



Board meeting of Jan. 11, 2016

SOME HEADLINES

Trustees approved or considered:

- Plans for revising the district's mission statement & strategic plan
- A resolution to exempt the new district offices & boardroom from the Field Act
- A plan for renovating the Flint Center parking structure at De Anza
- External audit reports for the district for 2014-15
- New hires, appointments, retirements, new positions & professional growth awards

Agenda & backup material: <http://www.boarddocs.com/ca/fhda/Board.nsf/Public>

To access supporting documents for items on the agenda, visit the BoardDocs website using the link above. Under the Meetings tab, click on the meeting of Jan. 11, 2016, and then click on "View the Agenda." Supporting documents are included as attachments to the items.

INFORMATION & ACTION ITEMS

Approval of minutes

Chancellor **Judy Miner** noted that the name of a center at De Anza, which was discussed at the Dec. 7, 2015, meeting of the Board of Trustees, has been changed to the Gene Haas Center for Design & Manufacturing Technologies.

Approved international travel

The board accepted a report from the chancellor on international travel that was approved in advance, which is required by board policy. De Anza anthropology instructor **Isaiah Nengo** was authorized to travel to Kenya over the winter break, with funding from a National Geographic grant, to make arrangements for a student field study program in summer 2016.

Non-resident tuition

Trustees approved a \$4 increase in the per-unit cost for non-resident students to enroll at Foothill or De Anza in 2016-17, increasing the net charge from \$152 to \$156 per unit.

Revised mission statement & strategic plan

David Ulate, the district's executive director of Institutional Research and Planning, presented a process and timeline for updating the district's mission statement and strategic plan. He said the goal is to bring the board a draft revision of the mission statement for review in May and a draft revision of the strategic plan in fall 2016. He said the process of revising the district strategic plan will take into account the colleges' educational master plan revisions.

A subcommittee of the Chancellor's Advisory Council (CAC) will draft the revisions in consultation with the full CAC. The colleges also will be asked to review the drafts before they are presented to the board. In response to questions from trustees, Chancellor **Judy Miner** said the board will have an opportunity to review the drafts before being asked to approve them at subsequent meetings.

Reduction in classified service

Trustees approved elimination of two vacant classified positions at Foothill College – administrative assistant I and evaluations specialist – as a result of reorganization.

New district offices

After seeking several clarifications, trustees approved a resolution required by the state to exempt the new district office building and boardroom from the Field Act, which mandates a higher level of seismic safety standards in the construction of K-14 schools. Under state regulations, district offices can be exempted from the Field Act if they are located separately from the school site and won't be used by students or instructors for instruction. The resolution asserts those two findings. The new buildings will meet current California building codes and will be constructed to the same standards used for new construction at University of California and California State University campuses.

Vice Chancellor **Kevin McElroy** said the Division of the State Architect agrees with the district's position that the building, to be constructed on Lot 7, is separate from the Foothill campus. He said that students will be able to enter the offices and boardroom on the same basis as other members of the public, even in conjunction with a class assignment, but that classes couldn't be scheduled or instruction delivered in there.

Flint Center garage renovation

Following a presentation and lengthy discussion, trustees approved a proposal to renovate the Flint Center garage at an estimated cost of \$24 million using a combination of district cash reserves and new outside financing. The project is driven by the need to retrofit the garage to improve seismic safety. Construction would begin this summer and is expected to last up to 12 months.

To finance the renovation, the district currently plans to use \$5 million in Measure C funding that was earmarked for Flint garage repairs, \$8 million in state funding due the district in 2015-16 for mandated cost reimbursement, and \$11 million in outside borrowing. The cost of borrowing is projected at \$825,000 annually over 20 years.

Trustee Bruce Swenson asked whether an influx of one-time state dollars for building maintenance could help finance the project. Vice Chancellor **Kevin McElroy** said he didn't think that is possible but would check into it.

Previously the district considered potential public private-partnerships as a way to finance demolition and rebuilding of the garage, which holds about 1,400 parking spaces. Mixed-use projects that were discussed included a parking structure and high-tech office complex on the combined sites of the existing garage and the Flint Center. However, the board rejected that approach because of potential negative community impact and insufficient benefits for the De Anza campus and students.

