AGENDA
Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session — 4:00 p.m.

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

STUDENT DISCIPLINE — EXPULSION
Student ID: 11195482 (FH)
Student ID: 11304272 (FH)
Student ID: 11320022 (DA)
Student ID: 11350308 (DA)

CONFERENCE WITH LABOR NEGOTIATOR
District Negotiator: Dorene Novotny
Employee Organizations: All Represented and Unrepresented Groups

Public Session — 6:00 p.m.

REPORTING OUT FROM CLOSED SESSION

1. Student Discipline, Student ID: 11195482 (Miner x7201) (See Public Memo for backup) ACTION

2. Student Discipline, Student ID: 11304272 (Miner x7201) (See Public Memo for backup) ACTION

3. Student Discipline, Student ID: 11320022 (Murphy x8706) (See Public Memo for backup) ACTION
4. Student Discipline, Student ID: 11350308 (Murphy x8706) (See Public Memo for backup)  
   **ACTION**

**APPROVAL OF MINUTES**
March 1, 2010  
March 8, 2010  

**CORRESPONDENCE**

**HEARINGS: ITEMS NOT ON THE AGENDA**
*The Board does not take action or respond to items not on the agenda.*
— Public  
— Students  
— Staff  
— Board

5. Presentation by Fremont Union High School District Superintendent Polly M. Bove (Thor x6104) (See Public Memo for backup)  
   **INFORMATION**

6. Layoffs Due to Lack of Funds/Lack of Work (Chief Elk x6109, Brandy x6106)  
   **ACTION**

7. 2010 Report on Open Educational Resources (Baker x7749)  
   **INFORMATION**

8. 2011 Accreditation Update (Hueg x7645) (See Public Memo for backup)  
   **INFORMATION**

**APPROVAL OF CONSENT CALENDAR**

9. Resolution Regarding Trustee Absence for Student Trustee Erica Anderson (Thor x6104)  
   **ACTION**

10. Board Policy 6125, Grading (2nd Reading) (Thor x6104)

11. International Travel Approval (Murphy x8706)

12. Ratification of Wire Transfers Greater than $5,000 for July 2009-February 2010 (Dunn x6201)

13. Ratification of Contracts and Agreements (Dunn x6201)

14. Listing of District Investments as of December 31, 2009 (Dunn x6201)

15. Approval of Instructional Materials and Use Fees for 2010-11 (Dunn x6201)

16. Approval of New Courses Beginning Spring 2010 Quarter (Orrell x7209)

17. Approval of Stand Alone Courses (Orrell x7209)

18. Disposal of Surplus Refrigerated Salt Water Aquarium (Redmond x6166)

19. Donation of Surplus District Computers to OTI (Redmond x6166)
20. Sale of Surplus District Air Compressor (Redmond x6166)
21. Sale of Miscellaneous Surplus Electronic Equipment (Redmond x6166)
22. Professional Development Leave Reports (Novotny x6211)
23. Human Resources Report (Novotny x6211)
24. Personnel Actions as Follows: (Novotny x6211)
   Resignation – Joy Crevier, Foothill Faculty
   Correction: Reduction in Load – Juanita Cordero, De Anza Faculty
   Employment – Gaeir Dietrich, De Anza Director
   Resignation for Purpose of Retirement – Linda DiNucci, Foothill Faculty
   Employment – LeeAnn Emanuel – Foothill Faculty/Counselor, 11 months
   Employment – John Fox – Foothill Faculty, 10 months
   50% Unpaid Leave of Absence – Kara Giannetto, Foothill Faculty
   Revision: 55% Reduction in Load – Reginald Hamer, De Anza Faculty
   Resignation for Purpose of Retirement – Reginald Hamer, De Anza Faculty
   Resignation for Purpose of Retirement – Ebenezer Hunter, De Anza Faculty
   Resignation for Purpose of Retirement – Judy Mowrey, De Anza Faculty
   Resignation for Purpose of Retirement – Leonis Osterdock, Foothill Faculty
   Employment – Benjamin Stefonik – Foothill Faculty, 10 months
   Resignation for Purpose of Retirement – Leland Van Fossen, De Anza Faculty
   Revision: 33% Reduction in Load – Sandi Watkins, Foothill Faculty

BOARD BUSINESS

25. California Community Colleges Trustees Board Election (Thor x6106) ACTION

HUMAN RESOURCES/PERSONNEL

PUBLIC HEARING

26. Open Negotiations for 2010-2011 between the District and CSEA, Chapter 96 (Novotny x6211) (See Public Memo for backup) ACTION

BUSINESS AND FINANCE

27. Approve Contract with Polling Company (Dunn x6201) ACTION
28. Discussion of Middlefield Education Center Site (Dunn x6201) INFORMATION
FACILITIES

29. **MEASURE E CONSENT**  

   Aggregate amount for these items is $72,470

   **De Anza College** –
   
   A) Salas O’Brien – Revision #1 to PAA #D03 – Science Center Fire Sprinklers - $6,925  
   B) Budget Transfer #72  
   C) Allana Buick Bers, Inc. – Revision #1 to PAA #D20 – PE Shower Repairs  
       - $7,575

   **Foothill College** –
   
   A) Cody Anderson Wasney Architects, Inc. – Revision #1 to PAA #F-CAW –  
       New ETS/Data Center Building - $57,970

**MEASURE E PROJECTS**

30. **Award a Contract Pursuant to Bid Document 1247-153 Emergency Generator Remote Fueling Station** – Foothill College (Redmond x6166)  

31. **Award a Contract Pursuant to Bid Document 1256-277.A, Kirsch Door Replacement Project** – De Anza College (Redmond x6166)

