

Minutes of the Regular Meeting of the Board of Trustees
Monday, August 2, 2021

Members present:

Peter Landsberger, President
Patrick Ahrens
Laura Casas
Pearl Cheng
Gilbert Wong

For public session only:

Michelle Fernandez, De Anza College student trustee
Rachel Homayonfar, Foothill College student trustee

The meeting was held pursuant to State of California executive order N-08-21, dated June 11, 2021. All members of the Board of Trustees participated in the meeting by teleconference. To limit the spread of COVID-19, no public gathering space was provided for the meeting.

REGULAR MEETING

Board of Trustees President Peter Landsberger called the regular meeting to order at 3:30 p.m. via teleconference. Hearing that no members of the public were in attendance to comment on closed session items and no members of the public had submitted comments on closed session items in advance of the meeting, the governing board adjourned to closed session.

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Position Title: Chancellor (Government Code Section 54957)

Executive administrator present:

Judy Miner, Chancellor

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Government Code section 54956.9(d)(1) Case name unspecified: Disclosure would jeopardize existing settlement negotiations

Executive administrators present:

Susan Cheu, Vice Chancellor, Business Services
Lloyd Holmes, President, De Anza College
Judy Miner, Chancellor
Thuy Nguyen, President, Foothill College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Myisha Washington, Interim Vice Chancellor, Human Resources and Equal Opportunity

Others present:

Jayne Chipman, Plaza de Jennings & Chipman LLP
Carmen Plaza de Jennings, Plaza de Jennings & Chipman LLP

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one case

Executive administrators present:

Susan Cheu, Vice Chancellor, Business Services
Lloyd Holmes, President, De Anza College
Judy Miner, Chancellor
Thuy Nguyen, President, Foothill College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Myisha Washington, Interim Vice Chancellor, Human Resources and Equal Opportunity

CONFERENCE WITH LABOR NEGOTIATOR District Negotiator: Myisha Washington Employee Organizations: All Represented and Unrepresented Groups (Pursuant to Government Code Section 54957.6)

Executive administrators present:

Susan Cheu, Vice Chancellor, Business Services
Lloyd Holmes, President, De Anza College
Judy Miner, Chancellor
Thuy Nguyen, President, Foothill College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Myisha Washington, Interim, Vice Chancellor, Human Resources and Equal Opportunity

REGULAR MEETING - PUBLIC SESSION

Board of Trustees President Landsberger called the regular meeting to order at 6:07 p.m. and explained the process that would be used for recording votes and hearing comments from the public during the virtual meeting.

REPORTING OUT FROM CLOSED SESSION

President Landsberger announced that the governing board voted unanimously in closed session to deny a claim for additional holiday pay by the Association of Classified Employees.

Action: Denied a claim for additional holiday pay by the Association of Classified Employees.

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

APPROVAL OF MINUTES (ACTION)

Minutes of the July 12, 2021, Regular Meeting of the Board of Trustees

Action: Approved the draft minutes of the July 12, 2021, Board of Trustees regular meeting.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

HEARINGS: ITEMS NOT ON THE AGENDA

President Landsberger reported that prior to the meeting, the Board of Trustees received written public comments advocating for the immediate implementation of the Association of Classified Employees classification and compensation study from 127 individual employees, the Teamsters, and the Police Officers Association and written public comments from community member Clara Chen requesting information about the college reopening plans and asking that the colleges fully reopen. He added that the comments were distributed to all trustees and attached to the public meeting agenda as part of the permanent meeting record.

Senior Program Coordinator Phuong Tran, Faculty Association President Tim Shively, Division Administrative Assistant Silvia Bichler, Accountant Kathy Nguyen, Accounting Assistant Jennifer Nguyen, and Association of Classified Employees President Chris White advocated for the immediate implementation of the Association of Classified Employees classification and compensation study. They spoke about the difficulties presented by the long delays in conducting the study, issuing retroactive pay, and adjusting salary schedules and questioned whether the district values its classified employees.

APPROVAL OF CONSENT CALENDAR

Agenda items 3. Ratification of Contracts and Agreements and 5. Human Resources Report were removed from the consent calendar for separate comment.

