



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
June 4, 2012**

**Trustees Present:**

Joan Barram, President  
Betsy Bechtel  
Pearl Cheng  
Bruce Swenson

**For Public Session Only:**

Vincent Mendoza, De Anza College Student Trustee  
Antonia Zavala, Foothill College Student Trustee

**Absent:**

Laura Casas Frier

**CLOSED SESSION**

The Board convened in closed session at 4:30 p.m. in the Chancellor's Office to discuss:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**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 LEGAL COUNSEL – ANTICIPATED LITIGATION**

**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**

**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

CLOSED SESSION PURSUANT TO EDUCATION CODE SECTION 72122 TO CONSIDER  
AND TAKE ACTION ON STUDENT APPEAL OF DISCIPLINE

**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 6:02 p.m. She led those present in the Pledge of Allegiance.

SWEARING IN OF STUDENT TRUSTEES

Chancellor Thor administered the Oath of Office to De Anza Student Trustee Vincent Mendoza and Foothill Student Trustee Antonia Zavala. The Student Trustees expressed their thanks for the opportunity to serve their fellow students and are looking forward to a successful year. On behalf of the trustees President Barram welcomed the student trustees to the board.

ACKNOWLEDGEMENT OF TRUSTEE SCHOLARSHIP RECIPIENTS

After reading through numerous applications and interviewing three applicants from each campus, President Barram and Trustee Swenson announced their selection of De Anza student Angelica Hernandez and Foothill student Lorena de Anda Olvera as the 2012 Trustee Scholarship recipients. Each was presented with a \$1,000 scholarship.

Angelica began her college career 10 years after graduating from high school and working in jobs for which she realized she had more potential. She is now a nursing student at De Anza and holds a 4.0 grade point average.

Lorena is working toward an associate of arts degree in child development and has plans to transfer to UC Santa Cruz and major in psychology. Lorena thanked the Foothill EOPS program, her family, and the Board of Trustees.

REPORTING OUT FROM CLOSED SESSION

President Barram reported that the board reviewed a student disciplinary action in closed session. She then called for a motion on the disciplinary action.

CONSIDERATION AND ACTION ON STUDENT APPEAL OF DISCIPLINE

**M/S/C:** Cheng/Bechtel  
**Advisory vote:** 0  
**Board vote:** 4  
**Abstentions:** 2 (Mendoza, Zavala)  
**Action:** Sustained administration's recommendation to expel a student

APPROVAL OF MINUTES

**M/S/C:** Bechtel/Cheng  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** Approved the minutes from May 7, 2012

## CORRESPONDENCE

Trustee Swenson commented on a letter received from retiring faculty member Rosemary Arca commending the board for their continuous support of students, especially in such difficult times. Trustee Swenson said he interprets the letter to be addressed not only to the Board of Trustees, but also to the senior management and staff.

## HEARINGS: ITEMS NOT ON THE AGENDA

### Public

There were no comments from the public.

### Students

There were no comments from students.

### Staff

#### Erin Ortiz, Foothill College

- Erin Ortiz, incoming Foothill College Classified Senate President, introduced herself and gave a brief overview of her history at Foothill.

#### Dolores Davison, Foothill Academic Senate President

- Foothill students have selected Theatre Arts instructor Robert Hartwell to be their 2012 faculty commencement speaker.
- Foothill Academic Senate elected Robert Cormia, CTIS instructor, as District Academic President for 2012-13.

#### Karen Chow, De Anza Academic Senate President

- De Anza Senate elected Auto Tech instructor Randy Bryant as its vice president for 2012-13
- Karen, an instructor in the Language Arts Division, was re-elected president for 2012-13

#### De Anza President Brian Murphy

- DASB held its elections last week, and President Murphy looks forward to meeting and working with the newly elected officers.
- Two De Anza students were named scholar-athletes and were awarded \$1,000 scholarships, and two \$750 scholarships were awarded to students as runners-up. In the Coast Conference standings, De Anza has been ranked #1 in the last 18 out of 28 years.
- President Murphy brought the board's attention to a document containing letters from the district's OTI/CalWORKS students to Governor Brown regarding proposed legislation cutting CalWORKS, and to Senators Boxer and Feinstein regarding the reauthorization of the temporary aid to needy families. President Murphy thanked OTI director Dan Dishno and the students for their work.

