

**Minutes of the Regular Meeting of the Board of Trustees
Monday, April 5, 2021**

Members present:

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

For public session only:

Max Meyberg, De Anza College student trustee
Priya V., Foothill College student trustee

The meeting was held pursuant to State of California Executive Order N-29-20, dated March 17, 2020. All members of the Board of Trustees participated in the meeting by teleconference. In compliance with Santa Clara County Public Health Department's shelter-in-place order 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 5:30 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

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
Joe Moreau, Vice Chancellor, Technology
Thuy Nguyen, President, Foothill College
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 6:02 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 no reportable action was taken during closed session.

APPROVAL OF MINUTES

Minutes of the March 8, 2021, Regular Meeting of the Board of Trustees

Action: Approved the draft minutes of the March 8, 2021, Board of Trustees regular meeting.
Motion by Laura Casas, second by Max Meyberg
Advisory vote in favor: Max Meyberg, Priya V.
Final Resolution: Motion carries
Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

Minutes of the March 15, 2021, Recognition of Tenure Recipients and Regular Meeting of the Board of Trustees

Action: Approved the draft minutes of the March 15, 2021, Board of Trustees recognition of tenure recipients and regular meeting.
Motion by Gilbert Wong, second by Priya V.
Advisory vote in favor: Max Meyberg, Priya V.
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 the Board of Trustees received a written public comment regarding an item not on the agenda from Melissa Wilson. The comment was distributed to all trustees and attached to the public meeting agenda as part of the permanent meeting record.

Faculty Association President Tim Shively spoke against plans to limit the total number of speakers on agenda items 12. Campus Safety Evaluation and Staffing and 13. Student and Employee Housing Prioritization.

APPROVAL OF CONSENT CALENDAR (ACTION)

President Landsberger removed agenda items 1. Ratification of Contracts and Agreements, 4. Human Resources Report, and 6. Foothill College - Approval of Curriculum and/or Program Updates for 2021-22 Catalog from the agenda for separate discussion.

Action: Approved consent calendar items 2-3 and 5 as follows:

- 2. Ratified contracts and agreements for Measure C as presented**
- 3. 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. Approved De Anza College new and revised courses for 2021-2022.**

Motion by Pearl Cheng, second by Laura Casas
Advisory vote in favor: Max Meyberg, Priya V.
Final Resolution: Motion carries
Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

Consideration of items removed from the consent calendar

1. Ratification of Contracts and Agreements

In response to a question from President Shively, Vice Chancellor of Business Services Susan Cheu explained that the contract addendum for Passport Labs, Inc., which handles the district's parking ticket management services, is a no cost time extension.

Foothill College student trustee Priya V. moved to table the approval of the item until after agenda item 12. Campus Safety Evaluation and Staffing is considered. Trustee Gilbert Wong seconded the motion for discussion.

Advisory vote in favor: Max Meyberg, Priya V.
Final Resolution: Motion fails
Noes: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong

Action: Ratified the contracts and agreements as presented.
Motion by Patrick Ahrens, second by Gilbert Wong
Final Resolution: Motion carries
Aye: Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Gilbert Wong
Abstain: Max Meyberg, Priya V.

4. Human Resources Report

In response to a question from President Landsberger, Chancellor Miner explained that Vice Chancellor of Human Resources Dorene Novotny extended her original retirement date because of the prolonged search for a new vice chancellor, but she intends to retire by September 1, 2021. Chancellor Miner further advised that California Education Code requires that if there is a non-renewal of an administrative contract prior to March 15, a new contract must be equal to the previous contract. Additionally, she noted that when

retirement occurs for an administrator, Education Code requires that the board action and letter be delivered within the year that the action will take place; therefore, the governing board action on the vice chancellor's new retirement date will be included on the Human Resources Report in July.

Action: Approved the Human Resources Report.

Motion by Pearl Cheng, second by Laura Casas

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

6. Foothill College - Approval of Curriculum and/or Program Updates for 2021-22 Catalog

Foothill College student trustee Priya V. made positive comments about the approval of ethnic studies curriculum.

Action: Approved Foothill College curriculum and/or program updates for the 2021-22 catalog.

Motion by Priya V, second by Max Meyberg

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

BOARD BUSINESS

7. Foothill-De Anza Foundation Presentation

Foothill-De Anza Foundation Executive Director Dennis Cima, Assistant Director Robin Latta, and Director of Development Leigh Howell presented an overview of the Foundation's support of students, programs, and projects; assets; fundraising; and initiatives. President Landsberger and trustees Ahren, Casas, Cheng, and Wong lauded the Foundation team for their work.

