



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, December 11, 2012

5:00 p.m. Closed Session

6:30 p.m. Reception

*There will be a public dessert reception to Honor  
Outgoing Trustee Hodge, Incoming Trustee Brown, and  
Re-Elected Trustees González Yuen, Gulassa, and Withrow.*

7:00 p.m. Public Session

333 East 8<sup>th</sup> Street  
Oakland, CA 94606

**Welcome** to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus:

Link on the Peralta Board Website: <http://web.peralta.edu/trustees/meetings-votelog/>

**PLEASE TURN OFF YOUR CELL PHONES DURING THE MEETING - THANK YOU!**

### MINUTES

**CALL TO ORDER** (5:00 p.m.)

**CLOSED SESSION** (5:01 p.m.)

Topics to be discussed include:

Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

- Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.
- Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.
- Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.
- Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.
- Conference with Legal Counsel (54956.9(a)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.
- Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA Case No. CV12-5943.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (9 cases).

Conference with Real Property Negotiator (Government Code § 54956.8):

- Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.
- Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.
- Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

Public Employee Appointment – Employment, Performance, Evaluation, Discipline, Dismissal, Release – All Employees (Government Code § 54957).

- Consider Approval of College President, Berkeley City College.
- Consider Approval of College President, Merritt College.
- Consider Approval of Director of Capital Projects, District Office.
- Consider Approval of Facilities Project Manager, District Office.
- Consider Approval of Director of Purchasing, District Office.

**OPEN SESSION (7:00 P.M.)**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Trustees Brown, Pr\_ Ab\_, González Yuen Pr\_ Ab\_, Guillén Pr\_ Ab\_, Handy Pr\_ Ab\_, Hodge, Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab\_ and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Cervantes Pr\_ Ab\_.

**REPORT OF ACTION TAKEN IN CLOSED SESSION (7:01 P.M.)**

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor:

College President, Berkeley City College, Dr. Deborah Budd, January 15, 2013 through January 14, 2015, \$165,000/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Guillen

College President, Merritt College, Dr. Norma Ambriz-Galaviz, January 15, 2013 through January 14, 2015, \$165,000/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Guillen

Director of Capital Projects, District Office, Johnnie Fudge, December 14, 2012 through December 13, 2013, \$130,000/year.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Guillen

Facilities Project Manager, District Office, Gary Banks, December 15, 2012 through December 16, 2013, \$105,000/year.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Guillen

Director of Purchasing, District Office, Hester Marie Hampton, December 12, 2012 through December 11, 2013, \$90,000/year.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Guillen

**APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)**

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board will move to the Action Calendar items with public speakers.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve the agenda as amended.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Handy, Trustee Riley, and Trustee Gulassa.  
NOES: and Trustee Withrow.  
ABSTAIN: None  
ABSENT: and Trustee Guillen.

The motion passed.

Items 8 and 28 were removed from the agenda and will return to the Board at a future date. Items 10, 22 through 26 were removed from the consent calendar for debate.

Trustee Withrow doesn't feel that the Board is fully engaged with the accreditation process. He will vote "no" on all of the agenda items. He's voting "no" on the agenda for lack of inclusion of the Board in matters such as the external audit, student success, strategic planning, and workforce development.

**AWARDS (7:03 P.M.)**

Presentation of Awards to outgoing Trustee Hodge, and President Gulassa and Vice President Riley.

**SWEARING-IN CEREMONY of INCOMING TRUSTEES (7:05 P.M.)**

- Swearing-in of Incoming Trustees Meredith Brown, Nicky González Yuen, Cy Gulassa, and Bill Withrow.

**ANNUAL ORGANIZATIONAL MEETING (7:15 P.M.)**

Election of President of the Board of Trustees, 2013

MOTION Trustees Withrow, Gonzalez Yuen to nominate Trustee Gulassa PASSED

Election of Vice President of the Board of Trustees, 2013

MOTION Trustee Withrow to nominate Trustee Riley. Trustee Riley declined the nomination.

MOTION Trustee Riley, Gonzalez Yuen for Trustee Guillen PASSED

Appointment of Secretary of the Board of Trustees, 2013

MOTION Trustee Riley, Gonzalez Yuen to nominate Chancellor Ortiz PASSED

Board Self-Evaluation Review 2012

Trustee Gulassa commented on the survey. 8 of 9 Trustees responded. A 75% or better response was received on each of the questions related to the accreditation standards. He'd like it to be re-designed for the future, and would like to use the current one for discussion at a future Board workshop.