32. **MEASURE C CONSENT**  

The aggregate amount of these items is: $209,045

   **De Anza College** –
   
   A) Cleary Consultants, Inc. – Agreement for Services – S2-S6 Phase II –  
       Utility Master Plan Phase I - $25,000  
   B) Environmental Construction Services, Inc. – Revision #1 to PAA #3 –  
       Bladwin Winery & East Cottage “Historic” Project - $0  
   C) Environmental Construction Services Inc. – Revision #1 to PAA #4 –  
       Bladwin Winery & East Cottage “Historic” Project - $0  
   D) Enovity, Inc. – Revision #1 to PAA #1 – Baldwin Winery & East Cottage  
       “Historic” Project - $0  
   E) Enovity, Inc. – Revision 32 to PAA #2 – Baldwin Winery & East Cottage  
       “Historic” Project - $0  
   F) John Plane Construction, Inc. – Change Order #2 – Baldwin Winery 7 East  
       Cottage “Historic” Project - $6,810  
   G) Noll & Tam – Revision #1 to AA #4C – Corporation Yard - $19,670  
   H) Sandis Inc. – Revision #1 to PAA #1 – Secured Bicycle Storage for  
       Students - $3,500  
   I) Tricon Construction, Inc. – Prime Contract Change Order #3 – Pool  
       Chlorination Systems - $6,115

Foothill phone numbers are 650-949-xxxx — De Anza phone numbers are 408-864-xxxx
**Foothill College –**

J)  Cogent Energy, Inc. – PAA #F-COGEN#-3 – Utility and Technology Infrastructure Upgrades - $61,770
K)  HMC Architects – Change Order #1 – Campus Wide Building System & Infrastructure Repairs/Upgrades - $0
L)  Tricon construction, Inc. – Change Order #4 – Pool Plaster and Chemical Systems - $7,838
M)  WRNS Studio – Revision #1 to PAA #F-WRNS#-1B – Central Campus Site Improvements - $52,350
N)  WRNS Studio – PAA #F-WRNS#-4A – Parking & Circulation $19,500
O)  Zolman Construction and Development, Inc. – Change Order #1 – Modernization of Administration Building and General Classrooms - $7,392

**MEASURE C PROJECTS**

33. Measure C Project List Revision and De Anza Budget Transfer #20 (Allen x6150) ACTION

34. Project Authorization Amendment #F-WRNS-2B with WRNS Studio Architects: Parking and Circulation at Foothill College (Allen x6150) ACTION

35. Sustainability Plan (Allen x6150) INFORMATION

36. Measure C Project/Construction Management Review (Allen x6150) INFORMATION

**ADJOURNMENT**

**DATES TO REMEMBER / FUTURE AGENDA ITEMS**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>May 3, 2010</td>
<td>Regular Meeting</td>
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<tr>
<td>June 3, 2010</td>
<td>Audit &amp; Finance</td>
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<tr>
<td>June 7, 2010</td>
<td>Regular Meeting (at De Anza)</td>
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<td>June 15, 2010</td>
<td>CBOC</td>
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<tr>
<td>June 21, 2010</td>
<td>Regular meeting (at Foothill)</td>
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Foothill phone numbers are 650-949-xxxx — De Anza phone numbers are 408-864-xxxx
TO: Members of the Board of Trustees
FROM: Linda M. Thor, Chancellor
DATE: March 31, 2010
RE: Public Session — April 5, 2010

1. Student Discipline

Request for student expulsion for student (SID #11195482) due to violation of Student Code of Conduct.

President Judy Miner recommends expulsion of student #11195482.

2. Student Discipline

Request for student expulsion for student (SID #1304272) due to violation of Student Code of Conduct.

President Judy Miner recommends expulsion of student #11304272.

3. Student Discipline

Board approval is requested to expel student #11320022 according to Education Code 76030 (expelling a student for good cause).

Included for the Board’s review are copies of the file in the Student Development office and the documents the Disciplinary Hearing Committee used to make their recommendation that student #11320022 be expelled from enrollment or attending any classes, programs or activities the Foothill-De Anza Community College District.

President Brian Murphy recommends expulsion of student #11320022.

4. Student Discipline

Board approval is requested to expel student #11350308 according to Education Code 76030 (expelling a student for good cause).

Included for the Board’s review are copies of the file in the Student Development office and the documents the Disciplinary Hearing Committee used to make their recommendation that student #11350308 be expelled from enrollment or attending any classes, programs or activities the Foothill-De Anza Community College District.
President Brian Murphy recommends **expulsion** of student #11350308.

5. **Presentation by Fremont Union High School District**

Superintendent Polly M. Bove will present the State of the Fremont Union High School District.

District challenges include:

* Renewing the parcel tax that generates revenue of about $5.2 million per year before it expires in 2011:

* Maintaining highly qualified teachers and support staff with a budget that projects very minimal property tax growth for the next three years;

* Continuing implementation of the 2008 Bond Program, which includes constructing/renovating of classrooms and science labs, constructing a solar electricity system, replacing and upgrading technology, repairing aging infrastructure, modernizing tracks and fields and other facilities improvements.

6. **Layoff Due to Lack of Funds/Lack of Work**

The budget projected for the 2009-2010 fiscal year presented significant fiscal challenges for the District. The District relied upon several strategies to reduce expenditures. The budget reductions were in place by August 2009.

1. $6.7 million in operating expenses were eliminated
   - 68 filled and vacant positions were eliminated from the general fund budget. The filled positions (35) were funded through the use of escrowed funds.
   - Funding for 16 positions was reduced or reassigned to alternative funding sources i.e., Categorical Programs (Fund 121), Self-Sustaining (Fund 115) and/or Measure C (Fund 400).
   - 4 positions were restructured/reorganized due to retirements
   - $312,655 was reduced from “B” budgets.
   - $200,000 was reduced in faculty reassigned time funding.

2. $2.6 million reduction in part-time faculty costs due to workload reduction of 5%.

After the above reductions were implemented, there remained a $3.8 million structural deficit being supported by one-time reserves.

An early assessment of the 2010-11 budget identified three areas of concern:

- $3.8 million unresolved structural deficit
- $7.9 million in State cuts to Categorical programs
- Projected $4.3 million increase to expenses due to step and column advancements, and increased benefit expenses.
Due to the benefit concessions made by all employee groups, a revision of the estimated 2010-11 deficit determined the following:
- Projected expenses will exceed revenue by $4.1
- State cuts to categorical funding amount to $6.5

Without additional cost reductions, the total projected deficit for 2010-11 is $10.6. Therefore, in January 2010, budget cuts were made to address the projected deficit:

- Where possible, reduce B budget
- Where possible, redirect salaries to bond program, categorical programs and self-sustaining funds where legally and fiscally possible
- Re-organize services and departments to recognize loss of revenues
- Eliminate 34 filled and vacant positions from the general fund and categorical budgets. 27 filled positions will be funded through the use of escrowed funds (Escrow II).

