **Approved** Donation of Surplus Furniture
Made a finding that the equipment is unsatisfactory for further use by the district and in accordance with Education Code 81450.5, **authorized** the Director of Purchasing Services to donate the items to the Santa Clara Unified School District

Item 13 – **Approved** Sale of Miscellaneous Surplus Electronic Equipment
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and in accordance with Education Code 81452(a), **authorized** the Director of Purchasing Services to sell the items

Item 14 – **Approved** Sale of Surplus District Wooden Chairs
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and in accordance with Education Code 81452(a), **authorized** the Director of Purchasing Services to sell the items

Item 15 – **Approved** Human Resources Report

Item 10 – **International Travel Approvals – DA**

Item 11 – **International Travel Approval - FH**

Trustee Casas Frier said that she would abstain from voting on the items because it was recommended that one of the De Anza trips not be approved. President Cheng said that during these difficult budget times the board wants to look at these requests very carefully.

M/S/C: **Barram/Bechtel**

Advisory vote: 1

Board vote: 4

Abstentions 2 (**Bowie, Casas Frier**)

Action: **Approved** International Travel Requests for 2 De Anza faculty and 1 Foothill faculty

Item 16

Resolution Proclaiming Classified Staff Appreciation Week

Classified Staff Appreciation Week recognizes and commends the contributions of classified staff in furthering the mission and goals of the District to provide excellence and opportunity for all.

Gigi Gallagher, Foothill Classified Senate President, said that in the past the Foothill classified senate has sponsored activities to show appreciation for the classified staff. This year, due to the amount of time dedicated to the accreditation reports and the budget crisis, classified staff were not able to organize events. However, Dean of Student Affairs and Activities Pat Hyland has rallied other administrators and will be organizing an event during that week to honor classified staff.

The trustees acknowledged the valuable contributions by classified staff throughout the district.

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| M/S/C: | Swenson/Bowie |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Adopted Resolution 2011-14 proclaiming May 16-20, 2011 Classified Staff Appreciation Week |

Item 17

Resolution Authorizing Naoko Harada as a License Representative of the Child Development Center, De Anza College

Trustee Swenson expressed concern if the particular individual named on this or any other resolution was not able to carry out the designated responsibilities. Vice President Letha Jeanpierre said a specific person must be identified to act as an agent for the district through the licensing process only.

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| M/S/C: | Swenson/Casas Frier |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Adopted Resolution 2011-15 authorizing Naoko Harada as a License Representative of the Child Development Center at De Anza College |

Item 18

BP 9128 Agendas (Rev.) 1st Reading)

BP 9128 Agendas was presented for a 1st reading. This policy addresses communication among board members and how a board member places an item on the agenda. Currently, the district does not have a policy addressing how to agendize an item.

Trustee Bechtel asked what would happen if a board member wanted to place an item on the agenda against the wishes of the chancellor and board president. She said that in previous experience if that were to happen, 2 members would present the item with a rationale. Trustee Barram asked if trustees really wanted a policy that said that any 2 board members could collaborate and put anything on the agenda. Trustee Swenson agreed with Trustee Bechtel and said that if 2 board members out of 5 feel strongly that an item should be discussed, it would be for the good of all to have that discussion.

Under “Addressing Items Not on the Agenda”, line 10, Trustee Casas Frier suggested rewording” . . . *summarize the item . . .*” to “*identify the subject*”.

The policy will be reworked and presented for a second reading.

Item 19

Ratification of Board Warrants to Borel Private Bank & Trust Co.

Trustee Bechtel was recused from the room and rejoined the meeting after the vote.

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| M/S/C: | Barram/Bowie |
| Advisory vote: | 2 |
| Board vote: | 4 |

Action: **Ratified** board warrants greater than \$5,000 for February and March 2011, to Borel Private Bank & Trust Co.

Item 20

Adoption of Resolution Authorizing the Reduction in Classified Service

Vice Chancellor of Human Resources Dorene Novotny explained that in an effort to save money, board approval is requested to eliminate the position of Customer Service Assistant – De Anza College. The position is currently vacant. In an earlier action the board approved the hourly position of Customer Support Associate in the De Anza Bookstore to perform the remaining functions.

M/S/C: Swenson/Bowie
Advisory vote: 2
Board vote: unanimous
Action: **Adopted** Resolution 2011-17 authorizing the reduction in classified service and eliminating the Customer Service Assistant (vacant) at De Anza College

Item 21

Public Hearing on the *Agreement* between Foothill-De Anza Community College District and the Faculty Association, July 1, 2010 through June 30, 2013

President Cheng opened the public hearing at 7:54 p.m. There were no comments. President Cheng then closed the public hearing at 7:55 p.m.

