



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
February 6, 2012**

Trustees Present:

Joan Barram, President
Betsy Bechtel
Pearl Cheng
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 4:00 p.m. in the Chancellor's Office to discuss:

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
Christina Espinosa-Pieb, Vice President of Instruction, De Anza College
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

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, Facilities, Operations and Construction Management
Christina Espinosa-Pieb, Vice President of Instruction, De Anza College
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

Others:

Carmen Plaza de Jennings, by phone

CALL TO ORDER

President Barram 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 Barram reported that the Board of Trustees met in closed session on January 23, 2012, to evaluate the performance of Chancellor Linda Thor. All five trustees were present. The trustees

unanimously expressed their support for the chancellor and it is their judgment that she is doing an excellent job. The board expressed support for an increase to the Chancellor's salary in recognition of her excellent performance and that the Chancellor does not have a salary schedule that includes step increases as is afforded every other employee group. At the Chancellor's request the trustees did not increase her salary or benefits.

The trustees unanimously and enthusiastically extended the Chancellor's contract for one year to June 30, 2014.

The trustees expressed their appreciation for Chancellor Thor and for the work she has done in the last year.

- President Barram reported that on February 6, 2012, no action was taken in closed session.

FOUNDATION BOARD REPORT

Trustee Swenson reported on some of the discussions at the Foundation Board of Directors meeting at the Krause Center for Innovation on January 24, 2012.

- Membership turnover on the Foundation's Development committee and possibly staggering term limits
- Executive Director Sheryl Alexander is developing a list of potential new board members
- Gay Krause, Director of the KCI, provided some interesting facts about the KCI
 - Approximately 14,000 teachers have participated in programs and courses at the KCI
 - Approximately 28% of KCI funding comes from the district and 72% from private donations
- The Foundation heard a report from AB Bernstein, its financial advisor
- The Foundation's board retreat is on February 8

APPROVAL OF MINUTES

M/S/C: Casas Frier/Cheng
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the minutes of January 9, 2012 as corrected

CORRESPONDENCE

There was no correspondence to report.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

There were no comments from the public.

Students

DASB President Arvind Ravichandran

- Extended an invitation to attend the students' general assembly that is held every Tuesday at 5:00
- Gave an update on the March in March
 - 6 buses will be provided for transportation to Sacramento
- The DASB is planning a campus clean up later in the quarter in support of and appreciation for De Anza's custodial staff who work so hard to maintain the campus
- The DASB will be making its budget allocations
- Encouraged everyone to read LaVoz, the De Anza student newspaper

De Anza student Anita Adams is a co-founder of the club Women in Power. One of the goals of the club is to

support women on campus and to provide an outlet for activism on women's issues. Ms. Adams is also working with others to develop programs during Women's History Month.

Staff

De Anza Academic Senate President Karen Chow

- Division Dean of Physical Education Rich Schroeder said that the California Community College Physical Educators has recognized Coleen Lee-Wheat as educator of the year and Wellness Assistant C.J. Jones, as staff member of the year. Schroeder is president of the CCCPE. Lee-Wheat and Jones will be honored at the organization's meeting in April in San Mateo
- Extended an invitation to trustees to attend the campus-wide Partners in Learning Conference on March 2
- Extended an invitation to hear Lac Su, author of "I Love Yous Are For White People" on Wednesday and Professor Jeffrey Duncan-Andrade on Thursday. Dr. Duncan-Andrade is Associate Professor of Raza Studies and Education Administration and Interdisciplinary Studies at San Francisco State University.

ACE President Blanche Monary

- Encouraged the board's support in mitigating the placement of employees in the upcoming layoffs due to budget reductions by following the placement process that was used last year

Chancellor Linda Thor

- Announced that the Accrediting Commission for Community and Junior Colleges met January 10-12 and reaffirmed the accreditation of both colleges
- The Chancellor's Cabinet attended an excellent technology briefing at Cisco that included presentations on trends and new technologies impacting education. The Chancellor's Cabinet will be planning more executive briefings with technology firms in the valley.
- On February 3, the American Leadership Forum's Class XXIII met at Foothill. Both student trustees and President Judy Miner made excellent presentations to the group.
- Foothill President Judy Miner has been reappointed to the American Council of Education's Commission on Inclusion for a one-year term and Chancellor Thor was appointed for a two-year term to ACE's Commission on Lifelong Learning.
- The Cupertino Chamber of Commerce has named former trustee Dolly Sandoval its Citizen of the Year for 2012. Sandoval will be honored at a dinner on March 24.

Foothill President Judy Miner

- As a result of recommendations suggested in Foothill College's letter of affirmation, focus will be placed on
 - the institutionalization of integrated planning
 - accelerating the assessment process for student learning outcomes
 - providing comparable support services at Middlefield, and
 - working with the Faculty Association to incorporate student learning outcomes in faculty evaluations
- extended an invitation to attend two memorial services for former Foothill faculty members, Mary Green, who was the Director of the Paramedic Program, and Doug Boyett, Head Football Coach. President Miner asked that the meeting be closed in memorial to them.