The current District budget strategy focuses on the following:

Cost Saving Measures
- Photovoltaic installations at Foothill College in the summer of 2010 where there is an anticipated annual savings of $250,000 upon project completion. Future plans include a similar size project at De Anza College in the summer of 2011.

Use of Fund Balance and Reserves
General Fund
- Maintain 5% reserves ($10.3 million)
- Restrict district-wide carryover for EIS implementation, union negotiated items and election costs ($1.6 million)
- Restrict portion of Stability Funding for Escrow II ($2 million)
- Maintain any remaining Stability Funding for potential State cuts ($6.4 million)

Internal Service Fund/Benefit Fund
- Maintain $2 million operating reserve
- Reserve $500,000 for negotiated post-97 Health benefit Reserve for FA and ACE
- Restrict $273,000 for Extended Sick Leave and Vacation Payout Reserve
- Maintain any remaining unrestricted funding for rate stabilization (goal amount $5 million)

New Revenue Generation
- Conduct a feasibility assessment of a parcel tax
- Create a stronger grants office to secure potential additional state, local and federal funding
- Foundation Board to increase activity in light of fiscal crisis

Whereas the District has determined that it has a budget deficit the following classified positions will be eliminated for lack of funds/lack of work effective June 30, 2010:

#1
Administrative Assistant I Counseling De Anza
Therefore, effective June 30, 2010 the following classified employees are subject to layoff for lack of funds/lack of work:

#2

Francisca Ramirez Moya  Administrative Assistant I  De Anza
Bhavi Patel  Administrative Assistant I  Foothill
Mary Ann Washington  Division Administrative Assistant  De Anza
Diana Morrow  Instructional Associate  De Anza
Rose Maestas-Hoohuli  Instructional Associate  Foothill
Nancy Gill  Instructional Associate  Foothill
Frances Frazer  Instructional Associate  De Anza
Gregory Knittel  Instructional Associate  De Anza
Gulay Gur  Instructional Associate  Foothill
Willie Frieson  Program Coordinator I  Foothill
Griselda Sigala-Aguilar  Program Coordinator II  De Anza
Cynthia Lister  Program Coordinator II  De Anza
Robert Covington  Head Grounds Gardener  De Anza

WHEREAS the employees listed in #2 above may exercise “bumping rights” into other classified positions in accordance with the Education Code and their respective collective bargaining Agreements with the District, the following employees may be subject to layoff:

#3

Craig Gawlick  Administrative Assistant I  Foothill
Phong Lam  Division Administrative Assistant  De Anza
Paul Zuniga  Instructional Associate  Foothill
Ann Leever  Instructional Associate  De Anza
Priscilla Davis  Instructional Associate  De Anza
Julie Riggins  Instructional Associate  Foothill
Wilbert Hollins  Instructional Associate  Foothill
Vida Ajdarian-Fard  Instructional Associate  De Anza
Sandra Cardoza  Library Services Technician, Senior  De Anza
Mai Dam  Program Coordinator I  De Anza
And, the following classified positions will be eliminated effective June 30, 2010:

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<thead>
<tr>
<th>Position</th>
<th>Department</th>
<th>Location</th>
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<td>#4 Adaptive Learning Assistant II</td>
<td>Adaptive Learning</td>
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<td>Administrative Assistant I</td>
<td>Counseling</td>
<td>De Anza</td>
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<td>Executive Director, Museum</td>
<td>Euphrat Museum</td>
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<td>Instructional Associate</td>
<td>Business/Computer Systems</td>
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<td>Language Arts Lab Assistant</td>
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<td>Parking Officer</td>
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Therefore, effective June 30, 2010 the following classified employees are subject to layoff: for lack of funds/lack of work:

#5
Roger Quimby  Adaptive Learning Assistant II  Foothill
Charlene Wonpat  Adaptive Learning Assistant II  Foothill
Suzanne Yamada  Administrative Assistant I  Foothill
Jan Rindfleisch  Executive Director, Museum  De Anza
Alerie Flandez  Instructional Associate  De Anza
Jacqueline Kritzer  Instructional Associate  De Anza
Norman Landes  Instructional Associate  Foothill
Renato Tuazon  Instructional Associate  De Anza
Judith Gilford  Language Arts Lab Assistant  Foothill
Chris Engstrume  Parking Officer  Central Services
Sandra Blackborow  Tutorial Center Associate  De Anza
Shani Armstrong  Readiness Teaching Assistant I  De Anza
Richard Claeys  Readiness Teaching Assistant I  De Anza
Jane Derosa  Readiness Teaching Assistant I  De Anza
Andrea Guido  Readiness Teaching Assistant I  De Anza
Jennifer Safari-Farahani  Readiness Teaching Assistant I  De Anza
Ho Lee  Readiness Teaching Assistant I  De Anza
Andrew Leung  Readiness Teaching Assistant I  De Anza
Marilyn Levy  Readiness Teaching Assistant I  De Anza
Jean Merkhofer  Readiness Teaching Assistant I  De Anza
Flannery Norton Quinn  Readiness Teaching Assistant I  De Anza
Jerome Sheahan  Readiness Teaching Assistant I  De Anza
Kanako Suda  Readiness Teaching Assistant I  De Anza
Joan Williamson  Readiness Teaching Assistant I  De Anza
Bettina Brockmann  Readiness Teaching Assistant II  De Anza
John Cortland  Readiness Teaching Assistant II  De Anza
Terry Eden  Readiness Teaching Assistant II  De Anza
Sorena Faravashi  Readiness Teaching Assistant II  De Anza
Kennedy Gomez  Readiness Teaching Assistant II  De Anza
Harold Griffin  Readiness Teaching Assistant II  De Anza
David Grunwald  Readiness Teaching Assistant II  De Anza
Christine Johnson  Readiness Teaching Assistant II  De Anza
Roshini Joseph  Readiness Teaching Assistant II  De Anza
Dawn Kaltenbach  Readiness Teaching Assistant II  De Anza
Yuan Kuo  Readiness Teaching Assistant II  De Anza
Anjana Mehta  Readiness Teaching Assistant II  De Anza
Miki Melton  Readiness Teaching Assistant II  De Anza
Mahsa Modirzadeh  Readiness Teaching Assistant II  De Anza
Ronald Orlando  Readiness Teaching Assistant II  De Anza
Julie Sanders  Readiness Teaching Assistant II  De Anza
Vipinchandra Shah  Readiness Teaching Assistant II  De Anza
Christine Zercher  Readiness Teaching Assistant II  De Anza