In this round, the district weighed the costs and benefits of retrofitting the garage versus demolishing it and rebuilding, either on the existing site or on one of four alternate campus locations that were studied but ultimately rejected. The estimated cost of

razing and rebuilding the garage at its current location is \$45 million, and construction would take significantly longer than renovation, leaving the campus seriously short of parking during the construction period. Retrofitting was the least expensive option considered that would meet the seismic standards the DSA has approved.

De Anza President **Brian Murphy** said retrofitting is the best choice among the options presented. The campus would prefer a new garage, he said, but is unwilling to commit the large percentage of budget reserves that would be required to fund new construction.

By renovating the garage now, the district can proceed using building plans that the Division of the State Architect (DSA) already has approved. Those plans call for upgrading the garage to meet 2010 building standards and would extend its life by 20-plus years, Vice Chancellor McElroy said. By comparison, he said, a new garage would have a 30- to 40-year expected lifespan.

Responding to a comment by Trustee **Laura Casas**, Vice Chancellor McElroy said that seismic-hazard warnings for the garage aren't necessary. Trustee **Betsy Bechtel** noted that parking structures throughout the Bay Area have less-than-optimal designs similar to the Flint garage.

Cupertino City Council member **Rod Sinks** urged the board to delay a decision, saying he believes that transit-tax proposals currently under discussion will result in substantial public funding that could be used to develop a transit center at De Anza.

President Murphy said a better option for De Anza would be having a major transit center located across the street at The Oaks shopping center rather than on the campus. He said previous discussions with the Valley Transportation Authority suggest that the VTA isn't interested in collaborating on a transit center project that would meet the college's parking needs.

Trustee Bechtel acknowledged the need to improve transit in the region and thanked Mr. Sinks for his work toward that end. But Foothill-De Anza's first priority is providing instruction and support services to students, she said, and the district needs to move forward with renovating the garage so there is enough parking for students.

Vice Chancellor McElroy said the consequences of delay would include having to complete a lengthy DSA approval process again, losing time, and incurring new design/architectural fees and overall higher project costs.

Faculty Association President **Rich Hansen** objected to using money from the district general fund to pay for a capital project. Saying that the garage met the seismic standards of the day when it opened, he urged the board to consider funding alternatives such as using building maintenance dollars rather than mandated cost reimbursement funds, if possible; lobbying for a state facility bond; or saving the garage for inclusion in any future local bond measure.

Chancellor **Judy Miner** noted that the district has been discussing what to do about the Flint Center garage for about four years and has carefully considered its options. Board President **Joan Barram** called it unrealistic to think the district would never have to spend general fund dollars on capital projects, although it has been lucky in that regard. She called it "a rational approach" to proceed with the retrofitting the garage as the most economical and speedy option.

De Anza Student Trustee **Arjun Gadkari** said he would support renovating the garage but suggested that De Anza develop strategies for improving the college's transit infrastructure and encouraging ridesharing to reduce the number of cars coming onto the campus. With the Flint Center garage out of commission for up to a year during the renovations, President Murphy said, that will need to happen sooner rather than later.

The board approved moving forward with retrofitting the garage beginning this summer under the funding proposal put forward by Vice Chancellor McElroy. But trustees indicated they are open to using other state funds that may become available rather than mandated cost reimbursement dollars.

External auditor reports for 2014-15

Accountant **Terri Montgomery**, a partner in Vavrinek, Trine, Day & Co., reviewed the results of the annual financial audit of all district funds for the year ended June 30, 2015, and of Measure C financial and performance audits for the same period. The board accepted the audit reports.

The external auditor gave a clean, unmodified opinion with no audit findings for all audited financial and compliance records. Ms. Montgomery explained that having a "clean, unmodified" report means that auditors concluded that the district's financial numbers were fairly presented. She noted that this is the first year that the district's long-term PERS and STRS pension liabilities, totaling \$140 million, were required for inclusion in the district financial audit. The Measure C performance audit is conducted annually to determine if the district spent money only for specific projects approved by voters, based on a review of approximately 30 percent of Measure C expenditures.

