



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
March 5, 2012**

**Trustees Present:**

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

**For Public Session Only:**

Stephanie McGee, Foothill College Student Trustee

**Absent:**

Emily Kinner, De Anza College Student Trustee

**CLOSED SESSION**

The Board convened in closed session at 5:00 p.m. in the Chancellor's Office to discuss:

**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

**CALL TO ORDER**

President Barram called the meeting to order at 6:05 p.m. She led those present in the Pledge of Allegiance.

**REPORTING OUT FROM CLOSED SESSION**

President Barram reported that in closed session the board discussed and took action to affirm and ratify the dismissal of an employee in a classified Division Administrative Assistant position.

**AUDIT AND FINANCE COMMITTEE REPORT**

Trustee Bechtel reported that at the March 1, 2012, the Audit and Finance Committee:

- reviewed Measure E and Measure C projects
- reviewed the district's annual fiscal assessment
- heard a presentation by the district's bond counsel on general obligation bond refunding
- heard a presentation on the 2<sup>nd</sup> quarter report and budget update
- heard an update on the audit findings
- heard an update on Measure C project management

#### APPROVAL OF MINUTES

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Approved** the minutes of January 23, 2012, February 6, 2012 and February 8, 2012

#### HEARINGS: ITEMS NOT ON THE AGENDA

##### Public

There were no comments from the public.

##### Students

There were no comments from students.

##### Staff

##### De Anza President Brian Murphy

- President Murphy reported on the March in March saying that about 300 De Anza students participated and Foothill-De Anza had one of the largest participating groups.
- President Murphy announced that about 130 faculty and staff attended the Teaching and Learning conference on March 2. The conference was moderated and conducted by the students.
- President Murphy announced that the California Community Colleges Research Planning group awarded college researcher Mallory Newell the Dissertation Excellence Award for the finest dissertation in research. Her dissertation was an exploration of civic engagement of community college students and graduates.

##### Foothill President Judy Miner

- President Miner announced that Foothill's women's basketball team made it to the statewide final four.
- She thanked Trustee Swenson for attending The Physics Show.

##### Chancellor Linda Thor

- Chancellor Thor introduced Kimberly Klein, a doctoral student at Ferris State University in Michigan and political science faculty member at Delta College. Kim's focus is community college leadership.
- She expressed her extreme pleasure with the article in the Silicon Valley/San Jose Business Journal on community colleges uniting on workforce development and specifically, the planning for the Onizuka site.
- Chancellor Thor announced that the district and foundation will jointly host a breakfast for former trustees to provide an update on the state of the district.

##### Board

##### Foothill Student Trustee Stephanie McGee

- Student Trustee McGee attended the March in March and met with some of the legislators to stress how the budget cuts and reductions in programs were affecting students.

##### Trustee Bruce Swenson

- Trustee Swenson reported on the Foundation retreat on February 8 -
  1. The half-day retreat was well-attended and well-organized.

2. Chancellor Thor gave an update on the district that touched on enrollment issues, cuts in funding, as well as some positive things happening in the district.
  3. The group discussed the board's recruitment plan.
  4. The foundation's strengths, challenges, and needs were also discussed.
- Trustee Swenson was extremely impressed with the coordination of every aspect of The Physics Show

Trustee Laura Casas Frier

- Trustee Casas Frier commented on the Little Hoover Commission Report -
  1. She is disheartened by the Little Hoover Commission report. Like the Student Success Task Force, the report spells out what community colleges need to do, but does not address the issue of funding.
  2. The trend throughout the state appears to be the elimination of adult education courses, and the Little Hoover Commission supports community colleges assuming that responsibility.
  3. The report supports rewarding success.

APPROVAL OF CONSENT CALENDAR

Item 11, Approval of Celebrity Forum Contract, was withdrawn from the consent calendar.