And, the following classified position will be subject to a 50% reduction in contract effective June 30, 2010:

#6
Special Events Coordinator  Student Development  De Anza

Therefore, effective July 1, 2010 the following classified employee are subject to a 50% reduction in contract for lack of funds/lack of work:

#7
Casey Dick  Special Events Coordinator  De Anza

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends the board eliminate the positions listed in #1 and #4 and that the Board reduce the positions listed in #6.

In accordance with Education Code sections 88117 and 88127, Article 11 of the Agreement between the District and Association of Classified Employees (ACE) and Article 9 of the Agreement between the District and CSEA, Chapter 96, Unit, the Board is requested to authorize District representatives to provide all employees listed in #2, #3, #5, and #7 above with forty-five (45) day notices of layoff.

7. 2010 Report on Open Educational Resources

On December 6, 2004, the Board approved Policy 6141 Public Domain which states: “The Foothill-De Anza Community College District supports the creation, use, accessibility, and ongoing maintenance of public domain-based learning materials in accordance with established curriculum standards for educational purposes of the District, using the commonly accepted legal definition of public domain materials…The Chancellor will provide periodic reports, not less than annually, to the Board that detail the progress made toward accomplishing the goals delineated by this policy.”

Adoptions of open textbooks by over a dozen faculty at De Anza College and Foothill College have resulted significant savings for students each quarter. In January 2010, the California Community Colleges System Office authorized Foothill College to manage the OER Center for California to provide community colleges around the state with the information, methods, and instructional materials to establish open education resources centers on their campuses, as mandated by A.B. 2261. The Community College Open Textbook Collaborative is a two-year, $1.5 million grant-funded project managed by Foothill College to provide training for faculty to adopt open resources, peer reviews of open textbooks, an online professional network, support for authors opening their resources, and other services. In 2007, the Foothill-De Anza Community College District launched the Community College Consortium for Open Educational Resources which has grown to a current membership of over 150 colleges.
8. **2011 Accreditation Update**

Accreditation Liaison Officers Kurt Hueg, Director of Marketing, Public Relations & Design Services (FH) and Marisa Spatafore, Director, Marketing & Communications (DA), have collaborated on the planning process for the 2011 accreditation site visit. Mr. Hueg will present an update on that process.

9. **Resolution Regarding Trustee Absence for Student Trustee Erica Anderson**

Student Trustee Erica Anderson was unable to attend the regular Board meeting on March 8, 2010 due to illness. The Board may grant such an absence if it is due to a hardship deemed acceptable by the Board. As stated in Education Code 72425(5)-d:

A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the community college district, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board. The compensation shall be a charge against the funds of the district.

Included for adoption by the Board is a resolution verifying the fact of the absence which is required by Education Code Section 72425.

Chancellor Linda Thor recommends approval of the resolution.

10. **Board Policy 6125, Grading (2nd Reading)**

Board Policy 6125, Grading was presented to the Board on 3/1/10 for a first reading after review and approval by the Chancellor’s Advisory Council.

The policy is being presented to the Board for a second reading.

Chancellor Linda Thor recommends approval of Board Policy 6125 as submitted.

11. **International Travel Approval**

In conjunction with District board Policy 4176, board approval is requested for international travel on behalf of two De Anza college faculty members.

Li Wei Sun has requested travel to Taiwan to attend an Early Childhood Education seminar in Taiwan the week of March 26, 2010.

Mike Engle has requested travel to Vietnam from April 10-25 to consult with Dong An Technical University in the area of MCNC, Manufacturing and Computer-Aided Numerical Control Technologies.

De Anza President Brian Murphy recommends approval.
12. **Ratification of Wire Transfers Greater than $5,000 for July 2009 – February 2010**

Attached for Board ratification are wire transfers greater than $5,000 for July 2009 through February 2010. These were inadvertently omitted from the B Warrants and wire transfers submitted to the Board on August 3, 2009, November 2, 2009, and March 1, 2010.

Vice Chancellor of Business Services Andy Dunn recommends **ratification**.

13. **Ratification of Contracts and Agreements**

Presented to the Board for ratification is the list of contracts and agreements signed by the Vice Chancellor, Business Services. It is the intention of Business Services to present such a list each month.

This procedure is in response to a review of Ed Code requirements and the revised Board Policy Section 3000.

Vice Chancellor of Business Services Andy Dunn recommends **ratification**.

14. **Listing of District Investments as of December 31, 2009**

Provisions with SB 564 require local agencies to report all external investments on a quarterly basis. In accordance with the aforementioned requirement, attached is a listing of the District’s investments as of December 31, 2009.

The District invested its cash, $250,986,492.11 on December 31, 2009, in the County’s Commingled Investments Pool. As of December 31, 2009, the current yield on the commingled investments pool was 1.06%. As a comparison for the same time period, the yield on a two-year Treasury Note was 0.97%; the yield on a 6-month Treasury Bill was 0.18%; and the Local Agency Investment Fund (LAIF) was 0.57%.

In addition, the County Treasury held various securities totaling $66,742,362.19 for Measure C Project Fund. The yield of the securities ranges from 3.25% to 7.25% with maturity date ranges from January 1, 2010 to March 15, 2012.

15. **Approval of Instructional Materials and Use Fees for 2010-11**

Education Code section 76365, and the Title 5 implementing regulations (59400-59408), allow districts to require students to provide various types of instructional materials and enables districts to sell such materials to students who wish to purchase the required materials from the district. Generally speaking, there are strict limitations on charging a required "instructional materials fee."