#### Foothill President Judy Miner

- Dolores Davison has been re-elected to a two-year term as Foothill Academic Senate President.
- In addition to chairing the Academic Senate for California Community Colleges' accreditation committee, Davison also is secretary for the Academic Senate Foundation; co-chair of the Telecommunications and Technology Advisory Committee; and liaison for the Accreditation Commission for Community and Junior Colleges.
- President Miner announced that on June 8 dance instructor Bubba Gong, along with the Foothill Repertory Dance Company, will be choreographing the opening number for the Northern California Area Emmys in San Francisco that will be broadcast in 19 countries.

#### Chancellor Linda Thor

- Chancellor Thor complimented District Police Chief Ron Levine on the outstanding workshops on how to survive an active shooter. The workshops, conducted by the UC Davis police department, were extremely sobering and thought provoking and may be offered again on District Opening Day.

- Chancellor Thor complimented President Barram for her excellent presentation to the Fremont Union High School District Board of Trustees on May 15. Presentations are being scheduled with local school boards and city councils. On June 12 the Mountain View City Council will hear the presentation on the district's plans for developing an educational center at the former Onizuka Air Force Station.

### Board

#### Trustee Betsy Bechtel

Trustee Bechtel reported that at a restaurant on a recent trip to Slovenia, the server was a recent De Anza graduate who had played on the De Anza soccer team and had an excellent experience while attending De Anza. As a testament to the district's well-known reputation for excellence, Trustee Swenson added that one of the scholarship applicants he interviewed was from Guangzhou, China, where De Anza is well known as one of the premier transfer colleges.

#### President Joan Barram

President Barram reported on her attendance at several events:

- The excellent student art exhibit at the Euphrat Museum of Art at De Anza
- The "Taste of History" event at the California History Center where author Lawrence Coates spoke about his book, "The Garden of the World", a story about a pioneering winemaking family in the Santa Clara Valley .
- The all-staff budget meeting at Smithwick Theater. She was pleased that so many attended the meeting to learn of the severity of the district's budget situation, and she complimented Chancellor Thor and Vice Chancellor McElroy for their presentation.
- The Kirsch Center's celebration of the release of its publication "Safe Passages for Coyote Valley", a study of the effects of Highway 101 and other roads on wildlife movement in the Coyote Valley.

### AUDIT & FINANCE REPORT

Trustee Bechtel reported on the May 31 Audit and Finance meeting where the group reviewed project reports for Measures E and C and had a lengthy discussion on the Third Quarter Report and budget for 2012-13. Trustee Bechtel said the committee is very engaged and members ask excellent questions.

### FOUNDATION BOARD REPORT

Trustee Swenson reported that he and Trustee Cheng attended the Foundation board meeting on May 23 at which the following items were addressed.

- Six excellent new members were welcomed to the Foundation board.
- Thanks to an unexpected gift of over \$2 million, the Foundation's fund raising goal has been exceeded.
- The Board's newly elected officers for 2012-13 are Ben Dubin, president; Holly Wong, Vice president; Martin Neiman, treasurer; and Kathy Torgersen, secretary.
- Dick and Sue Levy hosted a very successful "friend raising" event at their home.
- Chancellor Thor gave a report on the district's budget.

### PRESENTATION

#### Item 1

#### **Approval of ASFC Budget**

ASFC President Shane Courtney reported that his tasks were to ensure that the ASFC budget was developed on the basis of transparency and that the needs and desires of the student body were met as best as possible. Unusual challenges were encountered in the budget process this year that resulted in a slight delay in finalizing the budget. However, decisions were made based on sound reason and reflect the students' wishes, he said. In determining the allocations, difficult decisions regarding funding were made, as well as evolving opinion as to where the students' priorities should be in the future. Vice President of Finance Matthew Sultan; Owl Card Benefits Coordinator Kelli

Lee; Student Diane Aka; Budget Commissioner Joseph Otayde; and ASFC Secretary Elizabeth Wright presented the budget.