**APPROVAL OF THE MINUTES (7:20 P.M.)**

1. Consider Approval of the Regular Board meeting Minutes of November 13, 2012.

Consider approval of the regular Board meeting minutes of November 13, 2012. The minutes are posted on Granicus.

Trustees Withrow, Riley PASSED

### **PUBLIC COMMUNICATION (7:25 P.M.)**

**At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)**

Speaker Young thanked the Chancellor for their meeting. He distributed some paperwork to the Board. He shared that he has never sued the District for any funds, and described that the funds paid to him were for settlement purposes.

Speaker Zamora-Kantor is a DSPPS counselor at Laney College. She's fluent in Spanish and sign language. She shared that there is a dire need for more counselors. She's been reassigned to help in general counseling from the special programs just for peak enrollment, and she feels that our special student populations won't receive enough support during this time.

Speaker Geneva, a student, spoke on the same matter. She doesn't think she could continue her education without these special counseling services offered at this time during the semester.

Speaker Garcia, a student, is close to graduation. She hopes to transfer to UCB. It's a challenge to her to find time to visit a counselor. She asked that the counselor not be transferred from the DSPPS at this time during the semester.

Speaker Maxwell feels that DSPPS counselors impact all of the rest of college. She said that this temporary reassignment doesn't make any sense to her and that it's never occurred before. They are the only ones who can approve accommodations for DSPPS students.

The Board asked the Chancellor to review this matter.



College of Alameda                      President Jackson

- Intent to Apply for Grants - Minority Serving Institutions (MSIs) "Models of Success" Project; and National Endowment for the Arts.

President Jackson gave an update on two future potential grants.

Laney College  
Merritt College

President Webb  
Interim President Stanley

#### 4. Board of Trustees' Reports

At this time, the Board of Trustees will report on matters related to attendance at conferences, professional affiliations, and community involvement directly related to their functions as Board members.

Trustee Withrow announced that he and four other Trustees attended the CCCT conference, where he attended an excellent workshop facilitated by Dr. Beno with a guide to accreditation.

Trustee Gonzalez Yuen wished our students good luck with their finals. He thanked our faculty who will be reading the final exams in the coming weeks. Trustee Riley thanked Trustee Hodge for her service on the Board. Trustee Handy also attended the CCCT conference and attended a workshop on Foundations. There had been a Foundation reception that introduced Romeo Garcia as the new Interim Director, and she looks forward to working with him.

Student Trustee Clegg thanked Dr. Ng for addressing the Higher One issues and for investigating other check disbursement options, as well as working to address the vacant student advisor position. Trustee Brown is happy to be in attendance. Trustee Gulassa felt the CCCT conference was the best he's attended given the group excitement from Proposition 30. He enjoyed our Foundation reception, and is enthusiastic about Mr. Garcia's arrival.

#### 5. District Academic Senate Report **Presenter: DAS President Karolyn van Putten**

## **PRESENTATIONS ( 8:00 P.M.)**

#### 6. Review of June 30, 2012 Annual Audit Report (10 minutes) **Presenter: Heidi White, Vavrinek, Trine, Day & Co., LLP**

There will be a review of the June 30, 2012 Annual Audit report, which relates to agenda Item 22 on the consent calendar.

Trustee Withrow congratulated all who participated in this process. He is concerned about the significant deficiencies in the federal compliance area. Last year, there were

22 audit exceptions and this year there are only 8, so there is significant improvement. Speaker White sees a lot of position movement with new personnel who make mistakes during transition which then impacts asset/resource allocation issues. She shared that these findings aren't serious enough where we could be at risk of losing any funding due to compliance discrepancies. There were no funds misspent, and noting will need reimbursement. An updated corrective active matrix will be provided. The term "implemented" means complete by the auditors. Trustee Gonzalez Yuen looks forward to seeing graphs of completed items in the future.

7. Strengthening Pathways, Systems, and Services to Maximize Student Success: Report on Merritt College's Title III Grant Project. **Presenter: Dr. Audrey Trotter, Project Director** (10 minutes)

There will be a report on Merritt College's Title III grant project.

