



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
December 5, 2011**

**Trustees Present:**

Pearl Cheng, President  
Joan Barram  
Betsy Bechtel  
Laura Casas Frier  
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 2:00 p.m. in the Altos Room at Foothill College to discuss:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Subdivision (a) of Section 54956.9

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

**Executive Administrators Present:**

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

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

**Executive Administrators Present:**

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

**Others:**

Nancy Faville, Lockton

CALL TO ORDER

President Cheng called the meeting to order at 6:03 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.

ANNUAL ORGANIZATION MEETING

President Cheng stressed the importance of the presidency, stating that the role of the Board president is to be available to senior administrators, to serve, and be available to confer on and assist with decision making on matters presented to the board. She called for nominations for Board President and Vice President.

<b>M/S/C:</b>	<b>Cheng/Swenson</b>
<b>Advisory vote:</b>	2
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Elected</b> Trustee Barram as Board President

<b>M/S/C:</b>	<b>Cheng/Swenson</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Elected</b> Trustee Casas Frier as Board Vice President

In accordance with Board Policy 9120, the Chancellor is automatically designated Board Secretary.

The trustees expressed their appreciation to president Cheng for her leadership during the year.

Chancellor Thor presented outgoing president Cheng with a certificate of appreciation and thanked her for exemplary leadership through a very difficult year. Some of the major accomplishments during her tenure include the district's reaffirmation of its membership in the League for Innovation; successful completion of the reaffirmation of accreditation process with AACJC; finding a permanent location for the education center; maintaining financial stability during significant budget cuts; and major progress on two important Measure C projects – the PSEC and the Mediated Learning Center.

Chancellor Thor commended Trustee Cheng on the excellent questions she always asked and expressed appreciation for her steady and confident leadership. On a personal note, Chancellor Thor said she valued the fact that Trustee Cheng was always available to listen, advise, and counsel.

President Barram said that it is a privilege to be Board president in such challenging and exciting times for colleges in California as well as in the nation. There is a lot of attention on getting high school students through college and into the workforce. While budgets are shrinking and needs are increasing, President Barram feels the district has done a good job despite the ongoing fiscal challenges. She said the district will continue to emphasize the core mission of community colleges. She felt it was encouraging and reinforcing when the students at both colleges were recognized by the accreditation teams.

Among the things President Barram hopes to accomplish during her presidency are ensuring that staff, parents, and students in Foothill-De Anza's K-12 districts know what educational opportunities are available locally, and reaching out to the district's communities. She commended Trustee Bechtel who co-authored an article in a recent issue of Palo Alto Online that highlighted students from Palo Alto who attended either Foothill or De Anza and were successful in their future college careers and the work world. President Barram thanked everyone for being a part of the district.

### Committee Appointments

President Barram made the following committee appointments.

Betsy Bechtel, Chairperson, Audit & Finance Committee  
Laura Casas Frier, Member, Audit & Finance Committee  
Pearl Cheng, Member, Foothill-De Anza Colleges Foundation  
Bruce Swenson, Member, Foothill-De Anza Colleges Foundation  
Pearl Cheng, Member, Trustee Scholarship Interview Committee  
Bruce Swenson, Member, Trustee Scholarship Interview Committee

### AUDIT & FINANCE COMMITTEE REPORT

Trustee Bechtel reported on the Audit & Finance Committee meeting held on December 1, 2011.

- The committee reviewed Measure E and Measure C projects and the district's annual 311 financial report
- Vavrinek, Trine and Day, the district's external auditor presented the Measure E performance audit and the district's annual financial report for the year ended June 30, 2011. The committee accepted both reports.
- Vice Chancellor of Business Services Kevin McElroy presented the 1<sup>st</sup> Quarter End Report

Trustee Bechtel said the committee, composed of 2 trustees and 4 public members, is very engaged, and the public members ask meaningful questions.

### APPROVAL OF MINUTES

**M/S/C:** Casas Frier/Cheng  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** **Approved** the minutes of November 7, 2011 as corrected

### CORRESPONDENCE

There was no correspondence to report.

### HEARINGS: ITEMS NOT ON THE AGENDA

#### Public

Terry Terman suggested the district respond to an editorial by Gary Hart that appeared in the December 4, 2011, San Jose Mercury News. The editorial stated, "Research has documented that only three in 10 community college students complete a certificate, two-year degree, or transfer to a four-year college within six years." President Barram also thought a response regarding Foothill-De Anza's matriculation rate would be appropriate.

#### Students

DASB President Arvind Ravichandran congratulated President Barram on her new role and thanked Trustee Cheng for her service and for taking the initiative to lead the district in such difficult times the past year. President Ravichandran updated the board on DASB's November activities.

- The students have formed a task force to discuss the Student Success Task Force recommendations. He commended Academic Senate President Karen Chow for taking leadership in developing a draft response to the recommendations
- The students are organizing an Occupy De Anza in support of faculty and against the budget cuts. "Occupation for Education" will be educating students on the aspects of the budget cuts.

In closing, President Ravichandran wished everyone a happy holiday.