De Anza President Brian Murphy

- Recommendations in De Anza's letter of affirmation paralleled Foothill's
- On February 5, The New York Times recognized the American Democracy Project and The Democracy Commitment in a supplement on education. All member institutions were listed and recognized as community colleges dedicated to civic learning and democratic engagement.
- The Medical Lab Technician Association has just completed an accreditation visit to De Anza
- Extended an invitation to attend the Occupy's general assembly. He expressed pride in the work that Student Trustee Kinner and President Ravichandran have done in organizing all of the Occupy events
- At President Murphy's request, Director of Marketing and Communications Marisa Spatafore announced events at De Anza and in Cupertino in conjunction with Silicon Valley Reads

- Associate Vice President of Instruction Rowena Tomaneng and Division Dean of Intercultural/International Studies Edmundo Norte joined President Murphy in Washington, D.C. at the Association of American Colleges & Universities conference at which both Undersecretary of Education Martha Kanter and De Anza graduate Neesha Tambe spoke

Board

De Anza Student Trustee Emily Kinner

- Acknowledged Kevin Feliciano, student trustee from Ohlone College
- Thanked Chancellor Thor for the opportunity to speak at the American Leadership Forum meeting
- Attended the CCLC Legislative Conference with other trustees and district staff
- Announced that she has been asked by the Faculty Association of California Community Colleges to serve on a panel to discuss the Student Success Task Force recommendations
- Attended the Joint Education Committee meeting where they heard the final SSTF recommendations

Foothill Student Trustee Stephanie McGee

- Thanked Chancellor Thor for the opportunity to address the American Leadership Forum
- The ASFC is also working on March in March activities and will provide 2 buses for the trip to Sacramento

Trustee Laura Casas Frier

- Reported on budget news delivered at the Legislative Conference that she attended with fellow trustees and district staff
- Acknowledged and thanked Coordinator of Communications and Public Affairs Becky Bartindale for the excellent information packets provided to the legislators

Trustee Betsy Bechtel

- Reported on her attendance at the Legislative Conference where a clear budget message was sent. She felt the meetings with legislators were very valuable.

APPROVAL OF CONSENT CALENDAR

Executive Director Allen removed **Item 8, Sale of Surplus Shipping Containers**, from the consent calendar. The facilities department has found a use for the shipping containers.

M/S/C: Swenson/Bechtel

Advisory vote: 2

Board vote: unanimous

Action: **Approved** Items 1 – 7 and Item 9 on the Consent Calendar as follows:

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

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

Item 3 – **Approved** an increase in the Non-Resident Tuition Rate from \$135 per quarter unit to \$138 per quarter unit for 2012-13

Item 4 – **Approved** Agreement for Waste Disposal Services in an amount not to exceed \$78,000

Item 5 – **Approved** Recycle and Disposal of Surplus Furniture

Item 6 – **Approved** Sale of Miscellaneous District Surplus Property

Item 7 – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

Item 9 – Approved Human Resources Report and Professional Development Leave Applications

Item 10

Educational Center Acquisition Update and Resolution Authorizing Acquisition of Property at Onizuka Air Force Station

On January 24, 2012, the district received a letter from the Department of Education granting conditional approval of the public benefit conveyance of Parcel C at the Onizuka Air Force Station. The conditional approval is based upon the board's adoption of Resolution #2012-01 and the district's ability to meet certain timelines stated in the resolution. General Counsel John Shupe said that after conversations with the Department of Education, he feels the risks associated with approval of the resolution are not significant.

One of the conditions in the resolution is that construction on the property must begin within 36 months after conveyance. That 3-year clock begins when the deed is transferred to the district. Executive Director Allen anticipates that will happen around June. At the last board meeting trustees approved a contract with Lionakis for design services of the educational center, and an initial meeting has been held.

General Counsel Shupe and Executive Director Allen responded to questions from the trustees.

M/S/C: Casas Frier/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: Adopted Resolution #2012-01

Item 11

Legislative Principles for 2012

The principles as presented reflect suggestions made by the trustees at their study session on January 23, 2012.

M/S/C: Casas Frier/Cheng
Advisory vote: 2
Board vote: unanimous
Action: Approved the Legislative Principles for 2012

Item 12

BP 4176 International Travel, Revised (2nd Reading)

The board policy has been modified to include approval of all international travel regardless of the funding source.

M/S/C: Bechtel/Cheng
Advisory vote: 2
Board vote: unanimous
Action: Approved BP 4176 International Travel as revised

Item 13

Citizens' Bond Oversight Committee Annual Report

CBOC Chair Dudley Anderson presented the 2010-2011 annual report of the Measure C building program. There were no exceptions in the performance audit conducted by Vavrinek, Trine, Day & Co., LLP. Mr. Anderson's comments about the report were very positive and he thanked Executive Director Allen and his staff for the work they do in providing information to the committee.