The law provides that students can only be required to provide materials which are of continuing value to the student outside of the classroom setting.
The State Chancellor's Office has determined that such materials include, but are not limited to textbooks, tools, equipment, clothing, and those materials which are necessary for a student's vocational training and employment.

The regulations further provide that "instructional and other materials" means tangible personal property that is owned or primarily controlled by the student and has been expanded to include electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class.

Vice Chancellor of Business Services Andy Dunn recommends approval of the fees associated with the referenced listing of courses under the authority of Education Code Section 76365.

16. **Approval of New Courses Beginning Spring 2010 Quarter**

Foothill seeks board approval for the addition of the attached courses to the 2009-10 Foothill College Catalog.

These courses have been approved through the established Foothill curriculum process for the 2009-10 year.

Foothill administration recommends approval of these additional courses.

17. **Approval of Stand Alone Courses**

Foothill seeks board approval for the Stand Alone Courses. Per Title 5 direction, every course that is not part of a State approved degree or certificate or is not part of the Foothill General Education requirements is required to have completed an application to substantiate it’s appropriateness to our mission, prove that it has met Foothill’s curriculum standards and that it is compliant with regard to enrollment restrictions and accreditation standards.

These courses have completed Curriculum Committee applications and have been approved through the established Foothill curriculum process.

Foothill administration recommends approval of these additional courses.

Vice Chancellor of Business Services Andy Dunn recommends approval of the fees associated with the referenced listing of courses under the authority of Education Code Section 76365.

18. **Disposal of Surplus Refrigerated Salt Water Aquarium**

The District owns 1 refrigerated salt-water aquarium that is in non-working condition and of no further use to the District. District staff estimates the resale value to be zero.

California Education Code 81452(c) provides that if the governing board, by a unanimous vote of those members present, finds that the property, is of insufficient value
to defray the costs of arranging a sale, the property may be disposed of in the local public
dump on order of any employee of the District empowered for that purpose by the board.

District Staff will dismantle the items and recycle or dispose of the components
appropriately.

Director of Purchasing and Material Services recommends the board make a finding that
the items are of insufficient value to defray the costs of arranging a sale and authorize
the Director of Purchasing Services to recycle or dispose of the items in the local public
dump.

19. **Donation of Surplus District Computers to OTI**

The District has 22 computers that have been replaced with new equipment. The used
equipment is unsatisfactory for further use by the District. Educational Technology
Services (ETS) estimates that each computer has a value of $40.00. Therefore, the
estimated aggregate value is $880.00.

The De Anza College Occupational Training Institute evaluated this equipment and
found it acceptable for refurbishment and donation to students as scholarships.
Therefore, it is recommended that the computers be donated to the Foothill-De Anza
Foundation, which is a tax-exempt public benefit corporation under Section 501c(3) of
the Internal Revenue Service Code.

California Education Code 81452(c) provides that if the governing board, by a
unanimous vote of those members present, finds that the property, is of insufficient value
to defray the costs of arranging a sale, the property may be donated to a charitable
organization deemed appropriate by the board.

Director of Purchasing and Material Services recommends the board make a finding that
the items are of insufficient value to defray the costs of arranging a sale and authorize
the Director of Purchasing Services to donate the items to the Foothill-De Anza
Foundation.

20. **Sale of Surplus District Air Compressor**

The District has one air compressor that has been determined by the Plant Services
Department to be of no further use to the District. The estimated aggregate market value
of the air compressor is $250.00.

California Education Code 81452(a) provides that if the governing board by a unanimous
vote of those members present, finds that the property, whether one or more items, does
not exceed in value the sum of five thousand dollars ($5,000.00), the property may be
sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to post a notice on Bid Net and call for competitive bids on the
Public Surplus website. Proceeds will be deposited to the District General Fund.
Director of Purchasing and Material Services recommends the board make a finding that the property does not exceed $5,000.00 in value and authorize the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a).

21. Sale of Miscellaneous Surplus Electronic Equipment

The District has fourteen pallets of computers, monitors, printers, and miscellaneous electronic equipment (See attached Surplus Forms, 16 pages). The Districts Educational Technology Services Department (ETS) staff has determined that the items are obsolete and of no further use to the District. De Anza College Occupational Training Institute and the De Anza Associated Student Body have also found them to be unsuitable for further use. In accordance with the Electronic Waste Recycling Act these items are considered electronic waste and may be sold only to authorized State of California Cathode Ray Tube (CRT) material handlers, collectors and recyclers. The estimated aggregate market value of this electronic equipment is less than $5,000.00.

California Education Code 81452(a) provides that if the governing board by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars ($5,000.00), the property may be sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to post a notice on Bid Net and call for competitive bids from companies that are authorized State of California CRT material handlers, collectors and recyclers. Proceeds will be deposited to the District’s general fund.

Director of Purchasing and Material Services Carmen Redmond recommends the board make a finding that the property does not exceed $5,000.00 in value and authorize the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a).

22. Professional Development Leave Reports

In accordance with Article 17.16 and 17.17 of the Agreement between the District and the Faculty Association, the Professional Development Leave Committee has reviewed and approved Professional Development Leave Reports from the faculty employees listed on the attached memo who successfully met the objectives of their leaves. The Board is requested to accept the reports and is encouraged to read the reports which are available for review in the Human Resources office.

Chair of the Professional Development Leave Committee Dorene Novotny, recommends acceptance of the reports.

23. Human Resources Report

The Human Resources report is presented for Board Approval. The report reflects the personnel actions in the following categories: new hires, new positions, promotions, reassignments, reclassifications, separations, 39 month re-employment, permanent contract changes, professional growth awards, service recognition awards and longevity awards.
Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends approval.

