



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
July 2, 2012**

**Trustees Present:**

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

**For Public Session Only:**

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

**CLOSED SESSION**

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

**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  
Kevin McElroy, Vice Chancellor, Business Services  
Joe Moreau, Vice Chancellor, Technology  
John Mummert, Acting President, Foothill College  
Brian Murphy, President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

**Others:**

Phil Jaret, Legal Counsel

**CONFERENCE WITH LABOR NEGOTIATOR**

**Executive Administrators Present:**

Charles Allen, Executive Director, Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor, Business Services  
Joe Moreau, Vice Chancellor, Technology  
John Mummert, Acting President, Foothill College  
Brian Murphy, President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

**CALL TO ORDER**

President Barram called the meeting to order at 6:06 p.m. She led those present in the Pledge of Allegiance.

**REPORTING OUT FROM CLOSED SESSION**

President Barram reported that the board took no action in closed session.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Ken Horowitz expressed his disappointment in the board's handling of the budget crisis and feels the board should take a more aggressive and proactive approach in running the district.

Students

There were no comments from students.

Staff

Chancellor Linda Thor

Chancellor Thor reported on the outcome of the BROC (Budget (Re)Balancing Options Clearinghouse) meetings on June 19 and 25. The group identified several options under three categories:

- Cost reduction
- Efficiency measures
- Revenue enhancement

The group has prioritized the options and identified approximately 20 for which additional data is being collected. At the all-day meeting on July 10 they will review the data and rate, weigh, and evaluate all of the prioritized recommendations. Recommendations based on the output from that meeting and the preliminary budget cuts identified by the colleges and Central Services will be presented at the August 27 board workshop.

Chancellor Thor expressed her pleasure at the progress made thus far and her appreciation of the administrators and the employee group representatives who are willing to commit a substantial amount of time participating in the meetings.

Foothill Acting President John Mummert

- Acting President Mummert reported on the end-of-year activities that culminated with commencement last week. He said it is always heartwarming to hear the students' stories of how they have achieved their educational goals.
- He commented on the number of fences that have been put up as a result of the landscaping projects on the campus.

De Anza President Brian Murphy

- President Murphy thanked the board for attending De Anza's commencement and expressed appreciation to Polly Bovet, Fremont Union High School District superintendent, for allowing De Anza's commencement to take place on the Homestead High School field while De Anza's athletic fields are undergoing renovation.
- De Anza has completed its budget process and will be presenting those recommendations to the board in August.
- The students are organizing to campaign for the passage of the governor's tax initiative in November.

Foothill Classified Senate President Erin Clifford Ortiz

- President Ortiz announced the Classified Senate officers for 2012-13: Roberto Sias, president-elect; Karen Smith, secretary; and Sherri Mines, treasurer.
- She reported that Transfer Program Coordinator Maureen Chenoweth is president of the California Community College Classified Senate (4CS) and co-chaired the 20th annual leadership institute conference.
- Karen Smith, senior library technician, emceed the anniversary banquet at the conference. Smith is also vice president of the 4CS North Area.

Trustees

Student Trustee Vincent Mendoza

- Student Trustee Mendoza reported on the Middle class scholarship fund that is aimed toward lightening the financial burden to those who are transferring from community colleges to 4-year institutions. The bill was just passed by the Senate education committee.

Student Trustee Antonia Zavala

- Student Trustee Zavala reported on a new summer bridge math program for 90 students who struggled with high school math.
- Student Trustee Zavala is helping to coordinate the Bay Area Gardeners Foundation's annual Scholarship Awards Dinner on July 28 and extended an invitation to the trustees. One of the primary purposes of the organization is to assist eligible disadvantaged students attain their educational goals.

Trustee Betsy Bechtel

- She is pleased to be mentoring student trustee Mendoza and will be meeting with him regularly.
- Trustee Bechtel attended several end-of-year events leading up to graduation. She said it is heartwarming to hear the impact our colleges have on the students we are serving.

Trustee Laura Casas Frier

- Trustee Casas Frier said that at each end-of-year event she attended, the student speakers were very inspirational, and they all expressed their appreciation for the assistance given by faculty and staff.
- She said the events at this time of year confirm that despite budget constraints and added workload, the colleges continue to serve the students well.

President Joan Barram

President Barram commented that while attending graduation events, the enthusiasm of parents and family of the graduates as they receive their diplomas, many who are the first in their families to attend college.

FOUNDATION BOARD REPORT

Trustee Cheng reported on that at the June 27 meeting of the Foundation Board of Directors welcomed new Foundation Board officers: Ben Dubin will replace Dianne McKenna as President; Holly Wong Agbayani, Vice President; Martin Neiman, Treasurer; and Kathy Torgersen, Secretary. She reported that the Foundation's strategic plan is making progress toward their ambitious goals.

APPROVAL OF CONSENT CALENDAR

Vice Chancellor of Human Resources Dorene Novotny requested line 6 on page 2 be removed from the Human Resources Report due to lack of information. The item will be resubmitted at a later date.

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

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** items 1 – 4; item 5 as amended, and item 6 on the Consent Calendar as follows:

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

**Item 2** – **Adopted** Resolution #2012-35 Authorizing Child Care Agreement #CCTR-2298

**Item 3** – **Approved** Donation of Surplus Computers and Monitors to the Foothill-De Anza Foundation

**Item 4** – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

**Item 5** – **Approved** Human Resources Report and Training Retraining for Faculty, 2012-2013 as amended

**Item 6** – **Approved** Contract with Child Development Inc. DBA Choices for Children

**Item 7**  
**Board Priorities**

In addition to the draft of previously stated priorities, the trustees suggested additions related to a balanced budget and budget stability; the use of technology in instruction as well as to operate more efficiently; support of the Student Success Task Force recommendations if fiscally possible; and maintaining the district's reputation for excellence and high quality programs.