In response to questions from student trustee Priya V., Executive Director Cima explained that donors often designate funds for specific purposes, and the Foundation team works with the college presidents to determine priorities for unrestricted funds. He noted that the presidents have used Foundation funds in the past to supplement programs that have exhausted state funding or to pay for activities that are ineligible for state funds.

8. Annual Review of Board Policy 2015 Student Members (First Reading)

Stating that student trustees do the same work as the publicly elected trustees and should be compensated at the same level, student trustee Priya V. questioned how the compensation for student trustees was determined and asked the governing board to consider increasing the compensation to the maximum allowed under California's Education Code. Student trustee Priya V. also asked that the governing board permit student trustees to attend some closed sessions.

De Anza College student trustee Max Meyberg suggested that the policy include a recommendation that incoming student trustees attend the Community College League of California Student Trustees Workshop, and trustee Gilbert Wong concurred. Trustee Patrick Ahrens expressed concern about adding any requirements that could serve as a barrier for students to serve as student trustee. Student trustee Priya V. agreed that proper training is needed but did not think adding a recommendation to the policy would be appropriate.

9. Revised Board Policy (BP) 3900 (formerly BP 5550 and BP 1240) Speech: Time, Place, and Manner (First Reading)

The governing board reviewed the proposed revised policy and had no questions.

10. California Community College Trustees Board of Directors 2021 Election

Action: Voted for Yvette Davis of Glendale Community College District, Bernardo Perez of Ventura Community College District, Gregory Pensa of Allan Hancock Joint Community College District, Barbara Calhoun of Compton Community College District, Nan Gomez-Heitzeberg of Kern Community College District, Deborah Ikeda of State Center Community College District, and Edralin Maduli of Chabot-Las Positas Community College District to fill seven three-year terms on the California Community College Trustees Board of Directors.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

11. Resolution 2021-11 Declaring April as Diversity, Equity, and Inclusion Awareness Month

Trustee Wong thanked the chancellor, fellow trustees, and faculty members for attending the Stop Asian American and Pacific Islander (AAPI) Hate rally in Saratoga, stating it is important to bring awareness to this issue and he is happy to see the community work together.

Action: Adopted resolution 2021-11 declaring April as Diversity, Equity, and Inclusion Awareness month.

Motion by Gilbert Wong, second by Max Meyberg

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

12. Campus Safety Evaluation and Staffing

President Landsberger advised that the Board of Trustees received written public comments in advance regarding this item from Shana Seligman, Samuel Connell, Tejhasvi Jaikumar, Khari Crawford, Esha Dadbhawala, and Daniela Plascencia. The comments were distributed to all trustees and attached to the public meeting agenda as part of the permanent meeting record.

Association of Classified Employees (ACE) President Chris White commented that eliminating the police department would not save the district money because a contract for security would still be required. She acknowledged the frustration that many have with the time it takes to make changes at the district but also observed that the chronic understaffing of the police department creates a safety hazard for the employees of the department as well as those they encounter.

Esha Dadbhawala stated that as a queer person of color they do not feel safe bring concerns related to gender or racial identity to the police and do not feel that there is an alternative available at the district. They spoke in favor of the district exploring alternative models of campus safety.

Adara Pineda recommended having community volunteers help with security, expressing concern about how officers view persons of color and stating that police officers do not care about student mental health.

President Landsberger stated that the Chancellor's initiation of deliberate work to gain a clear understanding about what it means to feel safe and welcome on campus is the right place to start before debates occur about how to change the current public safety model at the district. Student trustee Priya V. expressed concern about the progress made in exploring alternative models of campus safety and questioned the need to fill open positions in the police department. Vice Chancellor Cheu explained in response that 8 of the 23 positions in the police department are vacant, reminding trustees that the department includes public safety positions like locksmiths in addition to officers. She noted that despite the campus closures, the department has responded to more than 3,000 complaints and incidents, including reports of stolen vehicles, burglaries, threats, trespassing, accidents, and medical issues, since last March. Chancellor Miner added that requests to fill specific positions would be brought to the governing board for approval.

Chancellor Miner advised that the Chancellor's Advisory Council would be responsible for approving the composition of the districtwide task force that would develop recommendations for alternative models to campus safety. Student trustee Priya V. complained that the Police Chief's Advisory Board and Chancellor's Advisory Council are inaccessible via the website and lack transparency. Chancellor Miner responded that Chancellor's Advisory Council agendas and minutes are publicly posted on the district website, but she invited the student trustee's suggestions for improvements.

After extensive discussion, the governing board, took the following actions:

Action: The Board finds that continuing the exploration of alternative measures for campus safety and setting clear expectations for law enforcement is an important component of the direction given to the Chancellor in the Board Priorities for 2020-2021.

