

**Minutes of the Regular Meeting of the Board of Trustees and Public Hearing on the Transition to Trustee Area Elections
Monday, February 14, 2022**

Members present:

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

For public session only:

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

REGULAR MEETING

Board of Trustees President Patrick Ahrens called the regular meeting of the Board of Trustees to order at 4:00 p.m. and asked if anyone present wished to comment regarding the closed session agenda items. Hearing no reply, the governing board adjourned to closed session.

ADJOURN TO CLOSED SESSION

The governing board adjourned to closed session in the Human Resources Conference Room at 4:00 p.m. to address the following:

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

Executive administrators present:

Judy Miner, Chancellor

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
Bernadine Fong, Acting President, Foothill College
Lloyd Holmes, President, De Anza College
Judy Miner, Chancellor
Myisha Washington, Interim Vice Chancellor, Human Resources and Equal Opportunity

REGULAR MEETING - PUBLIC SESSION

Board of Trustees President Ahrens called the public session of the regular meeting of the Board of Trustees to order at 6:00 p.m. in the Board Room and led the governing board and audience in the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

President Ahrens announced that no reportable action was taken during closed session.

APPROVAL OF MINUTES

Minutes of the January 10, 2022, Regular Meeting of the Board of Trustees and Public Hearing on the Transition to Trustee Areas

Action: Approved the draft minutes of the January 10, 2022, Board of Trustees meeting.

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

HEARINGS: ITEMS NOT ON THE AGENDA

No requests to address the governing board regarding items not on the agenda were submitted. President Ahrens reported that De Anza College Classified Senate President Heidi King submitted a written public comment advocating for support of classified professionals prior to the meeting. He advised that the comment had been shared with trustees and posted to the public agenda as part of the permanent meeting record.

APPROVAL OF CONSENT CALENDAR

President Ahrens removed agenda items 1. Ratification of Contracts and Agreements and 7. De Anza College - 2022-23 New and Substantially Revised Courses and New Certificate/Degree Programs from the consent calendar for separate discussion.

Action: Approved consent calendar items 2-6 and 8-10 as follows:

2. Ratified contracts and agreements for Measure C as presented.

3. Ratified board warrants greater than \$5,000 for December 2021 through January 2022 as presented.

4. Authorized the Special Projects Coordinator to arrange for the sale, donation, recycle, or disposal of the surplus in accordance with the procedures set forth in Education Code Sections 81450-81452.

5. Made a finding that the property exceeds \$5,000.00 in value and authorized the Special Projects Coordinator to sell the items in accordance with Education Code 81450.

6. Approved the Human Resources Report.

8. Waived parking lot rental fees at De Anza College for the March 26, 2022, Konark Festival of SFO/ Heritage India (Arts and Cultural) Faire.

9. Approved Foothill College curriculum and/or program updates for the 2022-23 catalog.

10. Approved the Bay Area Community College Consortium Strong Workforce Program Regional Fund Agreement between Cabrillo Community College District and Foothill-De Anza Community College District on behalf of Foothill College.

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

Consideration of agenda items removed from the consent calendar

1. Ratification of Contracts and Agreements

In response to a question from De Anza College Academic Senate President Cheryl Balm, Associate Vice Chancellor of the California Community Colleges Online Education Initiative Jory Hadsell advised that the contract with consultant Xiaobin Li covers specialized Banner programming expertise that is not available in house.

Action: Approved the list of contracts and agreements as presented.

Motion by Pearl Cheng, 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

7. De Anza College - 2022-23 New and Substantially Revised Courses and New Certificate/Degree Programs

Trustee Laura Casas praised the addition of paralegal studies certificates in corporate law, intellectual property, and litigation and suggested that the district consider a paralegal studies certificate in immigration.

Action: Approved the De Anza College 2022-23 new and substantially revised courses and new certificate/degree programs.

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

BOARD BUSINESS

11. 2021-22 Board Priorities: Goals of the Chancellor and Presidents 2021-22

Trustees reviewed the progress in addressing the Board Priorities. Trustee Peter Landsberger made positive comments regarding the array of Guided Pathways activities at De Anza College.