**M/S/C: Bechtel/ Swenson**

**Advisory vote: 1**

**Board vote: unanimous**

**Action: Approved** Items 1 – 10 and Item 12 on the Consent Calendar as follows:

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

**Item 2** – **Ratified** Enterprise Warrants and Wire Transfers Greater than \$5,000 for July, August, September, October, November and December 2011

**Item 3** – **Approved/Authorized** awarding of a Contract for Water Treatment Program Services and Annual Monthly Renewals

**Item 4** – **Approved** the Extension of Contract to Design and Install Measures to Reduce Power Usage at De Anza College

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

**Item 6** – **Approved** Sale of Inoperable Surplus Vehicle

**Item 7** – **Approved** Sale of Miscellaneous District Surplus Equipment and Furniture

**Item 8** – **Approved** Increase in Independent Contract Agreement for Dr. Lisa Bowie

**Item 9** – **Approved** Associate in Science Degree, Sheet Metal Building Trades Apprenticeship

**Item 10** – **Approved** Stand Alone Courses for 2011-12 Foothill Catalog

**Item 12** – **Approved** Human Resources Report

**Item 13**

**Resolution to Request for and Consent to Consolidation of Elections**

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

**Advisory vote: 1**

**Board vote: unanimous**

**Action:** **Adopted** Resolution #2012-02 requesting the Board of Supervisors of Santa Clara County to completely consolidate such elections and to further provide that the Registrar of Voters canvass the returns of the election

**Item 14**

**BP 3217 Non-Smoking Areas (Rev.) (*1<sup>st</sup> Reading*)**

Trustees discussed the revisions to the non-smoking areas policy. District Police Chief Ronald Levine said that fines would be imposed on offenders in \$25 increments up to \$100. Police Chief Levine asked that the name of his department be corrected in the policy from District Safety and Security Department to District Police Department.

The policy will be presented to the board for a second reading and action on March 12, 2012.

**Item 15**

**BP 6015 Program Discontinuance (New) (*1<sup>st</sup> Reading*)**

Trustees reviewed the new policy on program discontinuance and asked for one modification.

The policy will be presented to the board for a second reading and action on March 12, 2012.

**Item 16**

**Resolution in Support of Community College System Budget Priorities and the Governor's November Ballot Initiative**

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolution 2012-08 supporting the Community College System budget priorities and the Governor's November ballot initiative

**Item 17**

**Resolution Authorizing the Reduction in Classified Service**

Chancellor Thor prefaced Items 17, 18, and 19, commenting that the actions requested are the result of many months of deliberation by both colleges in an attempt to address the district's structural deficit. Due to the great work done by the campus committees, many of the positions recommended for reduction are either vacant or the employees in them are being accommodated in other ways. The reductions will not be effective until June 30.

The trustees reluctantly took action to authorize the reduction in classified service.

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolution 2012-07 authorizing the reduction of classified service as presented

**Item 18**

**Resolution Authorizing the Reduction in Administrative Service**

The trustees reluctantly took action to authorize the reduction in administrative service.

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolution 2012-09 authorizing the reduction of administrative service as presented

**Item 19**

**Resolution Authorizing the Reduction or Discontinuation of Particular Kinds of Faculty Service**

The trustees reluctantly took action to authorize the reduction or discontinuation of particular kinds of faculty service.

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolution 2012-06 authorizing the reduction or discontinuation of faculty service as presented

**Item 20**

**Language Changes to the CSEA Agreement**

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Approved** the clarification of language changes made to the CSEA contract in Articles 9 and 11 as presented

**Item 21**

**Resolution Authorizing Refunding of General Obligation Bonds**

Vice Chancellor of Business Services Kevin McElroy explained that although this item addresses refunding general obligation bonds (GO bonds) from both Measures E and C, significant savings can be realized through refunding issuances from Measure E. He introduced John Sheldon and Willie Evert, the district's underwriters from Morgan Stanley; Kerrigan Bennett from Stradling Yocca Carlson & Rauth, the district's bond counsel; and Bill Euphrat, the district's financial advisor.

John Sheldon gave a presentation on refunding general obligation bonds, explaining that the recent decline in interest rates makes it a very opportune time to refund some of the district's bonds at a great savings. By refinancing about \$78 million of GO bonds, the district would save the taxpayers approximately \$700,000 each year through 2030. The district's finance team anticipates selling the bonds in late March or early April with a closing date in May.

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolution 2012-05 authorizing the issuance of 2012 General Obligation Refunding Bonds; 1999 Authorization, Measure E, Series B and C; 2002 Refunding Bonds; and 2006 Authorization, Measure C, Series A and B

**Item 22**

**2<sup>nd</sup> Quarter Report**

Vice Chancellor of Business Services Kevin McElroy reviewed the 2<sup>nd</sup> Quarter Report which captures actual revenue and expenses through December 31, 2011 and projects the district's ending balance at June 30, 2012.