Item 22

***Agreement* between Foothill-De Anza Community College District and the Faculty Association, July 1, 2010 through June 30, 2013**

Vice Chancellor of Human Resources Dorene Novotny said that negotiations for the 2010-2013 agreement between the district and the Faculty Association negotiations team have concluded. She said 96.2% of the faculty voted to ratify the agreement. She thanked members of both negotiations teams for their time and hard work. Faculty Association President Rich Hansen said that the main improvement in the agreement was Article VII, but all the articles moved in a positive direction.

President Cheng expressed appreciation for the hard work and collaboration and thanked everyone on both teams.

M/S/C: Bowie/Russaw
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the agreement between Foothill-De Anza Community College District and the Faculty Association, July 1, 2010 through June 30, 2013

Trustee Casas Frier stressed that there should be a very strong nexus between international travel and a faculty member's PDL and that international travel needs to be looked at more closely.

Item 23

Resolution Authorizing the Issuance of 2006 General Obligations Bonds, Series C

Vice Chancellor of Business Services Kevin McElroy introduced the finance team: John Sheldon, underwriter from Morgan Stanley; David Casnocha, bond counsel from Stradling, Yocca, Carlson and Rauth; Bill Euphrat, municipal finance consultant; and Controller Hector Quinonez.

Mr. Sheldon gave an overview of the Measure C financing and discussed where the market is, the strategy of the bond issuances, and timing of the sale. Series A and B issued in 2007 in the amount of \$250 million were restricted in use due to a taxpayer lawsuit. In 2008 litigation was resolved in the district's favor and restrictions from use of those funds were released. The original plan called for the third issuance to be in fiscal year 2012.

Based on projections of expenditures, between \$160 - \$185 million in bonds would be issued. The sale of Series C bonds will cover the next 3 years of expenditures.

Vice Chancellor McElroy said that the district is leaning toward issuing the maximum amount for a number of reasons: 1) we have a very aggressive construction program and can take advantage of a very favorable market 2) having a large sum of money in the bank enables us to get a more favorable interest rate and 3) issuing the maximum amount now will allow us to hedge against higher interest rates in the future.

Mr. Casnocha said that the resolution the board is asked to adopt not only authorizes the issuance of \$190 million in bonds, but it also approves the form of the Preliminary Official Statement (POS). He cautioned that the district is strictly liable for the contents of the Official Statement and it would be prudent for the board to read through the POS, especially the information about the district. He said the district bears the brunt of responsibility for passing on accuracy contained in the Official Statement.

Mr. Casnocha explained that "strictly liable" means that if there was a material misstatement of fact or omission of a material fact that a reasonable investor would rely upon or expect to rely upon in making an investment decision, and the omission or misstatement proved false, the investor could bring an action against the district for fraud for offering a public security, and to the extent that there was a material misstatement, the district would lose the lawsuit for not complying with the applicable securities law requiring it to provide truthful and complete information to the public.

Vice Chancellor McElroy assured the board that the statement has been scrutinized very carefully by the finance team and other key members of the accounting staff.

Regarding the preparation of the Official Statement, Mr. Euphrat said that both he and Mr. Casnocha have about 30 years of experience each in preparing these types of documents and that Mr. Sheldon also has many years of experience as underwriter. He explained that there are standard sections of disclosure as well as a series of due diligence questions relative to lawsuits and contract negotiations or something that may have not been disclosed.

Trustee Bechtel asked how it will be decided to go with capital appreciation bonds, convertible capital appreciation bonds, or current interest bonds. Mr. Sheldon responded that they are in the process of reviewing the alternatives. He said that if they don't use capital appreciation bonds, the tax rate in the year term will be slightly higher than the average for a few years and then it will fall slightly below the average in later years. It depends on if the district is willing to project a tax rate that will have some fluctuation. It will not move dramatically; only a dollar or two per cycle.

Board vote: unanimous
Action: **Adopted** Resolution 2011-16 authorizing the issuance of Foothill-De Anza Community College District Election of 2006 General Obligation Bonds, Series C in the amount of \$190,000,000 and approved the Bond Purchase Contract and Preliminary Official statement for the bonds

Item 24

Update on 2011-12 Budget Development

Vice Chancellor McElroy said we are still waiting for more definitive information from Sacramento. The district is in the process of developing budget cuts according to the scenario previously discussed. It is a very difficult process, but both colleges and central services are working hard to identify their reductions. Past experience indicates that it is easier to plan for the worst case and then back off of those reductions rather than to have to make deeper cuts. The May revise is scheduled to be announced on May 16, but nothing will be final until a budget is adopted by the legislature and signed by the governor.