Action: Approved consent calendar items 1-2, 4, 6-10 as follows:

1. Retired board policy 6050 Remedial Limit Waivers.
2. Adopted board policy 3507 COVID-19 Vaccination Interim Policy.
4. Ratified contracts and agreements for Measure C as presented.
6. Approved the waiver of parking lot rental fees for 2021-2022 annual events.
7. Approved the 2021-2022 Facility Use Agreement for De Anza College with California Tamil Academy.
8. Approved the Bay Area Community College Consortium Strong Workforce Program Regional Fund Agreement with Cabrillo College District Year 5 for De Anza College.
9. Approved the Strong Workforce Program Round 5 regional contract for Foothill College.
10. Approved Foothill College curriculum and/or program updates for the 2021-22 catalog.

Motion by Pearl Cheng, second by Michelle Fernandez

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

Consideration of items removed from the consent calendar

3. Ratification of Contracts and Agreements

Trustee Laura Casas reported that she had questioned the substantial fees included on the contracts and agreements list for legal representation and was pleased to learn that the district is looking into alternatives, such as in-house legal counsel or keeping an attorney on retainer.

Action: Ratified the contracts and agreements as presented.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

5. Human Resources Report

President Landsberger and Chancellor Miner acknowledged Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny's service to the district. Chancellor Miner thanked Vice Chancellor Novotny for twice delaying her retirement to help the district through challenging times and lauded her dedication, empathy, integrity, and student centeredness.

Vice Chancellor Novotny thanked the governing board and chancellor for the opportunity to lead the Human Resources function for the district, calling it a dream position and a capstone to 40 years of service in human resources administration. She expressed appreciation to the executive administrators, faculty, and classified professionals who pour their heart and soul into the district and to her team of committed and competent human resources professionals. She reflected on major milestones achieved by the Human Resources team during her tenure, such as implementing an entirely new Banner system, creating the Joint Labor Management Benefits Council and converting the district's health benefits program, improving the applicant tracking and recruitment system, adopting collaborative budget reduction processes and collaborative relations with union negotiation teams, supporting the campuses in implementing complex new Title IX requirements, pivoting and collaborating to provide the needed support to employees during the pandemic, and partnering to reform hiring practices that reduce bias and improve diversity outcomes. Vice Chancellor Novotny also recognized the negotiation teams and singled out Faculty Association Chief Negotiator Kathy Perino for her leadership, thoughtful communications skills, and ability to navigate the numbers.

Action: Approved the Human Resources Report as presented.

Motion by Gilbert Wong, second by Pearl Cheng

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

BOARD BUSINESS

11. De Anza College Midterm Accreditation Report

De Anza College President Lloyd Holmes thanked the College Planning Committee and the college vice presidents for their work in preparing the report.

Action: Approved the De Anza College Midterm Report to the Accrediting Commission for Community and Junior Colleges (ACCJC).

Motion by Pearl Cheng, second by Laura Casas

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong,

12. Foothill College Accreditation Midterm Report 2021

Foothill College Academic Senate President Kathryn Maurer expressed appreciation for the work of faculty, staff, and administrators in completing the report, which summarizes progress toward institutional improvements identified in the 2017 accreditation self-study. She praised College Researcher and Accreditation Liaison Officer (ALO) Elaine Kuo and Instructional Services Coordinator Kelaiah Harris for their leadership of the teams and thanked Marketing Supervisor Vanessa Smith and her team for supporting the readability and visual presentation of the material. President Maurer acknowledged that progress has been made in improving the college's accreditation structure, but there continues to be tension between faculty and senior administration, and the senate continues to have concerns that its role in accreditation and related areas is not fully understood, valued, and respected.

Foothill College President Thuy Nguyen thanked ALO Kuo and the academic senate, classified senate, and administrators and students involved in the development and writing of the report.

Trustee Pearl Cheng acknowledged and thanked those involved in the reports at both colleges for the important in-depth work and praised the continuous improvement mindset evident in the documents. Trustee Patrick Ahrens expressed concern regarding President Maurer's remarks and asked for follow up.

In response to a question from President Landsberger, President Nguyen advised that Dr. Darla Cooper, Executive Director for the Research and Planning Group for the California Community Colleges, has been hired as a facilitator to work with a task force of classified professionals, faculty, students, and administrators on a potential redesign of the college's shared governance structure. She noted that the task force has been meeting over the summer.

Action: Approved submission of the Midterm Report to the Accrediting Commission for Community and Junior Colleges (ACCJC).