The district started the year with a beginning balance of \$45,116,972. Taking income and expenses into consideration, the district projects having a fund balance of approximately \$28,461 million at June 30, 2012. The following one-time amounts totaling \$17,254 million will assist the district in closing its 2012-13 deficit.

- \$8,700,000 in designated carryovers from both colleges and central services
- \$1,147,200 in district-wide restricted “A” carryover. These funds must be used for specific purposes.
- (\$10,060,000) 5% reserves
- (\$4,000,000) Stability Fund (2012-13)
- (\$4,554,023) net variance (Stability Fund)

Vice Chancellor McElroy also noted that although restoration of lost FTES has been built into the budget, the district stands to lose an additional \$2 million from its 2012-13 ending fund balance if those lost FTES are not regained.

### **Item 23**

#### **Resolutions to Adopt 2<sup>nd</sup> Quarter Revisions and Transfers**

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

**Advisory vote:** 1

**Board vote:** unanimous

**Action:** **Adopted** Resolutions 2012-03 and 2012-04 approving the 2<sup>nd</sup> quarter budget revisions and transfers as presented

### **Item 24**

#### **Measure E Consent**

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

**Advisory vote:** 1

**Board vote:** unanimous

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

**De Anza College –**

A) Budget Transfer #76

### **Item 25**

#### **Measure C Consent**

Corrections in percentage calculations were made in items C and D as follows:

- Item C, Project 261, Mediated Learning Center - .003% was corrected to .3%
- Item D, Project 261, Mediated Learning Center - .01% was corrected to .56%

**M/S/C:** Bechtel/Swenson

**Advisory vote:** 1

**Board vote:** unanimous

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

**De Anza College –**

A) California Commercial Pools, Inc. – Change Order #1 – Pool Tile and Plaster Replacement - \$682

B) R. C. Benson and Sons, Inc. – Change Order #2 – ATC/S-Quad Sound Attenuation - \$5,286

C) Sundt Construction, Inc. – Change Order #9 – Mediated Learning Center - \$133,518

D) Sundt Construction, Inc. – Change Order #10 – Mediated Learning Center - \$78,032

E) The Ratcliff Architects – Revision #13 to Agreement – Mediated Learning Center - \$28,100

F) The Ratcliff Architects – Revision #14 to Agreement – Mediated Learning Center - \$30,740

**Foothill College –**

- G) Allana Buick o& Bers, Inc. – Project Authorization Amendment #F-ABB-04 – Storage Building at Swimming Pool - \$63,345
- H) Applied Materials & Engineering, Inc. – Revision #1 to Agreement – Smithwick Theater - \$36,000
- I) Hathaway Dinwiddie Construction Company – Change #1 to Agreement for Pre-Construction Services – Physical Sciences and Engineering Center - \$0
- J) Hathaway Dinwiddie Construction Company – Change Order #6 – Physical Sciences and Engineering Center - \$80,584
- K) HMC Architects – Revision #5 to Project Authorization Amendment – Modernization of Administration Building and General Classrooms - \$9,800
- L) Hoi's Construction, Inc. – Change Order #1 – New Press Box - \$27,509
- M) The Ratcliff Architects – Standard Agreement – Fine Arts, Print Shop and Plant Services - \$252,136. Additional information on this item can be found at: [http://www.fhda.edu/about\\_us/board/agenda](http://www.fhda.edu/about_us/board/agenda)
- N) The Ratcliff Architects – Change #14 to Agreement – Physical Sciences and Engineering Center - \$19,510
- O) Ralph Larsen & Son, Inc. – Change Order #4 – Smithwick Theater - \$44,315
- P) Taber Construction – Change Order #9 – Utilities Infrastructure Upgrades Phase I - \$12,062
- Q) Vlaming and Associates – Change #3 to Agreement for Services – Overhead Account - \$0

**De Anza College & Foothill College –**

- R) Budget Transfer #32 De Anza and #31 Foothill

**Purchasing –**

- S) Authorization to Purchase Dell Servers Pursuant to State of California WSCA Contract B27160 – De Anza College - \$88,969.43

**ADJOURNMENT**

President Barram adjourned the meeting at 7:33 p.m.