The additions will be incorporated and the revised priorities will be presented to the board for approval on August 6, 2012.

**Item 8**  
**Board Self-Evaluation**

A compilation of the board's responses to its annual self-evaluation indicates that board members feel strongly that they are doing a good job in carrying out their responsibilities. Chancellor Thor and President Barram said that as a reminder and as previously agreed, the evaluation tool would be distributed to the Chancellor's Advisory Council in the board's 2013 evaluation.

**Item 9**  
**Biannual Review of BP 9200 Conflict of Interest (1<sup>st</sup> Reading)**

The Political Reform Act requires the district to review its conflict of interest policy biannually on even years. In 2010 BP 9200 was changed substantially and was approved by the Santa Clara County Board of Supervisors, the code reviewing body for local public agencies. The trustees made no changes to the current policy.

BP 9200 will be presented to the board for a second reading and approval on August 6, 2012.

**Item 10**  
**BP 9140 Benefits for Trustees (Rev.)(1<sup>st</sup> Reading)**

The revisions to Board Policy 9140 were prompted by the change in health benefits to CalPERS. The changes are intended to clarify what the current understanding is for trustee benefits. The trustees made no additional changes to the policy.

BP 9140 will be presented to the board for a second reading and approval on August 6, 2012.

**Item 11**  
**Citizens' Bond Oversight Committee Member Terms**

Three members of the Citizens' Bond Oversight Committee (CBOC) have completed their first 2-year term and have agreed to serve a second term. CBOC bylaws state that a member may serve up to, but no more than, two 2-year terms.

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

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** second term appointments of Dudley Andersen (At-Large); David Bergman (Business Organization); and Robert Lancefield (Taxpayer's Association) to the Citizens' Bond Oversight Committee

**Item 12**

**Resolution Authorizing the Reduction in Classified Service**

**M/S/C:** Swenson/Mendoza

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Adopted** Resolution #2012-37 eliminating three De Anza positions due to lack of funds effective June 30, 2012. The positions as listed are:

- Instructional Support Technician (vacant)
- Real Time Captioner (vacant)
- Sign Language Interpreter II (vacant)

\*Student Trustee Zavala was excused at this time (6:40 p.m.) due to illness.

**Item 13**

**Adoption of CalPERS Health Benefits Plan Resolution for Vesting for Future Retirees**

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

**Advisory vote:** 1

**Board vote:** 5

**Action:** **Adopted** Resolution #2012-36 establishing a health benefit vesting requirement for future retirees under the Public Employees' Medical and Hospital Care Act and assures the benefit funds are protected for employees and retirees in accordance with applicable agreements, handbooks, and contracts

**Item 14**

**Award a Contract Pursuant to Bid Document #1499, District-wide Bio-Diesel Fuel Tank Installation**

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

**Advisory vote:** 1

**Board vote:** 5

**Action:** **Authorized** the Director of Purchasing Services to award a contract pursuant to bid document #1499, District-wide Diesel Fuel Tank Installation, in the amount of \$29,000 to Balch Petroleum Contractors and Builders, Inc.

**Item 15**

**Measure E Consent**

**M/S/C:** Bechtel/Mendoza

**Advisory vote:** 1

**Board vote:** 5

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

**Central Services –**

- A) Cody Anderson Wasney Architects, Inc. – Revision #7 to Agreement – Data Center “E” - \$0
- B) Gilbane Building Company – Addendum #14 to Agreement for Program and Construction Management Services – Measure E Bond Program - \$491,556

**Item 16**

**Measure C Consent**

**M/S/C:**           **Zavala/Mendoza**  
**Advisory vote:** 1  
**Board vote:**    5  
**Action:**       **Approved** items on the Measure C Consent Calendar as follows:

**De Anza College –**

- A) Sundt Construction, Inc. – Change Order #15 – Media and Learning Center - \$143,524
- B) The Ratcliff Architects – Revision #16 to Standard Agreement - \$100,000

**Item 17**

**Measure C Project List Revision with Foothill Budget Transfer #34 - \$80,000**

**M/S/C:**           **Casas Frier/Swenson**  
**Advisory vote:** 1  
**Board vote:**    5  
**Action:**       **Approved** the Bond Project List Revision with Foothill Budget Transfer #34

**Item 18**

**Gilbane-MAAS Design, Construction & Project Management Agreement for Services, July 1, 2012 through June 30, 2013 - \$3,334,734**

**M/S/C:**           **Swenson/Bechtel**  
**Advisory vote:** 1  
**Board vote:**    5  
**Action:**       **Approved** the negotiated agreement with Gilbane-MAAS for Measure C Construction Management Services for the period July 1, 2012 – June 30, 2013 in the amount of \$3,334,734

**Item 19**

**Gilbane-MAAS Program Management Agreement for Services, July 1, 2012 through June 30, 2013 - \$1,440,786**

**M/S/C:**           **Casas Frier/Cheng**  
**Advisory vote:** 1  
**Board vote:**    5  
**Action:**       **Approved** the negotiated agreement with Gilbane-MAAS for Measure C Program Management Services for the period July 1, 2012 – June 30, 2013 in the amount of \$1,440,786

**ADJOURNMENT**

President Barram adjourned the meeting at 6:55 p.m.