



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
September 12, 2011**

**Trustees Present:**

Pearl Cheng, President  
Joan Barram  
Betsy Bechtel  
Laura Casas Frier

**Trustees Absent:**

Bruce Swenson

**For Public Session Only:**

Emily Kinner, De Anza College Student Trustee  
Stephanie McGee, Foothill College Student Trustee

**CLOSED SESSION**

The Board convened in closed session at 5:05 p.m. in the Chancellor's Office to discuss:

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

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Name of Case: Bess v. Foothill-De Anza Community College District

**Executive Administrators Present:**

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

**CALL TO ORDER**

President Cheng called the meeting to order at 6:00 p.m. She led those present in the Pledge of Allegiance.

**REPORTING OUT FROM CLOSED SESSION**

President Cheng reported that no action was taken in closed session.

## AUDIT AND FINANCE REPORT

Trustee Betsy Bechtel reported that she and Trustee Barram serve on the Audit and Finance Committee along with four community members. The committee met on Thursday, September 8, 2011. The committee approved the reports on Measures E and C projects. The committee also reviewed management's response to the performance audit by external auditors Vavrinek Trine and Day (VTD). VTD staff attended the meeting and provided an audit update. They will submit their final report to the committee in December, and it will be presented to the Board in January.

The committee had an in-depth discussion of the 2011-12 budget. Questions were raised whether the district has set aside sufficient reserves, how it is addressing the structural imbalance, and how the district is trying to increase revenues. Vice Chancellor of Business Services Kevin McElroy and Budget Director Bernata Slater answered all of the committee's questions. Trustee Barram felt the committee was very comfortable with how the district is being managed and voted unanimously to recommend board approval of the budget.

The committee discussed the performance audit of the district's procurement cards. One of the items addressed was the recommendations made, but not properly implemented, in the previous procurement card audit. Trustee Bechtel stressed the risks of not implementing or addressing those recommendations. District staff will report back to the Audit and Finance Committee in December.

## CORRESPONDENCE

There was no correspondence to report.

## HEARINGS: ITEMS NOT ON THE AGENDA

Public – There were none

Students – There were none

### Staff

Foothill President Judy Miner recognized four Foothill instructors. Academic Senate Vice President Carolyn Holcroft has been appointed to the statewide committee on curriculum for the Academic Senate. Academic Senate President Dolores Davison has been named to four committees: two Foothill technology task forces, the distance education ad hoc committee, and the occupational education committee. President Miner also reported that astronomy instructor Andrew Fraknoi is part of the Bay Area Science Festival organization. Over 100 events related to science in the Bay Area are scheduled between October 29 and November 6. President Miner said trustees can look forward to receiving additional information about a "star party" on November 5 hosted by Foothill College. David Packard of the Packard Humanities Institute has reached out to music instructor Bruce Tambling to record the San Jose Opera's performances during its opera season. Instructor Tambling and his students have recorded the first opera. The institute has earmarked \$3 million for the project. President Miner said to be called upon to work on a project of this caliber is a great honor and opportunity.

Chancellor Linda Thor reported that she and Vice Chancellor McElroy met with the chairs of the accreditation teams last week. Chancellor briefly outlined the accreditation schedule. Trustees' attendance at the accreditation receptions and exit reports is encouraged, but are optional. However, she did request that board members be available on Tuesday, October 25, to meet individually with the team members. Additional information will be forthcoming.

### Board

Trustee Joan Barram, Trustee Laura Casas Frier, and Chancellor Thor attended the Cupertino Fall Festival at which the Foothill-De Anza Foundation and the California History Center had a booth and the Euphrat Museum was conducting hands-on art projects for children. Trustee Barram said the event is a reminder of the diversity of the communities served by the district.

Trustee Laura Casas Frier said that many elected officials attended the opening ceremony and ribbon cutting. The representation by Fremont Union High School District and Cupertino Union School District gave the festival a strong community feeling. President Cheng added that she attended the festival that afternoon.