12. Resolution 2022-01 Condemning Antisemitism

President Ahrens asked that the draft resolution be revised to add the following ending paragraph:

BE IT FURTHER RESOLVED, that the Foothill-De Anza Community College District guarantees its firm commitment to equal and adequate protection for Jewish students—and all students—from discriminatory, bullying, and harassing behavior that threatens their safety or prevents their full participation in campus life.

Trustee Casas asked that the second paragraph of the resolution be changed to reference “hate” speech as follows:

WHEREAS, district board policy prohibits hate speech or expression used as a weapon to harass specific victims and directs the colleges to actively seek to educate staff and students on the deleterious effects of expressions of hatred or contempt based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation or gender identity and to promote equality and mutual respect and understanding among all groups and individuals; and

Action: Adopted resolution 2022-01 condemning antisemitism as revised.

Motion by Rachel Homayonfar, 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

13. Measure G General Obligation Bond Program Planning Update

Vice Chancellor of Business Services Susan Cheu reported that LPAS Architects, the firm selected to handle programming and pre-design of the De Anza Event Center, will be meeting with senior staff this month and various stakeholder groups over the next couple months. She advised that the fire suppression system upgrade, conversion of the De Anza softball facility to beach volleyball, gender neutral restroom upgrade, accessibility pathways, outdoor classroom, and bleacher renovation projects are all in the design phase, and Facilities continues to work on creating pools of design consultants, including electrical, mechanical, and plumbing engineers.

In response to a question from trustee Casas, De Anza College President Lloyd Holmes explained that the college has had difficulty building a softball team for the past few years, so it was decided through the shared governance process that beach volleyball would replace softball.

[Note: In order to ensure that agenda item 14. Transition to Trustee Area Elections: Resolution 2022-02 Changing the Method of Election for Members of the Board of Trustees from At-Large to By Trustee Area and Approving a Final Trustee Area Map Plan for the Election of Governing Board Members Commencing in November 2022 was heard at 7:00 p.m. as publicized, the governing board considered agenda items 15. Contract Extension for Independent Audit Services for Fiscal Year 2021-22 with CliftonLarsonAllen LLP through 22. Agreement between the District and the Police Officers Association (POA) regarding the Addition of Two New Provisions into the 2020-2022 Agreement and heard the Leadership and Board reports at this point in the meeting. Following the Board Reports, a short recess was held from 6:52 p.m. to 7:00 p.m.]

PUBLIC HEARING - TRANSITION TO TRUSTEE AREA ELECTIONS: APPROVAL OF MAP AND SEQUENCE OF ELECTIONS (7:00 p.m.)

14. Transition to Trustee Area Elections: Resolution 2022-02 Changing the Method of Election for Members of the Board of Trustees from At-Large to By-Trustee Area and Approving a Final Trustee Area Map Plan for the Election of Governing Board Members Commencing in November 2022

President Ahrens announced that the Board’s last public hearing in connection with the transition to trustee area elections would be devoted to review and adoption of draft map A as well as a decision regarding which two trustee areas would hold a governing board member election in November 2022. He explained that draft map A and the other draft maps previously considered by the Board were prepared based on traditional districting principles, the finalized 2020 census data, community input, and discussions with the governing board during the September 13, October 4, and December 13, 2021, public hearings.

President Ahrens advised that all board discussions with consultant Redistricting Partners about trustee area boundary lines have taken place in public meetings, all draft maps were posted on the website for public review and comment at least seven days before discussion at the public hearings, and the governing board has been committed to an open, transparent, and public process throughout the transition. He thanked Coordinator of Communications and Public Affairs Becky Bartindale for her diligence in sharing information about the change in election systems with the public.

President Ahrens stated that the governing board would invite community members to speak following a brief presentation by Redistricting Partners. He reported that a written comment in support of draft map A that also suggested the governing board adopt term limits was submitted prior to the meeting, shared with all trustees, and posted to the public agenda as part of the permanent meeting record.

Joe Armenta of Redistricting Partners provided an overview of draft map A, which he stated was drawn to keep cities in the district as whole as possible while balancing for population and compactness. He advised that the sequencing of elections is at the discretion of the governing board but suggested that trustees consider the purposes of the California Voting Rights Act and preferences expressed by residents of the district in determining which of the trustee areas will be up for election in 2022 and which in 2024.