Motion by Patrick Ahrens, second by Laura Casas

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

Action: The Board asks the Chancellor to give the Foothill-De Anza College District Police Department Chief's Advisory Board the task of setting clear expectations for law enforcement as outlined in the Board Priorities for 2021-2021.

Advisory vote in favor: Max Meyberg, Priya V.

Motion by Priya V, second by Patrick Ahrens.

Final Resolution: Motion carries

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

Action: The Board supports the Chancellor's establishment of a task force or advisory committee that will develop recommendations for alternative models to campus safety.

Advisory vote in favor: Max Meyberg, Priya V.

Motion by Patrick Ahrens, second by Gilbert Wong.

Final Resolution: Motion carries

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

Action: The Board declares that it is open to considering a wide range of alternatives regarding the future of the district police department, but until the Board approves changes recommended by the Chancellor following districtwide consultation, funding and staffing levels in the department should be maintained at levels to ensure the department can operate safely and efficiently.

Advisory vote in favor: Max Meyberg

Advisory vote opposed: Priya V.

Motion by Patrick Ahrens, second by Gilbert Wong

Final Resolution: Motion carries

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

Action: The Board reaffirms the Chancellor's intent to place the topic of campus safety and campus law enforcement on the Board's agenda again by June, so the Board can receive an update and additional recommendations, and, if necessary, take further appropriate actions.

Advisory vote in favor: Max Meyberg, Priya V.

Motion by Patrick Ahrens, second by Priya V.

Final Resolution: Motion carries

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

Student trustee Priya V. moved that the governing board approve the composition of the task force that will develop recommendations for alternative models to campus safety. Trustee Wong seconded the motion.

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion fails

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

13. Student and Employee Housing Prioritization

President Landsberger advised that the Board of Trustees received written public comments in advance regarding this item from Tejhasvi Jaikuma, Jim Nguyen, Robert Stockwell, Kimberly Lam, and Breana Pleasants. The comments were distributed to all trustees and attached to the public meeting agenda as part of the permanent meeting record.

Nicky Gonzalez Yuen, Kimberly Lam, Bob Stockwell, Tejhasui Jaikumar, Eric Reed, Foothill College Academic Senate President Kathryn Maurer, Yuetang Zhang, Faculty Association President Tim Shively, and Adara Pineda spoke against the chancellor's recommendations and called for a separate shared governance group to focus on housing decisions.

Student trustee Priya V. and trustees Casas, Ahrens, and Wong expressed concern about those who feel they are not being heard and suggested postponing action on the item to allow the chancellor more time to meet with stakeholders.

Trustee Cheng praised the progress of the chancellor and district senior staff in seeking out key opportunities that leverage the funds the district has available for affordable housing. She asked everyone to continue to work with the district toward a successful project. Noting that not many community college districts are able to bring housing projects to fruition, she expressed concern that delaying action may

stall opportunities. Trustee Cheng also questioned statements made about a lack of transparency in the process, noting that the Chancellor has indicated that she will be asking for input about eligibility requirements and amenities when appropriate opportunities are identified.

President Landsberger commented that presenters at a recent Community College League of California trustee webinar regarding the Affordability, Food, and Housing Access Taskforce Report: Addressing Housing Affordability Issues explained that the housing insecurity problem in California is so substantial that no single district is going to be able to resolve it. He advised that the webinar presenters emphasized the importance of identifying an experienced partner because community colleges are not experts in developing and managing housing units and it is challenging to finance projects while keeping them affordable.

Action: Postponed to the May 3, 2021, regular meeting of the Board of Trustees.

Motion by Patrick Ahrens, second by Laura Casas

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

Abstain: Pearl Cheng

BUSINESS SERVICES/FINANCE

14. Purchase of Electrical Discharge Machining (EDM) Equipment

Action: Authorized the Director of Purchasing, Contracts & Risk Management to issue a purchase order to Sodick Inc. for the purchase of Electrical Discharge Machining equipment, including software, installation, training, related services, delivery and applicable sales tax, in the amount of \$208,252 in accordance with Bid #1857.

Motion by Laura Casas, second by Patrick Ahrens

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

15. Award of Bid #1855, Campus Center Floor Replacement at De Anza College

In response to a question from trustee Casas, Vice Chancellor Cheu advised that while the initial scope of the project was to repair flooring damaged due to a leak, the district determined that the campus closure offered an opportunity to completely replace the flooring in an area heavily used by students to make it more accessible, functional, and aesthetically pleasing.

Action: Authorized the Director of Purchasing, Contracts & Risk Management to execute an agreement with Strawn Construction, Inc. for construction services pursuant to Bid #1855, with a maximum compensation not-to-exceed amount of \$429,833.00.