The ASFC income for 2012-13 is projected to be around \$533,550, the majority coming from Owl Card sales (\$425,000), and the remainder from ASFC Business Operations; Fine Arts and Drama; Athletics; and investment income. A prior year fund balance of \$82,115 is projected, bringing the total amount available for allocation to \$615,665. For expenses, the major allocations made were to the Owl Card and Business Operations areas and Campus Life/Support Programs (\$187,000 and \$120,000 respectively).

President Miner acknowledged and thanked the Student Activities administrators and staff who work closely with the students during the year: Pat Hyland, Daphne Small, Patricia Davoren, Denise Swett, and Sirisha Pingali.

The Trustees complimented the student for their diligence and hard work in developing a responsible budget.

Foothill students Etienne R. Bowie, Jorell Dye, and Joseph Otayde commented on the difficulties of developing this year's budget and expressed their gratitude for the support by administrators and staff. They also asked for continuing support from the board.

**M/S/C:**           **Zavala/Mendoza**  
**Advisory vote:** 2  
**Board vote:**    4  
**Action:**         **Approved** the ASFC budget for 2012-13

#### APPROVAL OF CONSENT CALENDAR

**M/S/C:**           **Cheng/Bechtel**  
**Advisory vote:** 2  
**Board vote:**    4  
**Action:**         **Approved** Items 4 – 20 on the Consent Calendar as follows:

**Item 2** – **Approved** BP 6124 Course Repetition

**Item 3** – **Approved** BP 6126 Withdrawal

**Item 4** – **Approved/Ratified** Contracts and Agreements

**Item 5** – **Ratified** Board Warrants Greater than \$5,000 for March and April 2012

**Item 6** – **Approved** Listing of District Investments

**Item 7** – **Approved** Purchase and Removal of Surplus Equipment and Furniture by Construction Contractor

**Item 8** – **Approved** Recycling and Disposal of Unusable Surplus Equipment

**Item 9** – **Approved** Sale of Miscellaneous District Surplus Equipment and Furniture

**Item 10** – **Approved** Sale of Surplus Athletic Equipment

**Item 11** – **Approved** the Human Resources Report

**Item 12** – **Approved** Facility Use Fees for De Anza College for 2012-13

**Item 13** – **Approved** Facility Use Fees for Foothill College for 2012-13

**Item 14** – **Approved** Associate Degree in Business Administration for Transfer & State Approval

**Item 15** – **Approved** Independent Contractor Agreement with Dr. Lisa Bowie

**Item 16** – **Approved** South Bay Regional Public Safety Training Consortium, De Anza

**Item 17** – **Approved** Advance of Student Fees to Dr. Samuel Connell to Support Archeology Class in Ecuador

**Item 18** – **Approved** Performing Arts Alliance Contract Renewal

**Item 19** – **Approved** Open Education Resources Report

**Item 20**

**Resolution Authorizing the Reduction in Classified Service**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolution #2012-31 eliminating a Program Coordinator I position at Foothill College

**Item 21**

**Update on 2012-13 Budget**

Vice Chancellor of Business Services Kevin McElroy gave an overview of the 2012-13 Tentative Budget.

Much depends on passage of the governor's tax package. In a best-case scenario for 2012-13, with passage of the tax package, the district will face an \$11.8 million deficit. In a worst-case scenario, if the tax package fails to pass, the district will face a \$17.1 million deficit. The colleges and Central Services have developed plans to be implemented July 1 to reduce expenses by \$3.6 million, leaving an \$8.2 million (best case) or 13.5 million (worst case) deficit. Although there is a projected ending balance of \$27 million in one-time carryover funds this year, \$10 million of that must be kept in reserves as mandated by the state; \$3 million will remain in the stability fund; and \$2 million will be used for part-time faculty to be hired in the district's efforts to restore lost FTES or to offset ongoing enrollment declines. Some \$1.5 million will be set aside to cover the cost of trustee elections and negotiated items and \$4 million will be set aside to cover possible mid-year reductions if there are not enough funds to transfer from redevelopment agencies to community colleges. The remaining \$6.6 million in one-time funds will be used to help close the district's budget 2012-13 deficit.