President Ahrens opened the public hearing at 7:08 p.m., announced that no requests to address the governing board had been received, and opened discussion by the governing board.

Trustee Peter Landsberger proposed the following election sequence based on draft map A:

B = Seat 1, 2024 election

C = Seat 2, 2022 election

D = Seat 3, 2024 election

E = Seat 4, 2022 election

A = Seat 5, 2024 election

He explained that if no election is held in area E in 2022, the two trustees who reside in the area and whose terms expire in 2022 would be unable to continue serving on the Board, precluding the continuity in representation he believes voters generally appreciate. He added that if elections were held in 2022 in any of the other areas in which a current trustee resides, one or more of the trustees elected to an at-large four-year term in the 2020 election might choose to vacate their seat to run for a new four-year term, which could lead to filling of vacancies by appointment, rather than through an election.

In response to a question from Sue Graham of the League of Women Voters of Los Altos-Mountain View Area, trustee Landsberger advised that it is his understanding that no sitting trustee resides in draft map A area C. He added that it would be great to have a governing board member elected in 2022 to represent that area.

Trustee Gilbert Wong objected to considering incumbency in determining the sequence of elections and suggested that because the transition to trustee area elections was prompted by a claim of a Latino resident that the district's at-large election system violated his rights under the California Voting Rights Act, areas with the highest number of Latino residents should be up for election.

Action: Adopted the following sequence of elections based on draft map A:

B = Seat 1, 2024 election

C = Seat 2, 2022 election

D = Seat 3, 2024 election

E = Seat 4, 2022 election

A = Seat 5, 2024 election

Motion by Peter Landsberger, second by Laura Casas.

Final resolution: Motion carries

Advisory vote in favor: Michelle Fernandez, Rachel Homayonfar

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

Nay: Gilbert Wong

Trustee Wong outlined his reasons for not supporting the resolution adopting draft map A, stating that the map divides the City of Sunnyvale into three districts; divides the City of Cupertino into two districts with 90 percent of the city in area E and 10 percent in area D; includes half of the Cupertino Union Elementary School District and the southern portion of Sunnyvale Elementary School District in the same district as Los Altos Elementary School District even though the districts have no synergy or common interests; has a total deviation of 6.8 percent, which is higher than the other plans; and does not protect communities of interest, particularly in Sunnyvale and Cupertino.

Action: Adopted resolution 2022-02 changing the method of election for members of the Board of Trustees from at-large to by-trustee area and approving a final trustee area map plan for the election of governing board members commencing in November 2022 pursuant to Election Code Section 10010 and Education Code Section 72036.

Motion by Peter Landsberger, 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

Nay: Gilbert Wong

Trustee Cheng reminded everyone that although the election system has changed, the district's mission remains the same. Trustee Casas added that the new map is not perfect, but it will help to provide equal representation and will not change the excellence, innovation, and great leadership, staff, and faculty at the district.

The public hearing was closed at 7:27 p.m.

[Note: In order to ensure that agenda item 14. Transition to Trustee Area Elections: Resolution 2022-02 Changing the Method of Election for Members of the Board of Trustees from At-Large to By Trustee Area and Approving a Final Trustee Area Map Plan for the Election of Governing Board Members Commencing in November 2022 was heard at 7:00 p.m., the governing board considered the following items after agenda item 13. Measure G General Obligation Bond Program Planning Update. Following the Board Reports, a short recess was held from 6:52 p.m. to 7:00 p.m.]

BUSINESS SERVICES/FINANCE

15. Contract Extension for Independent Audit Services for Fiscal Year 2021-22 with CliftonLarsonAllen LLP

Action: Approved the extension of the contract for audit services with CliftonLarsonAllen LLP for fiscal year, 2021-22 at \$173,100.

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

FACILITIES

MEASURE G PROJECTS

16. Measure G - Bond List Revisions No. 5

Action: Approved the Measure G Bond List Revisions (BLR) No. 5 as presented.

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

17. LPAS Service Orders 1, 2, 3, and 4 for Programming and Pre-Design of the Event Center, Services for Student Building, Interim Housing for the Creative Arts Quad Program, and Entrance Gateway

Action:

Authorized the Vice Chancellor of Business Services, Susan Cheu, to approve Service Order No. 01 for LPAS Architects for Programming and Pre-design of the De Anza Event Center for a total compensation of \$310,000.