Motion by Priya V, second by Patrick Ahrens

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

Abstain: Max Meyberg

16. Listing of District Investments as of December 31, 2020

In response to a question from student trustee Priya V., Vice Chancellor Cheu explained that the report details the investments made on behalf of various institutions that have placed money on deposit with Santa Clara County.

HUMAN RESOURCES

17. Association of Classified Employees (ACE) Classification Study

Commenting that the classification study started almost four years ago and is the first such study in 25 years, ACE President White thanked her membership for being patient, for being resilient, and for doing the work. She thanked the governing board for approving the item.

Action: Approved the memorandum of understanding with the Association of Classified Employees (ACE) regarding the ACE Classification Study and its results.

Motion by Patrick Ahrens, second by Laura Casas

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

18. Administrative Management Association (AMA) Classification Study

Action: Approved the memorandum of understanding with the Administrative Management Association regarding the AMA Classification Study and its results.

Motion by Laura Casas, second by Gilbert Wong

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

19. Confidential Employees (Confidentials) Classification Study

Action: Approved the memorandum of understanding with the Confidential Employees regarding the Confidentials Classification Study and its results.

Motion by Priya V, second by Max Meyberg

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

TECHNOLOGY/CALIFORNIA VIRTUAL CAMPUS-ONLINE EDUCATION INITIATIVE

20. Notice of Amendment #2 to the California Community College Chancellor's Office Grant #18-052-001 for the California Virtual Campus-Online Education Initiative Program

Action: Accepted the amendment to the Grant #18-052-001 for the California Virtual Campus-Online Education Initiative (CVC-OEI) Program

Motion by Pearl Cheng, second by Laura Casas

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

MEASURE C PROJECTS

21. Measure C Project List Revisions: Project Transfers, New Project Setup, Interest Earnings Allocation

Action: Approved the Measure C Project List Revisions - Project Transfers, New Project Setup, Interest Earnings Allocation.

Motion by Patrick Ahrens, second by Priya V.

Advisory vote in favor: Max Meyberg, Priya V.

Final Resolution: Motion carries

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

REPORTS

Leadership Reports

Chancellor Miner thanked everyone who has been working toward the passage of Assembly Bill (AB) 927, which would expand the community college baccalaureate program.

President Holmes spoke about actions De Anza College has taken in response to the recent surge of hate crimes against persons of Asian descent, including online events examining the history of anti-Asian racism. He congratulated the Office of Communications for winning the Gold Paragon Award from the National Council for Marketing and Public Relations for the digital flipbook version of the

De Anza College Academy summer catalog and a bronze award for videos informing students about the food pantry and other basic needs resources.

President Nguyen thanked the governing board for approving the college's ethnic studies curriculum and thanked student leaders, the Academic Senate, the Curriculum Committee, Interim Dean of Language Arts Valerie Fong, and Acting Dean of Fine Arts, Communication & Kinesiology/Athletics Debbie Lee for their leadership in moving the ethnic studies curriculum forward.

Board

Student trustee Priya V. announced that the Associated Students of Foothill College plan to host a town hall on disability awareness on April 13, 2021, and is preparing for elections.

Student trustee Meyberg advised that the De Anza student organization has officially changed its name to the De Anza Student Government.

Trustee Ahrens thanked De Anza College Associate Vice President of Communications and External Relations Marisa Spatafore for successfully lobbying the Cupertino Chamber of Commerce Legislative Committee to support AB 927. He reported plans to attend Stop AAPI Hate rallies in Cupertino and in Mountain View and thanked the Chancellor and presidents for staying visible on this issue.

Trustee Wong made positive comments regarding Associate Vice President Spatafore's presentation to the Cupertino Chamber of Commerce, thanked those who will be participating in the Stop Asian Hate rally in Cupertino, and spoke about attending President Nguyen's recent Instagram Live event.

Foothill-De Anza Foundation Board of Directors Report

Trustee Cheng reported that at the most recent meeting, the Foundation Board of Directors took a support position on AB 927, heard that the Finance Committee has begun evaluating asset management firms, and heard reports from Chancellor Miner and the presidents regarding return-to-campus plans.

ADJOURNMENT

President Landsberger adjourned the meeting at 10:24 p.m. in memory of former Foothill College Dean of Business and Social Sciences and history faculty member Konnilyn Feig. He noted that an endowed scholarship has been established at the Foothill-De Anza Foundation in Konnilyn Feig's name. President Landsberger read from a message from Interim Associate Vice President of Instruction Kurt Hueg, which stated that "what colleagues will remember most about Konnilyn is her fiery spirit, her contagious laughter, her razor sharp wit, and her absolute love of students."

Approved 5/3/21



Judy C. Miner
Secretary to the Board of Trustees