Trustee Withrow asked if they coordinate with the K-12 feeder schools. Title III funds can't be used until a student applies for admission with us. Trustee Brown asked if gateway skill goals are for transferring to four year universities, as well as apprenticeship programs, such as in the construction trades, which is possible within the grant. Any student regardless of their major can apply to this program.

8. Laney College Facilities Master Plan (10 minutes) **Presenters: Vice Chancellor Ikharo, Suniya Malhotra and Rob Barthelman, STV Architects**

Vice Chancellor Ikharo and representatives from STV Architects (formerly architecture/VBN) will give a presentation on the Laney College Facilities Master Plan. This relates at agenda Item 28 on the consent calendar.

9. Study Session on Proposed Board Policies **Presenter Jim Grivich** (10 minutes)

The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption:

- BP 2510 Participation in Local Decision Making
- BP 2710 Conflict of Interest
- BP 3510 Workplace Violence
- BP 3540 Sexual and Other Assaults on Campus
- BP 3600 Auxiliary Organizations
- BP 3720 Information Technology Use
- BP 3810 Liability Claims against the District
- BP 3820 Gifts
- BP 4210 Student Learning Outcomes
- BP 5020 Nonresident Tuition
- BP 5150 Extended Opportunity Programs and Services
- BP 5400 Associated Students Organization
- BP 5410 Associated Students Elections
- BP 5700 Athletics

- BP 6100 Delegation of Authority for Business
- BP 6150 Designation of Authorized Signatures
- BP 6550 Disposal of Property
- BP 6750 Parking
- BP 7240 Confidential Employees
- BP 7250 Academic Administrators
- BP 7260 Classified Managers
- BP 7280 Volunteers
- BP 7310 Nepotism
- BP 7330 Communicable Disease
- BP 7335 Health Examinations
- BP 7340 Leaves
- BP 7350 Resignations
- BP 7360 Discipline and Dismissal – Academic Employees
- BP 7365 Discipline and Dismissal – Classified Employees
- BP 7370 Political Activity
- BP 7380 Ethics, Civility and Mutual Respect
- BP 7381 Cash In-Lieu of a Paid Medical Benefits Option

Speaker Grivich has been here 1.5 years and this is his last meeting. 130 policies and 100 procedures are now complete, and the policies and procedures are separated. In review, the Board doesn't manage the District, and the Board asks the Chancellor to manage the District via the procedures. We implemented a very viable shared governance process, with consultation through the planning and budget council and the Chancellor's Cabinet. The process is more effective and efficient than in the past. All the policies have been written, with the objectives achieved. Trustee Gulassa thanked Mr. Grivich for his good work.

Trustee Gonzalez Yuen suggested that the name of principles be added to BP 2710 Conflict of Interest for Board votes. He asked about the edits for BP 7250, and the intent was not to change our existing practices, but just to move procedure language out of the policy. For BP 7310, he feels it's common in academia to have an academic couple teaching in related disciplines, and that our policy impact the department's hiring options. He suggested that we make reference to "applicable collective bargaining agreements" in BP 7360 and 7365. He suggested that any policy limitations on political activity "shall not interfere with any employee's right to free speech guaranteed by law" in BP 7370. Trustee Brown suggested that "the Chancellor shall ensure that the policy complies with state and federal law" in BP 5700. All of the suggested edits will be made.

## **CONSENT CALENDAR ( 9:00 P.M.)**

All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a

Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve the Consent Calendar, including agenda items 11 - 21, 27 - 29.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: and Trustee Guillen.

The motion passed.

Trustee Withrow abstained on Item 29.

## BOARD MATTERS

10. Consider Approval of Board Policy 4030 Academic Freedom (New Policy)

**Presenter: Chancellor Ortiz**

Consider approval of Board Policy 4030 Academic Freedom (New Policy). The Chancellor recommends approval.

MOTION: Motion by Trustee Withrow, second by Trustee Handy to approve.

AYES: Trustee Brown, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: and Trustee Gonzalez Yuen.

ABSTAIN: None

ABSENT: and Trustee Guillen.

The motion passed.