Motion by Gilbert Wong, second by Patrick Ahrens

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

13. 2020-21 Board Priorities: Goals of the Chancellor and Presidents 2020-21

President Landsberger thanked the chancellor and presidents for the substantive document and their diligence in following through with aligning goals to the Board's priorities and keeping track of progress.

Trustees Casas, Cheng, and Wong and President Landsberger asked that administration provide more data related to the goals and identify key metrics to help the governing board track progress.

14. Board Priorities for 2021-2022

Action: Adopted board priorities for 2021-2022.

Motion by Patrick Ahrens, second by Laura Casas

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

15. 2022 Board of Trustees Meeting Calendar

Chancellor Miner recommended that the governing board return to including a mid-year evaluation of the chancellor at the February meeting. In response to a question from trustee Casas, Chancellor Miner advised that the February 28, 2022, meeting has been scheduled to address governing board concerns about the lack of non-resident tuition data available from other districts early in February, and the March 9, 2022, meeting will be held only if the district needs to eliminate positions.

Action: Approved the 2022 Board of Trustees meeting calendar with a change to add a mid-year evaluation of the chancellor on February 14, 2022.

Motion by Patrick Ahrens, second by Rachel Homayonfar

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

16. 2022 Board of Trustees Conference Calendar

Action: Approved the annual schedule of conferences trustees may attend without advance approval and an additional budget of \$5,000 (\$1,000 per publicly elected trustee) to be used for conferences and trainings that require advance approval of the Board with a change to approve travel costs of trustees Ahrens and Casas and student trustees Fernandez and Homayonfar for the Association of Community College Trustees National Legislative Conference in February 2022.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

BUSINESS SERVICES/FINANCE

17. Public Agency Cooperative Agreement ("CollegeBuys") for Purchase of Various Products and Services from W.W. Grainger, Inc.

Action: Authorized the Director of Purchasing, Contracts & Risk Management to issue purchase orders for products and services under the pricing, terms and conditions obtained by the Foundation for California Community Colleges Agreement #CB-248-18 with W.W. Grainger, Inc., in excess of the legally mandated applicable bid thresholds, as may be required to take advantage of the volume price discounts for as long as the contract Agreement is valid.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

18. Public Agency Cooperative Agreements ("CollegeBuys") for Purchase of Various Products from Office Depot, LLC

Action: Authorized the Director of Purchasing, Contracts & Risk Management to issue purchase orders for various products under the pricing, terms and conditions obtained by the Foundation for California Community Colleges Agreements with Office Depot, LLC in excess of the legally mandated applicable bid thresholds, as may be required to take advantage of the volume price discounts for as long as the agreements are valid.

Motion by Michelle Fernandez, second by Pearl Cheng

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

19. Award of Contract, RFP #1864 Program Management and Construction Management Services in Support of Measure G Bond Projects

Action: Authorized the Director of Purchasing, Contracts & Risk Management to negotiate and execute a Master Agreement and/or agreements with Gilbane Building Company for Program Management and Construction Management Services in support of the District's Measure G Bond projects, for an initial three-year term with the option to extend the agreement for two additional one-year terms for a total of five years.

Motion by Patrick Ahrens, second by Rachel Homayonfar

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

FACILITIES

MEASURE C PROJECTS

20. Measure C Project List Revisions: Project Transfers and Interest Earnings Recognition

Action: Approved Measure C Bond List Revisions as presented.

Motion by Laura Casas, second by Michelle Fernandez

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

MEASURE G PROJECTS

21. Measure G - Bond List Revisions No. 2

Action: Approved Measure G Bond List Revisions (BLR) No. 2 as presented.

Motion by Patrick Ahrens, second by Pearl Cheng

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

HUMAN RESOURCES

22. Resolution Authorizing the Reduction in Administrative Service

Action: Adopted resolution 2021-22 eliminating the administrative position and authorizing the district to provide the affected employee with notice of layoff or non-renewal.

Motion by Gilbert Wong, second by Patrick Ahrens

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

23. Faculty Association (FA) Remote Work Compensation

Gilbert - thanks to staff for putting together - innovative

Action: Approved the memorandum of understanding with the Faculty Association regarding remote work compensation.

Motion by Patrick Ahrens, second by Pearl Cheng

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

24. Faculty Association (FA) Appendix H3 Academic Calendar 2021-2022 and Faculty Association (FA) Appendix H1 Academic Calendar 2022-2023

Action: Approved the 2021-2022 and 2022-2023 academic calendars.