Vice Chancellor McElroy did share a ray of good news from last week's budget call - the income tax projections are up by about \$3 billion, which reduces the total state deficit. The governor is looking at a possible compromise that would allow the legislature to vote to retain the sales tax and vehicle license tax that would add a few billion dollars toward closing the gap.

In response to Trustee Swenson's question regarding the number of active search committees, staff said there are only a few active searches for critical positions.

Trustee Barram commended and thanked Chancellor Thor and the administration for keeping the employees informed and openly sharing information and President Cheng thanked everyone for their difficult work on their budgets.

Item 25

Foothill-De Anza Community College District Technology Plan 2011-2016

Vice Chancellor of Technology Fred Sherman said that the plan has been 4 years in the making and is based on the district's and colleges' strategic plans as well as their technology plans. It is ready for accreditation.

Trustee Bechtel commended Vice Chancellor Sherman and his staff for surveying faculty, staff and students on their technology needs and priorities and ETS' evolving role from "job shop" to "partner". She asked if we really need a new Data Center if we were to store more "in the cloud". Vice Chancellor Sherman said that not everything in the Data Center could be moved to the cloud. As an example, the ERP system that has about 40 servers attached to it and cannot be moved to the cloud, not only because of its size, but also because of the uniqueness of its configuration. Trustee Bechtel asked if the Data Center could be re-purposed. Vice Chancellor Sherman said that it definitely could be re-purposed, but he does not perceive that we will ever not need a data center. The need for a data center is critical.

Trustee Swenson asked how long staff positions would be charged to Measure C before being moved back to the district's budget. Vice Chancellor Sherman said it depends on what type of project is being worked on. It could range from 1 to 7 years. Trustee Swenson asked if there is a plan for moving those positions back to the district's budget. Vice Chancellor McElroy said that any plans they may have had prior to this budget crisis to phase those people back to the general budget are no longer valid. We don't

have the answers yet. Trustee Swenson asked about a statement in the Technology Plan that mentions asking the voters in the service area to fund another capital bond and asked if we do have such plans. Staff responded that no plans are in place and that the statement would be removed.

Responding to Trustee Swenson's inquiry about the transitioning role ETS plays, Acting President John Mummert responded that the relationship is more ongoing now than it used to be in terms of how the prioritization is done. He said Associate Vice President Kurt Hueg meets with ETS regularly to discuss not only jobs, but also projects. This line of communication was not in place 5 years ago. From a faculty standpoint Dolores Davison added that there is now 1 standing senate committee (Distance Education Advisory Committee) and 1 standing college-wide committee (Online Learning Committee), both of which work with ETS specifically on online learning, pedagogical training, how distance education changes occur in the Etudes system, etc. Gregory Anderson said that the problem with the job shop metaphor is that your special project does not get addressed and you blame this on "them". Once it becomes other than the job shop, it becomes more of a collaborative effort and an attitudinal shift occurs.

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| M/S/C: | Bechtel/Bowie |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the Foothill-De Anza Community College District Technology Plan 2011-2016 |

Item 26

Measure E Consent

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| M/S/C: | Barram/Bowie |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the Measure E Consent item as follows: |

A) Cody Anderson Wasney Architects, Inc. – Revision #5 to Standard Agreement – New ETS/Data Center Building - \$19,521

Item 27

Award a Contract Pursuant to Bid#1344-153C, Psychology Offices Acoustical Improvement at Foothill College

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| M/S/C: | Bowie/Russaw |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Authorized Director of Purchasing Services Carmen Redmond to award a contract pursuant to Bid#1344-153C, Psychology Offices Acoustical Improvement in the amount of \$58,423 to RC Benson & Sons, Inc. |

Item 28

Measure C Consent

Trustee Swenson asked to remove Item G for discussion and separate action.

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| M/S/C: | Bechtel/Bowie |
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Advisory vote: 2
Board vote: unanimous
Action: **Approved** the Measure C Consent items as follows:

De Anza College –

- A) Allana Buick & Bers, Inc. – Project Authorization Amendment #D11 to Master Agreement – L-Quad Roofing & L7 HVAC Repairs - \$178,534
- B) Consolidated Engineering Laboratories – Special Inspection Services – Install Photovoltaic Arrays – Campus Wide (Lots A & B and Kirsch Center) - \$32,884 (Hourly, Not-to-Exceed value)
- C) Consolidated Engineering Laboratories – Revision #2 to Agreement – Baldwin Winery & East Cottage “Historic Renovation” - \$26,766.57
- D) John Plane Construction – Change Order #13 – Seminar Building and Multicultural Center - \$15,684
- E) Noll & Tam – Agreement for Services – Revision #3 to PAA 4C – Corporation Yard - \$3,013
- F) Quali-Con Enterprise, Inc. – Agreement for Services/Inspector of Record – Install Photovoltaic Arrays – Campus Wide (Lots A & B and Kirsch Center) - \$38,250 (Hourly, Not-to-Exceed value)