Authorized the Vice Chancellor of Business Services, Susan Cheu, to approve Service Order No. 02 for LPAS Architects for Programming and Pre-design of the replacement of the Creative Arts Quad into a Services for Students Building with a total compensation of \$259,000.

Authorized the Vice Chancellor of Business Services, Susan Cheu, to approve Service Order No. 03 for LPAS Architects for Planning and Programming of Interim Housing for the programs that will be displaced in the Creative Arts Quad for a total compensation of \$119,000.

Authorized the Vice Chancellor of Business Services, Susan Cheu, to approve Service Order No. 04 for LPAS Architects for Planning and Programming of the Entrance Gateway into De Anza College from Mary Avenue for a total compensation of \$35,000.

Total Compensation for LPAS for Service Orders 1, 2, 3 and 4 is \$723,000.

Motion by Rachel Homayonfar, 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

HUMAN RESOURCES

18. Resolution Authorizing the Reduction of Classified Service

In response to a question from De Anza College Academic Senate President Cheryl Balm, which referenced statements included in Heidi King's public comment about the need for more classified staff at the college, De Anza College President Lloyd Holmes advised that the vacant position is being eliminated in order to create a higher-level position.

Action: Adopted resolution 2022-05 eliminating the classified position(s) and authorizing the District to provide the affected employee(s) with notice of layoff.

Motion by Laura Casas, 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. Resolution Authorizing the Addition of Juneteenth as an Official District Holiday

Action: Adopted resolution 2022-06 authorizing the addition of Juneteenth as an official district holiday.

Motion by Gilbert Wong, 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

20. Covid-19 Recognition Pay

Action: Approved a \$2,300 one-time payment to employees in the following unions or meet and confer groups, prorated for those with less than a full-time assignment from March 17, 2020, through June 30, 2021:

- Administrative Management Association (AMA)
- Faculty Association (FA)
- Teamsters
- Confidential
- Police Officers Association (POA)
- Association of Classified Employees (ACE)
- California School Employees Association (CSEA)

Motion by Laura Casas, 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

21. Agreement between Foothill-De Anza Community College District (FHDA) and California School Employees Association (CSEA)

Action: Approved the agreement between Foothill-De Anza Community College District and the California School Employees Association.

Motion by Peter Landsberger, 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

22. Agreement between the District and the Police Officers Association (POA) regarding the Addition of Two New Provisions into the 2020-2022 Agreement

Action: Approved the agreement between the Foothill-De Anza Community College District and the Police Officers Association regarding the addition of two new provisions into the 2020-2022 Agreement.

Motion by Rachel Homayonfar, second by Peter Landsberger

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

Newly elected California School Employees Association President Stanley Saraos spoke about the family environment that once existed at the district and expressed hope that it could be that way again.

Association of Classified Employees (ACE) President Scott Olsen advocated for additional hiring in Human Resources or a restructuring to improve the capacity of the department to accommodate the needs of employees in a timely manner. He advised that it was six months before ACE members' paychecks reflected pay from the ACE classification study approved by the Board in April 2021, and employees have yet to receive the retroactive pay included as part of the agreement. Mr. Olsen also spoke about the delay experienced by classified employees in receiving recognition pay for work done during the pandemic despite members of another bargaining unit receiving the pay in December 2021 and complained about the lack of communication from the district regarding the timing of the retroactive classification study and recognition payments, which has hindered employees in adjusting retirement contributions and spending plans.

Faculty Association representative Rich Hansen made positive comments regarding the strides made during Heidi King's time as De Anza Classified Senate President with respect to inclusion of classified professionals in shared governance and expressed hope that the district will continue to make progress in this area. He expressed support for the district's recent proposal for a joint negotiations process that could prevent the need for retroactive pay agreements.

Chancellor Miner provided information regarding the Community College League of California (CCLC) Legislative Conference and Association of Community College Trustees (ACCT) National Legislative Summit she recently attended with President Holmes and several trustees. She advised that the CCLC Advisory Committee on Legislation is advocating for an increase in base funding, pension buy down, and financial aid that considers the total cost of attendance for community college students. She further advised that there has been progress made in proposals to increase Pell grants, especially for short-term workforce programs, but online education programs are being excluded.