Board President **Joan Barram** thanked Vice Chancellor **Kevin McElroy**, Executive Director of Fiscal Services **Hector Quinonez** and the staff for their good work.

HUMAN RESOURCES REPORT

Administrator appointments

Trustees approved the employment of **Raquel Puentes** as the district's executive director of fiscal services, effective Jan. 25, and ratified an extended appointment for **Michael Hegglund** as interim dean of Community Education at De Anza through Feb. 29.

New administrative positions

The board approved the creation of two new administrator positions at Foothill, director of equity programs and director of international market development and student experience.

Training & retraining awards

Trustees approved 2015-16 training/retraining awards for De Anza's **Manny Dasilva**, manager of custodial operations, and **Patrick Gannon**, director of the Campus Center.

New faculty positions

Trustees ratified creation of a new counselor position in Psychological Services at Foothill.

Faculty employment

Trustees ratified the employment of two new counselors at De Anza, **Louiseann Madrigal** in Physical Education & Athletics and **Hung Nguyen** in Biological, Health and Environmental Sciences, both effective Jan 4.

Faculty retirements

The board approved the following retirements – of Foothill computer science instructor **Michael Loeff**, effective June 24 after more than 32 years, and De Anza automotive technology instructor **Michael Brandt**, effective June 24 after almost 41 years.

New classified positions

Trustees approved creation of five new classified positions – at Foothill, an articulation specialist and an administrative assistant I, both in Instruction & Institutional Research, and for De Anza, an administrative assistant I in Academic Services and an evaluation specialist and a program coordinator II in Student Services.

Classified employment

Trustees ratified classified employment for the following individuals – at Foothill, **Pauline Brown** as executive assistant in Student Services and **Valerie Diaz de Arce** as a graphic design technician in marketing/President's Office; at De Anza, **Renee Baluta** and **Gina Ward** as enrollment services specialists in Student Services, **Anthony Caceres** and **Cindy Loi** as office assistants in Student Services, **Erika Flores** as administrative assistant I in Student Services, **Blanca Lopez** as veterans resource specialist in Student Services, and **Raymond Gerardo** as mobility assistant/driver and **Gail Ann Rulloda** as instructional associate, both in Disabled Student Programs & Services; and in Central Services, **Adriana Aldana** as an accountant in Business Services, **Yen-Hsia Chang** as computer project coordinator in Educational Technology Services, and **Victoria Dinh** as administrative assistant I for the Foothill-de Anza Foundation/Chancellor's Office.

Classified appointments

The board ratified the appointment of **Marty Kahn** as technology resource coordinator in Educational Technology Services

Classified promotions

Trustees ratified the promotion of **Gary Valentine II** to financial aid supervisor at De Anza.

Classified transfers

The board ratified the transfer of **Kent McGee** to the position of graduation & evaluation coordinator in Enrollment Services at Foothill, effective Jan. 1.

Classified retirements

Trustees ratified three retirements at De Anza – of instructional associate **Lesley McCortney**, effective Nov. 30, 2015, after more than 25 years; financial aid assistant **Janet Schmidt**, effective Dec. 30, after almost 16 years; and program coordinator II **Janny Thai**, effective Dec. 30, after more than 34 years.

REPORTS & HEARINGS OF ITEMS NOT ON THE AGENDA

(Board members cannot discuss items that are not placed in advance on the agenda.)

Student comments

First-year De Anza student **Elias Kamal** spoke to the board about his Change.org petition, signed by more than 500 students and community members, urging De Anza to regulate hate speech and discrimination on campus.

He expressed support for the right of free speech but said a man who preaches religious beliefs outside the Campus Center had engaged in hate speech on Jan. 6 by “harassing and spewing hatred” and speaking in “a threatening, repulsively violent and highly inappropriate way” about people based on their sexual orientation, religious, social and political beliefs. The man crossed the free speech line, he said, when he began to verbally abuse specific students based on their looks, including two young women wearing hijabs. Allowing speech that makes students feel “violated, abused and unsafe,” he said, “... does not align with our core values set forth by the district and administration, and is not what we as a community stand for.” When students asked campus police for help, he added, police said they could not intervene because of the First Amendment.