M/S/C: **Bechtel/Swenson**
Advisory vote: 2
Board vote: unanimous
Action: **Accepted** the 2010-2011 Annual Report

Item 14

General Obligation Bond Refunding

Vice Chancellor of Business Services Kevin McElroy and the district's finance team feels that the timing is right to take advantage of lower interest rates. By refunding the approximately \$76.4 million in eligible General Obligation (GO) bonds, the district would save the property taxpayers about \$11.4 million over the life of the bonds.

A target date for issuance would be in March or April with a close in early May. Vice Chancellor McElroy will give a full report to the board in March.

Item 15

Fiscal Self-Assessment

The state chancellor's office recommends, but does not require, completion of the annual report. Vice Chancellor McElroy believes it is a valuable tool for gauging the district's fiscal stability and business practices and operations. The report also provides a comprehensive readable report for the layperson. The report will be presented to the Audit and Finance Committee at its next meeting.

Item 16

Measure C Consent

M/S/C: **Swenson/Bechtel**
Advisory vote: 2
Board vote: unanimous
Action: **Approved** items A-L on the Measure C Consent Calendar as follows:

De Anza College –

- A) Ecovation Group – Revision #1 to Agreement for Services – ESA Pond - \$5,610
- B) Joseph J. Albanese Inc. – Change Order #4 – Combined Site Improvements Phase I - \$62,791
- C) Noll & Tam Architects – Project Assignment Amendment #D09 – A8 - \$21,710
- D) Sundt Construction, Inc. – Change Order #8 – Mediated Learning Center - \$144,985
- E) Valhalla Builders – Change Order #5 – Campus Center Renovation Phase II - \$1,921

Foothill College –

- F) Calstate Construction – Change Order #7 – PE Lab Space Remodel – (\$1,510)
- G) Cogent Energy, Inc. – Revision #1 to PO #MC#01275 – Utility and Technology Infrastructure Upgrades, Phase I - \$0
- H) Hathaway Dinwiddie Construction Company – Change Order #5 – Physical Sciences and Engineering Center - \$136,345
- I) Ratcliff Architects – Agreement for Consultant Services - Library and ISC - \$134,910
- J) Salas O'Brien Engineers, Inc. – Revision #5 to Design Professional Agreement - \$36,500
- K) Taber Construction – Change Order #8 – Utilities Infrastructure Upgrades Phase I – (\$81,098)

Central Services –

- L) RBF Consulting – Change #1 to Agreement for Services – Property Acquisition - \$3,800

Item 17

Authorization to Purchase Vehicles on State of California Contract

M/S/C: Swenson/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Authorized** the Director of Purchasing Services to issue a purchase order to Wondries Fleet Group pursuant to State of California Contract number 1-11-23-11 in the amount of \$101,613.28 for four Toyota Prius sedans

Item 18

Authorize the Rejection of all Bids for Bid #1359 Nursing Patient Simulation System

M/S/C: Casas Frier/Cheng

Advisory vote: 2

Board vote: unanimous

Action: **Authorized** the Director of Purchasing Services to reject all bids for Bid #1359 for the Nursing Patient Simulation System and call for new bids using revised bid specifications

Item 19

Approval of Lease-Leaseback Construction Procurement Process for the Foothill-De Anza Educational Center

Target dates for key actions associated with the project are as follows:

- July 2012 – Approval of the Lease-Leaseback contractor based upon a Request for Qualifications and Request for Proposals process
- July 2012 – Award of a pre-construction services agreement for the Lease-Leaseback contractor
- Fall 2012 – Approval of a Site Lease and a Facilities Lease with the Lease-Leaseback contractor including a guaranteed maximum price for site demolition, subject to the District's receipt of clear title to the Onizuka Air Station site
- Fall 2013 – Approval of amendments to the site Lease and Facilities Lease after approval of the project by the Division of the State Architect to include a guaranteed maximum price for construction of the Educational Center

M/S/C: Cheng/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code Section 81335 for the Educational Center project subject to the subsequent board approval of the target dates as listed above

Item 20

Approval of Lease-Leaseback Construction Procurement Process for the De Anza College ATC Renovation Project

Target dates for key actions associated with the project are as follows:

- July 2012 – Approval of the Lease-Leaseback contractor based upon a Request for Qualifications and Request for Proposals process
- July 2012 – Award of a pre-construction services agreement for the Lease-Leaseback contractor
- Fall 2012 – Approval of a Site Lease and a Facilities Lease with the Lease-Leaseback contractor including a guaranteed maximum price for building renovation based on DSA-approved plans and specifications
- Winter 2012 – Construction commences on the ATC building

M/S/C: Casas Frier/Swenson

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code Section 81335 for the ATC project subject to the subsequent board approval of the target dates as listed above

ADJOURNMENT

President Barram adjourned the meeting at 7:30 p.m.