24. Personnel Actions as Follows:

Name: Joy Crevier  
Position: Instructor  
College: Foothill College  
Division: Physical Sciences, Math & Engineering  
Action: Resignation  
Effective Date: March 31, 2010

Name: Juanita Cordero  
Position: Instructor  
College: De Anza College  
Division: Social Sciences  
Action: Correction: 20% load reduction per Article 18  
Effective Date: AY 2010-2011

Name: Gaer Dietrich  
Position: Director  
College: De Anza College  
Division: Special Education, High Tech Center Training Unit  
Action: Employment  
Effective Date: April 6, 2010 through June 30, 2011  
* Compensation: Range H, Step 8 @ $9,878.61/month

Name: Linda DiNucci  
Position: Instructor  
College: Foothill College  
Division: Adaptive Learning Division & Disability Services  
Action: Resignation for the purpose of retirement  
Effective Date: June 25, 2010

Name: LeeAnn Emanuel  
Position: Instructor/Counselor  
College: Foothill College  
Division: Counseling  
Action: Employment  
Effective Date: August 1, 2010  
* # of Months: 11  
* Compensation: Column III, Step I @ $8,081.85/month

Name: John Fox  
Position: Instructor  
College: Foothill College  
Division: Business & Social Sciences  
Action: Employment  
Effective Date: September 16, 2010  
* of Months: 10  
* Compensation: Column II, Step A @ $5,545.86/month
Name: Kara Giannetto  
Position: Instructor  
College: Foothill College  
Division: Physical Education & Human Performance  
Action: 50% unpaid leave of absence per Article 16  
Effective Date: AY 2010-2011 and 2011-2012

Name: Reginald Hamer  
Position: Instructor  
College: De Anza College  
Division: Physical Science, Math & Engineering  
Action: Revision: 55% load reduction per Article 18  
Effective Date: Spring 2010

Name: Reginald Hamer  
Position: Instructor  
College: De Anza College  
Division: Physical Science, Math & Engineering  
Action: Resignation for purpose of retirement under Article 19  
Effective Date: June 25, 2010

Name: Ebenezer Hunter  
Position: Instructor  
College: De Anza College  
Division: Intercultural/International Studies  
Action: Resignation for purpose of retirement under Article 19  
Effective Date: June 25, 2010

Name: Judy Mowrey  
Position: Instructor  
College: De Anza College  
Division: Library Services  
Action: Resignation for purpose of retirement under Article 19  
Effective Date: June 25, 2010

Name: Leonis (Le Ann) Osterdock  
Position: Instructor / Program Director  
College: Foothill College  
Division: Biological & Health Sciences  
Action: Resignation for purpose of retirement under Article 19  
Effective Date: June 25, 2010

Name: Benjamin Stefonik  
Position: Instructor  
College: Foothill College  
Division: Business & Social Sciences  
Action: Employment  
Effective Date: September 16, 2010  
* # of Months: 10
* Compensation: Column II, Step B @ $5,827.63/month

Name: Leland Van Fossen  
Position: Instructor  
College: De Anza College  
Division: Biological, Health & Environmental Sciences  
Action: Resignation for purpose of retirement  
Effective Date: June 25, 2010

Name: Sandi Watkins  
Position: Instructor  
College: Foothill College  
Division: Computers, Technology & Information Systems  
Action: Revision: 33% load reduction as per Article 18  
Effective Date: AY 2010 - 2011

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends approval.

25. California Community Colleges Trustees Board Election

The Board is entitled to submit its vote as a body to elect seven community college trustees to the California Community College Trustees (CCCT) Board of Directors. The list of 10 candidates who have been nominated for the CCCT Board of Directors is attached. Each community college district board has one vote for each of the seven vacancies. Only one vote may be cast for any nominee or write-in candidate. Information provided by various candidates and the statements of candidacy were earlier sent to the Board.

Following past practice at Foothill-De Anza, the Board President will introduce the topic for discussion, then request each elected trustee to mark the attached ballot and pass it to the recording secretary, who will tabulate the results onto one official ballot and submit it to the CCCT Office by the deadline of April 26. The student trustees may cast advisory votes to be used to resolve any ties that result in more than seven candidates being selected. A copy of the tabulated ballot will be distributed to the elected trustees in the weekly Board mail for their information.

Trustees are permitted to vote for any number up to seven, but not more than once per candidate. Each elected trustee is asked to vote for up to seven candidates.

26. Public Hearing – Open Negotiations for 2010-2011 between the District and CSEA, Chapter 96

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and CSEA, Chapter 96 propose to reopen negotiations on the current Agreement (January 1, 2010 through December 31, 2012). The District proposes changes to Article 5, Article 11 and Article 12.

Both parties reserve the right to add, alter, or delete any of the above proposed articles.
This Public Hearing affords members of the public the opportunity to express themselves regarding this matter.

27. Approve Contract for Polling Company

The Board has debated the merits of a parcel tax for the district over the course of the last year on several different occasions. Most recently, at their February 1 meeting, the Board authorized the district to solicit proposals from polling companies to examine the feasibility of a parcel tax. Subsequent to this meeting, the district prepared and distributed RFP No. 1257 for Campaign Consultation and Survey Services.

In response to the RFP, the district received proposals from five firms:
- EMC Research, Inc,
- Fairbanks, Maslin, Maulin, Metz & Associates
- TBWB Strategies
- Tramutola LLC
- Tulchin Research

A subcommittee of the Board consisting of Trustees Bechtel and Cheng, along with Linda Thor, Andy Dunn and Mike Brandy screened the proposals and interviewed three firms on March 9, 2010. The firms interviewed were EMC Research, Inc.; Fairbanks, Maslin, Maulin, Metz & Associates; and TBWB Strategies. Based on the results of these interviews, the committee recommends that a contract be awarded to TBWB Strategies to conduct a feasibility poll for a potential parcel tax. Depending on variables such as sample size and survey length, the cost for these services will range from $26,850.00 to $36,830.00. These costs will be paid from one time carry over dollars in Central Services.

Godbe Research, who conducted the recent polling in the San Mateo Community College District for parcel tax and bond feasibility studies, will be a subcontractor to TBWB Strategies. The contract fee, as noted above, is largely driven by the actual polling activities.

The project director from TBWB Strategies will be Charles Heath who was the campaign manager for the two successful Measure E and Measure C bond programs in our District. Both Godbe and TBWB Strategies have extensive recent experience in our area with K-12 parcel tax and bond programs reflecting a wealth of knowledge about local voting trends. The TBWB/Godbe response to the District proposal is available in the Office of the Chancellor for review. The proposed Agreement for Services with TBWB Strategies is attached for the Board’s review and approval.