De Anza President **Brian Murphy** said that administrators had observed the man but did not intervene or try to remove him because of a previous court case, involving an anti-abortion group, in which a court enjoined the district from suppressing free speech based on content. He encouraged students to continue the discussion on campus about how to balance the competing claims at play here.

Board President **Joan Barram** said the administration and trustees are deeply committed to diversity and the right of all students to be safe and treated with respect but that some circumstances are outside the district’s control.

Chancellor **Judy Miner** quoted from Board Policy 4110, which addresses mutual respect and the the board’s commitment to both freedom of speech and a campus environment that is “free from harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation or gender identity.” While the district is mindful of not abridging free speech rights, she said, the considerations may change when a speaker is calling out individuals. Trustee **Laura Casas** said that under the First Amendment, one cannot stop hate speech alone, but when someone is afraid for their safety, “we absolutely have a duty and a right and are justified in stopping that.”

De Anza student **Melissa Epps** said the speaker had insulted her directly as well as people around her. **Priyanka Amin-Patel**, also a De Anza student, said last quarter the man “was threatening physical harm on students.”

Presidents’ comments

De Anza President Brian Murphy spoke about the reopening of the college library with lines of students waiting to get inside and every seat occupied. “It really is spectacular,” he said of the renovation. He expressed appreciation for the contributions of Associate Vice President of College Operations **Donna Jones Dulin**, Dean of Learning Resources **Lorrie Ranck**, Librarian **Tom Dolen** and staff at Gilbane Building Co. and noted that the grand opening celebration is Feb. 26 from 2-3:30 p.m.

He said the renovated libraries at both De Anza and Foothill campuses are fine examples of what the district has been able to do in “building facilities that respect our students, that they deserve, and where they can engage in learning.”

Kimberlee Messina, Foothill’s interim president, described students’ enthusiastic response to the reopening of Foothill’s remodeled library, noting that every space was filled with students when she visited. She commented on the dedication of the librarians and library staff, who participated throughout the planning process to ensure a student-centered environment. She also gave a shout out to other key players including

Dean of Language Arts & Learning Resources **Paul Starer**, Vice President of Finance & Administrative Services **Bernata Slater**, and Director of Facilities & Special Projects **Brenda Davis Visas**.

Chancellor's comments

Chancellor **Judy Miner** commented on a news article about an exoskeleton designed by Foothill College students to help a San Jose boy bend his arms so he can play and be more independent (http://www.mercurynews.com/bay-area-news/ci_29367076/community-college-students-create-device-help-boy-bend). She said the story, which appeared that day on page one of the San Jose Mercury News and in other Bay Area News Group newspapers, already had spurred an inquiry from a community member about how to support the college's biomedical devices engineering program. She also reported that based on the performance of both colleges, the district was listed in Gov. Jerry Brown's 2016-17 budget proposal in the No. 1 position statewide for moving students from below college-level into college-level math and English.

NEXT MEETING

The next regularly scheduled meeting of the Board of Trustees is Monday, Feb. 8, 2016. A study session will be held from 3:30-5 p.m. in the new ETS Building's Training Room on the Foothill Campus (the former district board room in Building D-120). A regular business meeting will follow at 6 p.m. in the Toyon Room at Foothill, which is the board's regular meeting location until further notice.

Agenda: <http://www.boarddocs.com/ca/fhda/Board.nsf/Public>

Agendas generally are posted 72 hours in advance. Please check the agenda to verify the time and location of the meeting.

BOARD HIGHLIGHTS

Board Highlights is intended to communicate board meeting news to faculty and staff across the district. These are not the official minutes, which can be found using the link below. Please contact Becky Bartindale at bartindalebecky@fhda.edu or (650) 949-6107 with comments or questions about Board Highlights.

Minutes: <http://www.boarddocs.com/ca/fhda/Board.nsf/Public>

Find approved minutes by meeting date under the "Meetings" tab. Minutes are typically approved at the next board meeting. For questions about minutes, please contact Paula Norsell, assistant to the chancellor, at (650) 949-6106 or norsellpaula@fhda.edu.