### Staff

De Anza Academic Senate President Karen Chow reported that photographs of Death Valley taken by music instructor Dan Mitchell have been installed in guest rooms at historic Stovepipe Wells Lodge in Death Valley National Park. His photographs have been featured in two Bay Area exhibits and have been published in Backpacker and Yosemite Conservancy magazines. President Chow shared that the American Mathematical Association of Two Year Colleges honored math chair Barbara Illowsky with their Teaching Excellence award, which is given every two years. Adding to the honor was the fact that this year the association received the most nominations ever. Lastly, President Chow said she received a call from the Statewide Academic Senate congratulating De Anza's First Year Experience student success program for receiving honorable mention as an exemplary program. This was a high honor because of the unprecedented number of programs that were submitted for the award. The program will be recognized at the December Board of Governors meeting.

President Chow thanked the board for their hard work during the year and for the opportunity to share campus news. She especially thanked Trustee Cheng for her leadership through the accreditation process.

President Judy Miner reported that she, District Police Chief Ron Levine, and Vice Chancellor of Business Services Kevin McElroy were invited to attend an Academic Senate meeting to address how the district would handle civic unrest on the campuses. She thanked Chief Levine for attending the meeting and answering procedural questions. President Miner informed the board that Dan Hardin, an EOPS student mentioned in a San Jose Mercury News Wish Book article, has been provided a laptop computer from Gay Krause, Director of the Krause Center for Innovation.

President Brian Murphy reported that both colleges received their draft accreditation reports that were extremely positive. The colleges were asked to make corrections of fact in the reports. President Murphy commended the student leadership for working closely with faculty, staff and administration, and the district police department on the logistics of the upcoming Occupy De Anza event. He announced that De Anza has been selected to be part of a consortium receiving an NEH grant that will focus on bridging cultures at community colleges. The program will consist of 1½ years of conversations on cross-cultural communication and social justice issues. Lastly, President Murphy announced that he received an invitation to speak at the White House in January. The White House will be convening a year-long project, "American Commonwealth Partnership", in an effort to revitalize the civic purposes of higher education.

Chancellor Thor commented on the uniqueness of having both college presidents and the chancellor being invited to the White House. She announced completion of her work on Arne Duncan's Committee on Measures of Student Success. She said the final recommendations are reasonable and she was able to join the other committee members in unanimously approving the report. It now goes to Secretary Duncan for review and implementation.

At the invitation of Michael Kirst, Chancellor Thor participated in a conference at Stanford on mapping a new research agenda on broad access institution. Chancellor Thor said she was the sole practitioner among some 45 social scientists from elite universities who are committing to study community colleges along with other non-selective higher education institutions. During the conference she heard many misunderstandings and misconceptions about community colleges, but also saw the potential for some significant help from the well-known researchers. The initiative is being funded by the Bill & Melinda Gates Foundation.

### Board

Trustee Casas Frier reported attending the CCLC Annual Convention in November that was also attended by Chancellor Thor, Trustee Barram, and Student Trustee Kinner.

Trustee Casas Frier gave a CCCT update from the meeting on November 17.

- BOG will take formal action on the Student Success Task Force recommendations in February; the final draft will be presented to the Legislature in March.
- An advisory committee on education was formed with the goal of providing trustees with education and leadership development through new online courses. The first courses will be Introduction to Fiscal Responsibility and The Ethics and Role as a Trustee. The courses will be available in early 2012.

- Federal update – Failure of the super committee to reach a bipartisan agreement could result in reductions in federal funding to community colleges

Trustee Swenson attended a community seminar organized by Foundation board member Kathy Torgerson and Foothill commissioner Elaine Anderson. Community members were invited to learn about the state of community colleges in the state and the nation from Chancellor Thor and Michael Kirst, Emeritus Professor of Education and Business Administration at Stanford University. Chancellor Thor addressed enrollment and funding issues community colleges are facing. Trustee Swenson said that many of the guests were stunned at the scale of the district's organization and its level of funding as well as the range of programs the colleges offer. He expressed hopes that similar events could be held in the future to inform the communities about the district, as well as to broaden our outreach for community members to be involved in our institutions.

Trustee Bechtel thanked and commended District communications director Becky Bartindale who contributed significantly to the article in terms of information and editing. Other trustees joined in thanking Ms. Bartindale for her work on the article.

Student trustee Kinner congratulated President Barram on her new role and thanked Trustee Cheng for her work the past year. Trustee Kinner extended an invitation to the opening of the East Cottage on December 12. The cottage will be the new home for the Institute of Community and Civic Engagement.