Vice Chancellor McElroy said that the colleges and Central Services will have preliminary plans in place by the end of June to adjust to a possible worst case scenario and will continue to work over the summer in order to be ready to implement reductions next year if necessary.

The Chancellor has formed a shared governance committee, BROOC (Budget (Re)Balancing Options Clearinghouse) to work on how to close the budget gap. Trustee Swenson suggested several budget principles for the group to keep in mind when discussing possible solutions.

- Maintain high-quality programs in both fact and public perception.
- Make sure we have a realistic budget that is structurally balanced going into 2013-14.
- Maintain a 5% reserve.
- Have dollars set aside (\$3 million to \$5 million) to handle unforeseen circumstances in 2013-14.
- Make sure we have adequate management and support services to effectively and efficiently manage the district.
- Make sure we protect our future campus infrastructure.

- When dealing with the budget, have an eye to the future so we emerge from this crisis stronger than we were before.

Trustee Bechtel added that the district cannot continue to operate with a structural imbalance and that consideration should be given to eliminating some of the “nice to haves”. She suggested looking at duplication and possible consolidation on the campuses. Trustee Bechtel asked what the colleges’ and district’s priorities are for determining cuts and the basis used in making those decisions. She congratulated Foothill for instituting the early summer session, increasing FTES by about 300, equivalent to approximately \$1.5 million, and to the Foundation for soliciting monies for our endowment.

Trustee Cheng stressed retention of the district’s core missions – student success, workforce development, and core classes; remaining focused on serving our local communities, ensuring them access to our classes, programs, and activities.

President Barram said that when the Chancellor and Trustees make presentations to local school districts and cities, they are reminding people in positions of influence what is happening on our campuses. Although the district encourages enrollment from all areas, we want our closest neighbors to be fully aware of what is available to them.

President Barram thanked everyone for having open minds and a cooperative spirit. She said the FA News keeps everyone current on the problems and processes in the district, and BROCC will keep everyone involved. She hopes that the spirit of trusting and working together will continue as everyone strives toward the common goal of maintaining a strong district despite the budget issues. She commended all faculty, staff, and administrators for the hard work it took to effect the health care benefits changes. She said it is that type of cooperation that gives her the faith that the district will arrive at solutions that everyone can live with.

Trustee Swenson asked staff the following:

1. Where is the enrollment decline occurring, and how can we fix it? Is the decline permanent or will we eventually begin to grow?
2. He asked Institutional Research for an enrollment analysis covering the last 4-5 years defining where the declines occurred (divisions/departments at both colleges); TBA hours, and any other information that would indicate what is occurring, what we can do about it, and how this affect our decision making process.
3. Regarding Trustee Swenson’s questions regarding the district’s planned educational center at the former Onizuka Air Station, staff responded that a presentation would be given at the Board’s study session on August 27.

## **Item 22**

### **Third Quarter Report**

Vice Chancellor Kevin McElroy highlighted some key points in the third quarter report.

#### **Highlights and Changes:**

- The loss of approximately 400 FTES in the second quarter has not been recaptured, reducing revenue by \$4.4 million.
- Both colleges are actively pursuing avenues to recapture the lost FTES. It is anticipated that Foothill’s first-time early summer session will restore some of the lost FTES.

#### **Deficit Factor:**

- The deficit factor for the third quarter remains the same as in the second quarter and reflects the loss of student fee income.

#### **Good News:**

- The statewide workload reduction has resulted in some districts transitioning to basic aid status, resulting in more funds being available for distribution to non-basic aid districts. Foothill-De Anza’s deficit factor would be lowered by about 1%, equating to approximately \$1 million to \$1.5 million.

Risk Factor:

- The governor's budget is projecting about \$116 million redirected RDA funding through the community college system budget. Unknown at this point is whether or not that will materialize or whether those funds will be backfilled.

Productivity and Ending Balance:

- Productivity will remain the same at 546.
- Ending balance is projected at \$27 million.