11. Consider Approval of Board Policy 6620 Naming of Buildings (Replaces Board Policy 6.87) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6620 Naming of Buildings (Replaces Board Policy 6.87). The Chancellor recommends approval.

## EDUCATIONAL AND STUDENT SERVICES

12. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Interim Vice Chancellor Orkin**

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations – November 2012" contains course and program

additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

13. Consider Approval of a Contract Extension with DesignX, Inc. for Mark Martin for Advanced Manufacturing and Industrial Maintenance Workforce Development at Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a contract extension for Dr. Mark Martin, doing business as Design4X, Inc., not to exceed \$8,000 for Advanced Manufacturing and Industrial Maintenance workforce development at Laney College through January 31, 2013.

**Funding Source: Grant funded Bay Area Workforce Funding Collaborative (BAWFC) / San Francisco Foundation.**

The initial contract amount was for \$110,000 from February 1, 2012 to December 31, 2012, which brings the total contract amount to not exceed \$118,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

14. Consider Approval of a Contract Agreement with Design 4X, Inc. for Mark Martin for Project Management Services for the Advanced Manufacturing and Industrial Maintenance Education and Workforce Development Grant at Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a contract agreement for Dr. Mark Martin, doing business as Design4X, Inc., not to exceed \$145,000 from February 1, 2013 through January 31, 2014 for project management services to Laney College's grant for Advanced Manufacturing and Industrial Maintenance education. **Funding Source: San Francisco Foundation.** All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

15. Consider Approval of the Bay Area Workforce Funding Collaborative (BAWFC) / San Francisco Foundation Grant for Advanced Manufacturing and Industrial Maintenance Education and Workforce Development at Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a grant from the San Francisco Foundation not to exceed \$254,074 for February 1, 2013 through January 31, 2014 to support education and workforce development in Advanced Manufacturing at Laney College. **Funding Source: Bay Area Workforce Funding Collaborative (BAWFC) / San Francisco Foundation.** Laney College will develop curriculum in Advanced Manufacturing and Industrial Maintenance and provide education and workforce development to approximately 100 students, including students already enrolled in the Industrial Maintenance Career Advancement Academy program, to prepare these students for high-skilled, high-wage careers in the manufacturing sector. The grant will also fund the alignment of Laney's Machine Technology curriculum with the National Institute of Metalworking Skills (NIMS) certification system so that Laney students will be eligible for industry-recognized NIMS certifications. The grant will also fund Laney's efforts to strengthen its regional employer network, to develop internships and direct job placements in industry for students, and to ensure that the Laney curriculum meets the needs of multiple industry employers within the Bay Area labor market. All Board

approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

16. Consider Approval of the California Community College Chancellor's Office IDRC Grant for Machining and Industrial Maintenance Apprenticeship Programs at Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval to accept a \$129,283 grant from the California Community College Chancellor's Office EWD Industry Driven Regional Collaborative (IDRC) for machining and industrial maintenance apprenticeship programs, Laney College.

**Funding Source: California Community College Chancellor's Office EWD Industry Driven Regional Collaborative (IDRC).** The objective of this grant is to strengthen the competitiveness of local manufacturing, design, and product development firms by reconstituting apprenticeship programs in the Bay Area. The grant will focus on apprenticeships in machining, Computer Numerical Control (CNC) machining, and industrial maintenance. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

17. Consider Approval of the Advanced Manufacturing Jobs and Innovation Accelerator Challenge (AMJIAC) Grant at Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval to accept an award of \$399,000 under the Advanced Manufacturing Jobs and Innovation Accelerator Challenge (AMJIAC) grant from November 15, 2012 through November 15, 2015 at Laney College. **Funding Source: Employment and Training Administration, Department of Labor.** The grant will train and place unemployed students and displaced workers in employment in advanced manufacturing and provide training for incumbent manufacturing workers to gain wage increases. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## **FINANCIAL SERVICES**

18. Review of Purchase Order Report **Presenter: Vice Chancellor Gerhard**

The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from October 27, 2012 through November 23, 2012, which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

19. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register **Presenter: Vice Chancellor Gerhard**

Consider *ratification* of the AP, Travel, and Consulting Contract Warrant Register from October 27, 2012 through November 23, 2012. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

20. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Gerhard**

Consider approval of budget transfer report covering the period from October 27, 2012 through November 23, 2012. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

21. Consider Approval of the District's Fiscal Year 2012-13 First Quarter CCFS-311Q Report **Presenter: Vice Chancellor Gerhard**

Consider approval of the District's fiscal year 2012-13 first quarter CCFS 311Q report. The CCFS-311Q is the State Chancellor's Office Quarterly Financial Status Report summarizing and communicating the results of the budgetary decisions and transactions made by the District through the first quarter of fiscal year 2012-13. The Chancellor recommends approval.