Vice Chancellor of Business Services, Andy Dunn recommends the board authorize the Vice Chancellor of Business Services execute the attached Agreement for Services with TBWB Strategies for a feasibility study of a parcel tax at a cost not to exceed $37,000.

28. Discussion of Middlefield Education Center Site

The attached memo from Vice Chancellor Dunn to Chancellor Thor is presented to provide background information for Board of Trustees at their meeting of April 5, 2010.
29. **Measure E Consent**

Aggregate amount for these items is $72,470

**De Anza College** –

A) Salas O’Brien – Revision #1 to PAA #D03 – Science Center Fire Sprinklers - $6,925
B) Budget Transfer #72
C) Allana Buick Bers, Inc. – Revision #1 to PAA #D20 – PE Shower Repairs - $7,575

**Foothill College** –

D) Cody Anderson Wasney Architects, Inc. – Revision #1 to PAA #F-CAW – New ETS/Data Center Building - $57,970

Charles Allen, Executive Director of Facilities, Operations, and Construction Management, Tom Armstrong, Director, Bond Program Management, De Anza College, recommend that Measure E consent items be **ratified/approved** by the Board of Trustees.

30. **Award a Contract Pursuant to Bid Document 1247-153 Emergency Generator Remote Fueling Station – Foothill College**

The project provides for the installation of a Pryco fuel fill station, steel piping, and leak detection system to achieve a complete and operable remote fueling station for the Campus Center 300kW emergency power generator as directed by the Santa Clara County Fire Marshal’s office. The scope of work also includes modifications to the exhaust duct and modifications to the electrical power and controls wiring that operates the remote fuel station and leak detection systems. Some minor removal and replacement of exterior cedar wood siding is also required. Salas O’Brien Engineers, Inc. prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1247-153 was legally advertised on January 12 and January 19, 2010. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges, and advertised in the Daily Pacific Builder, as well as posted on “BidNet” at www.govbids.com. Bids were publicly opened and read on February 18, 2010 at 2 p.m. in Purchasing Services. Eight (8) contractors submitted bids. Bid results are below:

**BID RESULTS**

<table>
<thead>
<tr>
<th>General Contractors</th>
<th>Base Bid Proposal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Bros Construction, Inc.</td>
<td>$41,000</td>
</tr>
<tr>
<td><strong>R. C. Benson &amp; Sons, Inc.</strong></td>
<td><strong>$54,500</strong></td>
</tr>
<tr>
<td>Rumex Construction Corporation</td>
<td>$55,540</td>
</tr>
<tr>
<td>Coulter Construction, Inc.</td>
<td>$57,296</td>
</tr>
<tr>
<td>West Star Environmental</td>
<td>$58,000</td>
</tr>
<tr>
<td>Beals Martin, Inc.</td>
<td>$62,495</td>
</tr>
<tr>
<td>Kuehne Construction</td>
<td>$63,559</td>
</tr>
</tbody>
</table>
On February 19, 2010, the apparent low bidder B Bros Construction, Inc. sent a letter to the District asking to be relieved of its bid in accordance with the Public Contract Code due to a mistake in preparing its bid price. Pursuant to Public Contract Code Section 5103, the Board of Trustees may grant relief to a bidder who claims a mistake within the 5 day written notice period provided that the mistake makes the bid materially different than what it was intended it to be, and that the mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications. The mistake was material and made the bid $11,575 lower than what B Bros Construction, Inc. intended it to be (see attached letters of 2/18/10, 2/19/10, and 3/5/10).

Therefore, R. C. Benson & Sons, Inc. is the lowest responsive and responsible bidder. They have successfully completed many public works projects including an infrastructure upgrade and renovation project at Westmont High School and a variety of small jobs for the District’s Facilities Department. Additionally, they successfully completed a recent project at Stanford Hospital. The bid price of $54,500 submitted by R. C. Benson & Sons, Inc. is well within the construction estimate of $60,000. The project will be funded through Measure E.

Director of Purchasing and Material Services Carmen Redmond recommends the board relieve B Bros Construction Inc. of its bid due to a mistake pursuant to PCC 5103 and authorize the Director of Purchasing and Material Services to award a contract pursuant to Bid 1247-153 Emergency Generator Remote Fueling Station - Foothill College in the amount of $54,500 to R. C. Benson & Sons, Inc.


The project provides the complete removal & replacement of three sets of exterior doors located at the Kirsch Center for Environmental Studies Building, including new hardware, finishes, and associated electrical work. The purpose of the project is to improve building security. AEDIS Architecture and Planning, Inc. prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1256-277.A was legally advertised on February 19 and February 26, 2010. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges, and advertised in the Daily Pacific Builder, as well as posted on “BidNet” at www.govbids.com. Bids were publicly opened and read on March 19, 2010 at 2 p.m. in Purchasing Services. Eight (8) contractors submitted bids. Bid results are below:

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<tr>
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<tbody>
<tr>
<td>R. C. Benson &amp; Sons, Inc.</td>
<td>$54,862</td>
</tr>
<tr>
<td>Automatic Door Systems, Inc.</td>
<td>$56,275</td>
</tr>
</tbody>
</table>
R. C. Benson & Sons, Inc. is the lowest responsive and responsible bidder. They have successfully completed many public works projects including an infrastructure upgrade and renovation project at Westmont High School and a variety of small jobs for the District’s Facilities Department. Additionally, they successfully completed a recent project at Stanford Hospital. The bid price of $54,500 submitted by R. C. Benson & Sons, Inc. is well within the construction estimate of $60,000. The project will be funded through Measure E.

Director of Purchasing and Material Services Carmen Redmond recommends the board authorize the Director of Purchasing and Material Services to award a contract pursuant to Bid 1256-277.A, Kirsch Door Replacement project at De Anza College in the amount of $54,862 to R. C. Benson & Sons, Inc.

### Measure C Consent

Aggregate amount of these items is $209,045.