Foothill College –

- H) Calstate – Change Order #4 – PE Lab Space Remodel - \$15,223
- I) HP Inspections, Inc. – Change #1 to Agreement of Services – Soccer and Softball Complex - \$6,750
- J) Carpet Standards
- K) Quali-Con Enterprise, Inc. – Agreement for Services/Inspector of Record – Soccer and Softball Complex - \$22,500
- L) Ratcliff Architects – Professional Services – Revision #10 – Physical Sciences & Engineering Center - \$54,857
- M) Salas O’Brien – Revision #4 to Design Professional Agreement – Utility and Technology Infrastructure Upgrades - \$4,200
- N) Zolman Construction and Development, Inc. – Change Order #12 – Modernization of Administration Building and General Classrooms - \$13,618
- O) Zolman Construction and Development, Inc. – Change Order #5 – Renovation of Language Arts Classrooms, Building 6200, 6300 and 6500 - \$3,603

Foothill College

G) Allana Buick & Bers, Inc. – Revision #1 – Building 3500 Glu-Lam Beam and Gutter Repair - \$7,945

Executive Director of Facilities Charles Allen explained that this is a design project for the repair of gutters and construction of preventive measures for bird remediation.

M/S/C: Swenson/Bowie
Advisory vote: 2
Board vote: unanimous
Action: **Approved** Foothill College Item A) on the Measure C Consent Agenda

Item 29

Measure C Project List Revision with De Anza Budget Transfer #28 and Foothill Budget Transfer #26

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|-----------------------|---|
| M/S/C: | Bechtel/Bowie |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the Measure C Project List Revision with De Anza Budget Transfer #28 and Foothill Budget Transfer #26 |

Item 30

De Anza College Stadium and Track Project #206 – Schematic Design Presentation

President Murphy presented slides with different views of the proposed stadium and track at De Anza. It will have an artificial surface, reducing the use of water and an all-weather track toward the north end of the complex, providing space for NCAA track and field events. New ADA accessible bleachers will be installed, providing seating for 1,500 people, as well as a new press box and camera stand. Space is allocated on the east side for a future 500-seat bleacher at mid-field. The adjacent softball fields will be upgraded to include modular dugouts, a revised backstop, new batting cage and tall perimeter netting. ADA-compliance items include minor remodeling of field restrooms and pathways improvements. The project is scheduled for construction during the winter, spring and summer quarters of 2012. Associate Vice President Jones-Dulin pointed out that the existing berm at the southern end of the field will be modified.

Trustee Bechtel asked if the college receives revenue for renting out the fields. President Murphy said that currently the field is not in good enough shape to rent, but added that the field could be transitioned to a soccer field and could be rented out. Trustee Bechtel asked about the possibility of lights on the field, but President Murphy said there is not enough money for lights but thinks that may be a possibility in the future with the assistance of the alumni group.

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| M/S/C: | Swenson/Barram |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved Verdi Design Inc. to proceed with design and completion of construction documents for the De Anza College Stadium and Track Project #206 |

Item 31

Mediated Learning Center Project #261 – Prime Contract Change Order #1

Executive Director Allen said that we have worked with Sundt Construction, and they in turn have worked with the sub-contractors to align a scope and budget that is \$464,689 less than the original guaranteed maximum price.

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| M/S/C: | Swenson/Russaw |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Approved the prime contract change order #1 for Project 261, Mediated Learning Center, De Anza College |

Item 32

Award a Contract Pursuant to Bid #1343-100G, Bldg. 3500, Glu-Lam & Gutter Repairs at Foothill College

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| M/S/C: | Bechtel/Bowie |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | Relieved Ting's Construction Co., of its bid due to its mistake and authorized Director of Purchasing Services Carmen Redmond to award a contract pursuant to Bid #1343-100G, Bldg. 3500, Glu-Lam & Gutter Repairs in the amount of \$484,400 to B. Bros. Construction, Inc. |

Item 33

Reject All Bids for Bid #1346 for the Purchase and Installation of Weight Room Equipment

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| M/S/C: | Bowie/Russaw |
| Advisory vote: | 2 |
| Board vote: | unanimous |
| Action: | In accordance with Public Contract Code Section 20651, rejected all bids for Bid #1346 for the Purchase and Installation of Weight Room Equipment at Foothill College |

ADJOURNMENT

President Cheng adjourned the meeting at 8:45 p.m.