Motion by Michelle Fernandez, second by Patrick Ahrens

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

25. Health Benefits Plan Changes Effective January 1, 2022

Action: Approved the memorandum of understanding between the district and the participating unions of the Joint Labor Management Council regarding health benefits plan changes effective January 1, 2022.

Motion by Rachel Homayonfar, second by Patrick Ahrens

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

Final resolution: Motion carries

Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

REPORTS

Leadership Reports

President Maurer reported that the Foothill College Academic Senate is off for the summer and will initiate regular meetings for the new academic year on September 27, 2021; however, the senate's summer cabinet and leadership team has been working on the Accreditation Midterm Report, participating in the Shared Governance Task Force, and meeting regularly with the President's Cabinet. She advised that the senate has been invited to join the Emergency Operations Center/Return to Campus meetings and anticipates the need for more regular meetings and communication to faculty about return to campus decisions and contingency planning, noting that while many faculty are looking forward to returning to the physical campus, many others are expressing anxiety about returning due to the recent increased caseloads and breakthrough cases of COVID-19. President Maurer made positive comments about Chancellor Miner's commitment to prioritizing the envisioning of the post-pandemic campus and expressed excitement about participating in those conversations and leveraging all of the innovations and lessons learned from the past 18 months.

Chancellor Miner applauded the Foothill College Theater Department for its recent production of "You're a Good Man, Charlie Brown." She spoke about participating in Stanford University's recent series of national working learner convenings, which were designed to help universities and employers come together to meet employment needs. Chancellor Miner reported that Foothill-De Anza Community College District received a great deal of praise at the convenings for the regional work it has done in career technical education (CTE) and credited the efforts of Foothill College Associate Vice President of Workforce Development and CTE Teresa Wong and De Anza College Dean of CTE and Workforce Development Randy Bryant.

With regard to earlier comments regarding the delay in the implementation of the classification and compensation study, Chancellor Miner took responsibility for the delays; acknowledged employees' frustration, anger, and disappointment; and offered to meet with President White and other classified employees to provide detail about the challenges that have been encountered and to hear suggestions about moving forward.

President Nguyen reported that the college is in the process of conducting a return-to-campus survey of students registered for the fall quarter to determine preferences regarding face-to-face and online courses and services. She thanked the governing board for approving the college's Midterm Accreditation Report and echoed Chancellor Miner's praise of the Theater Department's "You're a Good Man, Charlie Brown." President Nguyen lauded musical director Milissa Carey, production manager Bruce McLeod, and everyone else who was a part of the show and thanked the Foothill-De Anza Foundation and the Foothill Commission for organizing a fundraiser in connection with the play that included more than 100 guests and generated donations of \$15,000 for the program.

President Holmes announced that Instructional Designer Heidi King has been selected to receive a Star Award by the Cupertino Chamber of Commerce and that the college is embarking on a One Book, One College, One Community reading project for the new academic year to promote a shared experience of engagement and dialogue across the college. He advised that Alicia Garza's "The Purpose of Power: How We Come Together When We Fall Apart" has been selected for the project and thanked the Division of Equity and Engagement for organizing training sessions for those interested in incorporating the book into their programs and classes.

Board Reports

Trustee Wong reported that at the recent Association of Community College Trustees Board of Directors retreat, board members interviewed candidates and appointed a new Chief Executive Officer to replace Noah Brown, who is retiring in October. He advised that he will announce the name of the successful candidate at the next Board of Trustees meeting, since that information has not yet been made public.

Foothill-De Anza Foundation Board of Directors Report

Trustee Cheng reported that at the July 28, 2021, meeting, the Foothill-De Anza Foundation Board of Directors approved the 2021-2022 operating budget, heard a presentation of planned giving options, and reviewed the draft meeting calendar for the new year.

ADJOURNMENT

President Landsberger adjourned the meeting at 7:45 p.m. in memory of Violet (Pat) Humphrey, who worked in temporary positions as an Office Assistant I in the Foothill College Bookstore from 1993 through 2015 and served as a volunteer usher for many years at the Flint Center; Linda Mankin, a music instructor at Foothill College from 1964 through 1995 at Foothill College who also directed the Foothill Madrigal Choir; and Sandra Newman Gordon, who taught Respiratory Therapy at Foothill College in the late 1960s.

Approved 9/13/21



Judy C. Miner
Secretary to the Board of Trustees