**Item 23**

**Resolutions to Approve Third Quarter Revisions and Transfers**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolutions #2012-24 and 2012-25 respectively, approving the third quarter revisions and transfers

**Item 24**

**Adoption of CalPERS Health Benefits Plan Resolution for Administrators and Confidential Employees**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolution #2012-27, CalPERS health benefits for administrators and confidential employees

**Item 25**

**Adoption of CalPERS Health Benefits Plan Resolutions for Domestic Partners and Survivors of the Board of Trustees**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolutions #2012-28 and 2012-29, CalPERS health benefits for domestic partners and survivors of the Board of Trustees

**Item 26**

**Qualified Retirement Plan (2<sup>nd</sup> Reading)**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolution #2012-30, the Foothill-De Anza Community College District Retirement Plan and Trust Agreement, effective June 30, 2012

**Item 27**

**Selection of Merchant Credit Card Processing Service Provider**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** the selection of Bank of America Merchant Services as the vendor to provide merchant card processing service to the district



**Item 28**

**Adoption of Resolution Delegating Authorization to Accept Completion of Works of Improvement**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Adopted** Resolution #2012-26, appointing the Vice Chancellor of Business Services and the Executive Director of Facilities, Operations, and Construction Management the responsible parties for acceptance of completion of any and all works of improvement, public and private, funded by the Foothill-De Anza Community College District

**Item 29**

**Measure E Consent**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** Items A – E on the Measure E Consent Calendar as follows:

**De Anza College –**

- A) AEDIS Architecture & Planning, Inc. – Revision #2 to Standard Agreement – ATC Central Plant Sound Attenuation - \$0
- B) Sandis – Revision #1 to Project Authorization Amendment #D-003 – Combined Site Improvements Phase 2 - \$0
- C) Simpson Gumpertz & Heger, Inc. – Revision #1 to Standard Agreement – Stelling Parking Structure Restoration - \$0
- D) Smith, Fause & McDonald, Inc. – Revision #1 to Standard Agreement – Campus-wide Coax Replacement - \$0

**Central Services –**

- E) Cody Anderson Wasney Architects, Inc. – Revision #6 to Agreement – District Office Building Renovation - \$26,365

**Item 30**

**Measure C Consent**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** Items A – I on the Measure C Consent Calendar as follows:

**De Anza College –**

- A) California Commercial Pools, Inc. – Change Order #3, Final Change Order – Pool Tile and Plaster Replacement - \$6,571
- B) John Plane Construction, Inc. – Change Order #13 – Baldwin Winery and East Cottage - \$23,890
- C) OC Jones & Sons, Inc. – Change Order #2 – Stadium and Track - \$77,660
- D) Sundt Construction, Inc. – Change Order #14 – Mediated Learning Center - \$90,410

**Foothill College –**

- E) BSK Associates, Engineers & Laboratories – Change #3 to Agreement for Services – Physical Sciences and Engineering Center - \$14,900
- F) Hathaway Dinwiddie Construction Company – Change Order #10 – Physical Sciences and Engineering Center - \$118,994

G) HMC Architectures – Revision #2 to Project Authorization Amendment - Modernization of Learning Support Center, Biology, and General Classrooms - \$87,300

H) Ratcliff – Change #16 to Agreement for Services – Physical Sciences and Engineering Center - \$6,596

ETS -

I) Measure C Project Revision – 360 Server (Growth) Refresh/370Server (Refresh) Growth– District – Central Services - \$0

**Item 31**

**Project List Revision, Foothill Budget Transfer #33 and De Anza Budget Transfer #33**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** Project List Revision, Foothill Budget Transfer #33 and De Anza Budget Transfer #33

**Item 32**

**Ralph Larsen & Son, Change Order #7, Smithwick Theater Upgrade - \$185,000**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** Change Order #7, Ralph Larsen & Son, in the amount of \$185,000 for the Smithwick Theater Upgrade

**Item 33**

**Award a Contract Pursuant to Bid Document #1422-162, Parking & Circulation, Phase 1, Foothill College**

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

**Advisory vote:** 2

**Board vote:** 4

**Action:** **Approved** the award of a contract pursuant to Bid Document #1422-162, Parking & Circulation, Phase 1, Foothill College

**ADJOURNMENT**

President Barram adjourned the meeting at 8:08 p.m.