- At the Student Senate of California Community Colleges (SSCCC) fall general assembly, delegates passed resolution to pursue a mandate that each California community college district provide training for student trustees
- Student Trustee Kinner served with Faculty Association Rich Hansen on a panel at De Anza discussing the student success task force
- She attended the Student Success Task Force meeting in Sacramento and spoke at the Oakland hearing. She will be attending the upcoming Board of Governors meeting when the final draft will be presented
- Student Trustee Kinner acknowledged two students newly appointed to the Board of Governors; one from the College of Alameda and one from Sacramento City College. Both are actively engaged in the SSTF
- She attended a CCLC convention breakout session related to basic skills and was able to provide information on the success of De Anza's Math Performance Success Program
- The Youth Voices United for Change conference was attended by more than 300 high school students who learned about civic engagement, leadership and empowerment as well as tools needed to attend college
- She commended DASB president Ravichandran for his leadership on Occupy for Education and the support of administration and faculty on that event
- Student Trustee Kinner was the keynote speaker on De Anza activism at a Mobilize.org conference where she highlighted successful activism movements in our district
- She commended President Ravichandran for his reminder at student senate meetings to extend gratitude to faculty, staff, and administration for the work they are doing. She said students are very grateful for the opportunity to participate in the shared governance process
- Lastly, she attended a statewide academic senate meeting where the conversation centered on the Student Success Task Force

#### APPROVAL OF CONSENT CALENDAR

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

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** Items 1 - 16 on the Consent Calendar as follows:

**Item 1** – **Approved/Ratified** Contracts and Agreements

**Item 2** – **Ratified** Board Warrants Greater than \$5,000 for October, 2011

**Item 3** – **Ratified** Bookstore Purchases

**Item 4** – **Adopted** Resolution #2011-33 Authorizing Separate Bank Accounts

**Item 5** – **Adopted** Delegation of Contracting Authority Resolutions

**Item 6** – **Approved** Environmental Compliance Annual Update

**Item 7** – **Authorized** the Director of Purchasing Services to sign five-year contracts with MTM Enterprise LLC and Hong Fu Gourmet Chinese Restaurant pursuant to RFP's 1367-Re-Bid and 1369-Re-Bid

**Item 8** – **Authorized** the Director of Purchasing Services to award a contract in the amount of \$85,000.00 in accordance with Bid #1402 to Rodan Builders, Inc.

**Item 9** – **Authorized** the District's Purchasing Services Director to extend the District's existing contract with Turbo Data Systems, Inc. for parking citation process services for one additional year at an estimated cost of \$85,000

**Item 10** – **Approved** Recycle and Disposal of Surplus Furniture

**Item 11** – **Approved** Sale of Miscellaneous District Surplus Property

**Item 12** – **Approved** Sale of Surplus Vehicles

**Item 13** – **Approved/Ratified** Human Resources Reports

**Item 14** – **Approved** Foothill & De Anza Colleges Impact – Community Education Short Courses for Winter 2012

**Item 15** – **Approved** Stand Alone Courses for Foothill College

**Item 16** – **Approved** New Non-Credit Courses for Foothill College

**Item 17**

**Approve Changes to the Administrators Handbook**

**M/S/C:** Swenson/Cheng

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** changes and updates to the Administrators' Handbook as submitted

**Item 18**

**Audit for Year Ended June 30, 2011**

**M/S/C:** Bechtel/Casas Frier

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Accepted** the audit for the year ended June 30, 2011

**Item 19**

**Measure C Performance and Financial Audits**

**M/S/C:** Bechtel/Casas Frier

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Accepted** the Measure C Performance and Financial audits for the year ended June 30, 2011

**Item 20**

**Measure E Consent**

**M/S/C:** **Swenson/McGee**

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** the Measure E Consent Calendar as follows:

**De Anza College -**

- A) Sandis Engineers – Revision #2 to Project Authorization Amendment #D01 – Combined Site Improvements - \$0

**Item 21**

**Measure C Consent**

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

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** items A-G on the Measure C Consent Calendar as follows:

**De Anza College –**

- A) QualiCon Enterprise, Inc. – Revision #1 to Agreement for Services – Lots A & B and Kirsch PVs - \$8,500
- B) Ratcliff Architects – Revision #12 to Agreement – Mediated Learning Center - \$64,260
- C) Sundt Construction, Inc. – Change Order #06 – Mediated Learning Center - \$29,354  
Valhalla Builders – Change Order #03 – Campus Center Renovation Phase II - \$7,990
- D) Verde – Revision #2 to Agreement – Stadium and Track Improvements - \$27,973

**Foothill College –**

- E) Ratcliff Architects – Change #13 to Agreement for Services – Physical Sciences and Engineering Center - \$10,870
- F) Taber Construction – Change Order #6 – Utilities Infrastructure Upgrades Phase I - \$17,343

**Central Services -**

- G) RBF Consulting - Environmental Consulting Services – Foothill College/Education Center at Onizuka Air Force Station - \$57,590

**Item 22**

**Cancel Prequalification #1373-236D, De Anza College Tile Roof Repair Project**

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

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Cancelled** prequalification #1373-236D for the De Anza College Measure C L1 & L8, Tile Roof Repair project

**Item 23**

**Accept a List of General Contractors as Prequalified to Bid on De Anza Project #206, Stadium and Track**

**M/S/C:** **Swenson/Casas Frier**

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Accepted** the list of three (3) General Contractors who met all of the prequalification requirements as the only General Contractors who are “prequalified” to participate in the De Anza College Measure C Project #206 – Stadium & Track

**ADJOURNMENT**

President Barram adjourned the meeting at 7:02 p.m.