**APPROVAL OF CONSENT CALENDAR**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:**            **Approved** Items 1 - 10 on the Consent Calendar as follows:

**Item 1** – **Approved** Listing of District Investments as of June 30, 2011

**Item 2** – **Approved** Human Resources Reports and Professional Achievement Awards for 2011-12 as follows:

<b><u>Foothill College</u></b>		
Doug Boyett Elvira Coffin Karen Erickson Kurt Gravenhorst Elaine Haight Sharon Jenene Key	Keith Lee Brian Lewis Dixie Macias Rosemarie Menager Jose Nava Keith Pratt	Phyllis Spragge Daniel Svenson Davida Vance-Lee Pam Wilkes Kim Woltrbeek Tilly Wu
<b><u>De Anza College</u></b>		
Diana Alves De Lima Mary Bennett Randy Bryant Judith Clavijo David Coleman Kathy Flores Natasha Joplin Aanuradha Khanna	Christopher Kwak Coleen Lee-Wheat Ann Lee-Yen Richard Lopez Maria Marin Farshod Mosh Mary Pape	Marilyn Patton Mark Sherby Mary Sullivan Lan Tao Susan Tavernetti Laurel Torres Pete Vernazza

**Item 3** – **Approved** Sale of Surplus Arc Welder

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 4** – **Approved** Sale of Surplus Car Pusher

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 5** – **Approved** Sale of Surplus Change Machine

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 6** – **Approved** Sale of Surplus Exercise Machine

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 7 – Approved Sale of Surplus Floor Mounted Sander**

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 8 – Approved Sale of Surplus Pallet Lift**

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 9 – Approved Sale of Shoulder Press Machine**

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 10 – Approved Sale of Surplus Table Saw**

Made a finding that the property does not exceed \$5,000.00 in value the **authorized** the Director of Purchasing Services to sell the item in accordance with Education Code section 81452(a)

**Item 11**

**Adoption of 2011-12 Budget**

Vice Chancellor of Business Services Kevin McElroy said there have been no changes to the budget since the budget hearing on August 29.

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 1  
**Board vote:** 4  
**Abstentions:** 1 (Kinner)  
**Action:** **Adopted** the 2011-12 budget as presented

**Item 12**

**Resolutions to Adopt 2010-11 Fourth Quarter Budget Revisions and Transfers**

**M/S/C:** Barram/Bechtel  
**Advisory vote:** 1  
**Board vote:** 4  
**Abstentions:** 1 (Kinner)  
**Action:** **Approved** the 2010-11 fourth quarter budget revisions and transfers as submitted

**Item 13**

**Increase in Student Health Fee**

**M/S/C:** Barram/Bechtel  
**Advisory vote:** 1  
**Board vote:** 4

**Abstentions:** 1 (Kinner)  
**Action:** **Approved** the increase in student health fees to \$15 per quarter effective winter quarter 2012

#### **Item 14**

##### **Measure C Consent**

**M/S/C:** Casas Frier/Barram  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** **Approved** Measure C Consent Items as follows:

##### **De Anza College –**

- A) Consolidated Engineering Laboratories – Revision #1 to Agreement for Services – Mediated Learning Center - \$111,190
- B) Sandis – Revision #1 to PAA #D02 to Master Agreement – Combined Site Improvements - \$60,000
- C) Valhalla Builders – Change Order #1 – Campus Center Renovations Phase II - \$2,996

##### **Foothill College –**

- D) Hometown Construction, Inc. – Change Order #2 – Krause Center for Innovation – HVAC Upgrades - \$6,356

#### **Item 15**

##### **Authorization to Negotiate and Approve Change Orders in Excess of \$50,000 for De Anza College Project #274, Combined Site Improvements, Phase I**

Executive Director of Facilities, Operations, and Construction Management Charles Allen explained that this item addresses the need for change orders in five different areas. The project addresses:

- improvement of ADA access from public transportation drop off points in parking lots
- lighting upgrades
- safety-related pedestrian improvements
- pedestrian pathway improvements between the parking lots and the campus
- elimination of flooding problems in the S-Quad
- improvements, durability, appearance, and maintainability of the thoroughfares into the campus from various points around the campus

Executive Director Allen anticipates that the work will be almost totally complete by the first day of classes, with the exception of the area near the Sunken Garden. However, clearly marked pathways will be indicated for pedestrians.

Trustee Bechtel expressed concern that now, as in the past, similar exceptions have been authorized between board meetings. She does not want the exceptions to become routine and for staff to assume that board authorization will be granted. Executive Allen responded that this is a unique situation and he does not expect this type of request to become routine.

Executive Director Allen assured Trustee Casas Frier that the expense is included in the project budget. Trustee Casas Frier asked if the district could be reimbursed for the extra costs by the contractor. Executive Director Allen responded that in this case, the costs are mostly driven by the limited timeframe in which the work needs to be completed rather than oversights by the contractor. The very tight timeframe could not have been anticipated by the contractor.

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

**Advisory vote:** 2

**Board vote:** 4

**Action:**       **Authorized** the Executive Director of Facilities, Operations and Construction Management to approve construction change orders as listed for De Anza College Project #274, Combined Site Improvements, Phase I, in an amount not to exceed \$175,000

**ADJOURNMENT**

President Cheng adjourned the meeting at 6:30 p.m.