**De Anza College**

A) Cleary Consultants, Inc. – Agreement for Services – S2-S6 Phase II – Utility Master Plan Phase I - $25,000

B) Environmental Construction Services, Inc. – Revision #1 to PAA #3 – Bladwin Winery & East Cottage “Historic” Project - $0

C) Environmental Construction Services Inc. – Revision #1 to PAA #4 – Bladwin Winery & East Cottage “Historic” Project - $0

D) Enovity, Inc. – Revision #1 to PAA #1 – Baldwin Winery & East Cottage “Historic” Project - $0

E) Enovity, Inc. – Revision 32 to PAA #2 – Baldwin Winery & East Cottage “Historic” Project - $0

F) John Plane Construction, Inc. – Change Order #2 – Baldwin Winery 7 East Cottage “Historic” Project - $0

G) Noll & Tam – Revision #1 to AA #4C – Corporation Yard - $19,670

H) Sandis Inc. – Revision #1 to PAA #1 – Secured Bicycle Storage for Students - $3,500

I) Tricon Construction, Inc. – Prime Contract Change Order #3 – Pool Chlorination Systems - $6,115

**Foothill College**

J) Cogent Energy, Inc. – PAA #F-COGEN-T#3 – Utility and Technology Infrastructure Upgrades - $61,770

K) HMC Architects – Change Order #1 – Campus Wide Building System & Infrastructure Repairs/Upgrades - $0
L) Tricon construction, Inc. – Change Order #4 – Pool Plaster and Chemical Systems - $7,838
M) WRNS Studio – Revision #1 to PAA #F-WRNS-#1B – Central Campus Site Improvements - $52,350
N) WRNS Studio – PAA #F-WRNS-#4A – Parking & Circulation $19,500
O) Zolman Construction and Development, Inc. – Change Order #1 – Modernization of Administration Building and General Classrooms - $7,392

Charles Allen, Executive Director of Facilities, Operations, and Construction Management, Tom Armstrong, Director, Bond Program Management, De Anza College, and Art Heinrich, Bond Program Management, Foothill College, recommends that Measure C consent item(s) be ratified/approved by the Board of Trustees.

33. Measure C Project List Revision and De Anza Budget Transfer #20.

This revision to the Measure C Project List is required to more effectively manage multiple projects as follows:
• To ensure proper coordination, and to gain efficiency and economy of scale, the project management team has determined to consolidate several smaller projects into one new large Site Improvement project. The proposed new Measure C project will be: #274 Combined Site Improvements. The scope and budget of the following smaller projects will be consolidated into this new project:
  • #210 Asphalt Walks
  • #219 Irrigation Branches
  • #220 Landscaping Phase II
  • #221 Campus Exterior Lighting Phase II
  • #233 Slip Line Storm Drain Main Lines
  • #235 Repair Stone Pavers in Court Yards
  • #250 ADA Transition Plan
• Bid savings from Project #205 Seminar Building & Multicultural Center are being reallocated to augment budgets in the following projects:
  • #211 L-Quad Seating: to fund an increase in the estimated cost at completion due to construction sequencing to avoid class schedule interruptions
  • #217 Secured Bicycle Storage for Students: for redesign fees for modifying the bike racks, lockers, and fencing designs, and, to fund an increase in the estimated cost at completion by making these changes
  • #251 Install Photovoltaic Arrays - Campus Wide: to fund future PV installations at Lots A & B

Executive Director of Facilities, Operations and Construction Management recommends that the Board approve the bond Project List Revision and De Anza Budget Transfer #20.

34. Project Authorization Amendment #F-WRNS-2B with WRNS Studio architects:
Parking and Circulation at Foothill College (Measure C Project #162)

This Project Authorization Amendment #F-WRNS-2B with architects WRNS Studio provides for complete design services related to the Parking and Circulation projects at Foothill College. This PAA authorizes WRNS to develop complete construction bid documents, obtain DSA approvals, respond to bidder’s questions, and provide
construction administration services for the parking and circulation projects. These projects provide for improved pedestrian and vehicular circulation and safety along the loop road, parking lot entrances, and pedestrian crossings. The projects also provide for additional ADA accessible parking. The fee of $643,307.00 is within the project budget.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board approve Project Authorization Amendment #F-WRNS-2B with WRNS Studio.

35. **Sustainability Plan**

The Sustainability Plan is an integral part of the District Strategic Plan. The Sustainability Plan also supports Board Policy 3214, Environmentally Sustainable Practices which sets forth the District’s commitment to good stewardship of the environment and to reducing the District’s dependence on non-renewable energy sources. Key elements of the Sustainability Plan include:

- ✔ Reference to other key documents related to Environmentally Sustainable Practices
  - o Administrative Procedure 3214, Guidelines for Administering Environmentally Sustainable Practices
  - o AB 32; Californian Global Warming Solutions Act
  - o American College & University Presidents’ Climate Act
  - o Foothill and De Anza College Sustainability Management Plans

- ✔ A District wide Sustainability Team

- ✔ A clear statement of long term goals

- ✔ Short term actions that identify key annual sustainability goals as well as lead and support responsibilities for each

- ✔ A Communications Plan that includes
  - o Routine reporting to the campus community
  - o Annual reporting to the Board of Trustees

Comments and feedback on the plan are requested from the Board. Upon receipt and incorporation of comments and feedback from the Board, the plan will be presented at a subsequent meeting for approval.

36. **Measure C Project/Construction Management Review**

In response to a review of Measure C Project/Construction Management practices that was conducted by MGT of America, Inc / WLC Architects and Construction Services, our Project/Construction Management consultant, Gilbane_Maas joint venture, along with District staff has begun preparation of a plan of action to improve best practices in areas where weaknesses were identified in the review. This agenda item is intended to provide the Board with an interim update on progress to date.
Key elements of the plan are as follows

- Assignment of leads to facilitate the development and implementation of the actions needed to respond to the different items in the report where we have opportunities to strengthen our best practices. Assigned leads will be responsible for coordination and collaboration with all stakeholders as required.
- The plan will include what we are going to do, when it is going to be done, and who has the lead to develop the consensus needed to ensure success.
- Actions that define success will be clearly stated.
- Priority will be given to those items expected to provide the highest payback in terms of increases in effective management of the program/projects at the least cost.
- Initial focus will be given to those things that can be done easily and quickly.

Attached is an update of specific actions taken to date to respond to the report.