Chancellor Miner invited trustees to attend the Foothill-De Anza Foundation Town Hall on February 23, 2022; thanked members of the Chancellor's Advisory Council for approving changes to the district's COVID-19 vaccination administrative procedure to require students and employees to receive a booster to be on campus; and reported that the Cupertino City Council will consider participation in the Stevens Creek Boulevard Corridor Transit Vision Study at its meeting on February 15, 2022. She advised that the city council has been provided a copy of the resolution the Board of Trustees adopted July 12, 2021, in support of the transit plan, which would connect San Jose to De Anza College.

Acting Foothill College President Bernadine Fong announced that a student in the college's Radiologic Technology Program placed first in the recent Association of Collegiate Educators in Radiologic Technology Conference student bowl competition, and Foothill students also swept the poster competition, which covered literature review and original research. She thanked Executive Director of Facilities and Operations Joel Cadiz and his team for their work to clean up the campus, reported that Associate Vice President of Workforce and CTE programs Teresa Ong has secured a grant worth \$1 million for the college's apprenticeship programs, and commented that she recently met with Sunnyvale Mayor Larry Klein regarding the Sunnyvale Center.

De Anza College President Holmes thanked trustees for attending the recent Cupertino Chamber of Commerce Lunar New Year Celebration, announced that the college will be hosting a Silicon Valley Reads event with Reyna Grande discussing her memoir, "A Dream Called Home," and spoke about a series of Black History Month events organized by the Black Faculty, Staff, and Administrators Network and an upcoming forum on defining antisemitism planned by the Office of Equity.

Board Reports

Foothill College student trustee Rachel Homayonfar spoke about meeting First Lady Jill Biden, hearing from the Secretary of Education and the Secretary of Labor, and meeting with student trustees from across the nation during the ACCT National Legislative Summit. She reported that she and De Anza College student trustee Michelle Hernandez are considering the possibility of creating career closets, which would provide students with clothes to wear on job interviews, at both of the colleges.

Student trustee Hernandez commented that it was an honor to meet First Lady Biden and inspirational to meet with student trustees across the country. She shared recent student government discussions of funding stipends or scholarships for student leaders, noting that some student leaders dropped out of school this year in order to work to support their families.

Trustee Wong expressed appreciation to the student trustees for serving on the ACCT Student Trustee Advisory Committee, provided a report of the ACCT Board of Directors meeting, and spoke of advocacy efforts to increase funding for Hispanic Serving Institutions, Asian American and Native American Pacific Islander Serving Institutions, and Historically Black Colleges and Universities. He thanked Coordinator of Communications and Public Affairs Becky Bartindale for arranging appointments with legislators during the ACCT National Legislative Summit.

Trustee Casas made positive comments regarding the Krause Center for Innovation's Student Media Celebration, which featured the documentaries of four Foothill College dual enrollment students honored in the All American High School Film Festival held in New York City, and thanked Chancellor Miner for her work in getting legislation passed to expand the number of community college baccalaureate degrees allowed statewide and to permit the current programs to continue permanently. While acknowledging that Congresswoman Zoe Lofgren, who the district's team met with during the ACCT National Legislative Summit, has been a strong voice for immigrants, trustee Casas lamented the lack of progress in passing immigration reform legislation and creating a path to legal status for the Deferred Action for Childhood Arrivals students she has been advocating for since the 1990s.

Foothill-De Anza Foundation Board of Directors Report

Trustee Cheng reported that the Foothill-De Anza Foundation's Hope Initiative has raised more than \$350,000, including \$40,000 in contributions from the district Board of Trustees and Foundation Board of Directors. She invited those in attendance to attend the upcoming Foundation Town Hall.

ADJOURNMENT

President Ahrens adjourned the meeting at 7:27 p.m. in memory of longtime friend of the district and community leader Clifford (Don) Allen, former district trustee Dr. Jay Jackman, former De Anza Track & Field coach James (Jim) Linthicum, former Foothill College counselor Robert Kavelman, former De Anza College Speech and Communications instructor Edwina Stoll, and former De Anza College anthropology instructor Isaiah Nengo.

Approved 3/14/22



Judy C. Miner
Secretary to the Board of Trustees