22. Receive and File Peralta Community College District's June 30, 2012 Annual Audit Report **Presenter: Vice Chancellor Gerhard**

Receive and File Peralta Community College District's June 30, 2012 Annual Audit Report. The June 30, 2012 annual audit report is being presented to the board of trustees for acceptance. This annual financial and compliance audit is a requirement under Education Code 84040 and provides for an examination of the District's annual financial statements to assess their fairness and reliability. The audit will be posted on the Budget and Finance website <http://web.peralta.edu/business/finance-contacts/annual-financial-reports/> The Chancellor recommends approval.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: and Trustee Guillen.

The motion passed.

23. Consider Approval of a Contract Extension with Turtle Inc. for Tony Tortorice  
**Presenter: Vice Chancellor Gerhard**

Consider Approval of Contract Extension with Turtle Inc. for Tony Tortorice through May 31, 2013. The current contract for Turtle, Inc. is scheduled to end on December 31, 2012. **Funding Source: No fiscal impact.** A no-cost extension of this contract is requested for Mr. Tortorice to continue in his role as project manager, specifically for the PeopleSoft Upgrade and the transition of any other remaining activities related to priority "A" projects identified in the Information Technology Strategic Plan. The PeopleSoft upgrade is scheduled to be completed by May 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Withrow,  
Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: and Trustee Handy.

ABSENT: and Trustee Guillen.

The motion passed.

Trustee Handy has serious challenges with this item. She wants a competitive process used for our contracts, with a process to find the best person for the job. She thought that bringing in the new CIO with expertise would eliminate the need for the consultant, and that the consultant hasn't been able to be here on a regular basis. The Chancellor reviewed that no added funds are being requesting. The consultant was on personal leave, so the request is for a time extension in order for him to complete the project, with no fiscal impact. Associate Vice Chancellor Madlock manages all of the IT projects and supports the position. Trustee Gonzalez Yuen asked for a Gant chart and project timeline for all future IT matters. Trustee Handy asked why a new consultant wasn't brought in during this person's absence. Trustee Brown wonders how the objectives will be met when the project deployment is after the consultant's departure date, and why financial aid isn't listed at the top of the objectives. IT has to first conduct the upgrade before they can implement the financial aid project. Mr. Madlock shared that he'll need a new project manager when the project is implemented. 31 projects are dependent upon the upgrade, including financial aid. We're 20% complete with our projects. 6 projects are in place. We haven't started 40% of the tasks. Trustee Gonzalez Yuen suggested that any projects be linked back to the original proposal in the future.

Trustee Handy asked where we are in the process of hiring a project manager. The Chancellor shared that they are looking at a January hire date. She asked for an evaluation process of deliverables with our contractors, with continuity of services for our students. The hiring processes for Director of IT services, and Director of Enterprise Services are proceeding. The IT team has been doing a great job of sustaining our projects.

24. Consider Approval of Resolution 12/13-20 to Establish a Citizens' Oversight Committee of Measure B **Presenter: Vice Chancellor Gerhard**

Consider approval of Resolution 12/13-20 ordering the establishment of a Citizens' Oversight Committee for Oversight of Measure B Parcel Tax Expenditures. The Chancellor recommends approval.

MOTION: Motion by Trustee Withrow, second by Trustee Gonzalez Yuen to approve.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: and Trustee Guillen.

The motion passed.

Trustee Gonzalez Yuen suggested using the same structure as the Bond oversight committee. The Chancellor would be happy to add someone from organized labor. Prop 39 requires a bono fide taxpayer organization, but the Trustee doesn't want us to bind ourselves to have to add them here. He wants to eliminate that phrase so we're not bound in policy to include a group that could be opposed to our mission, and he'd like leave the language up to the administration.

Trustee Riley shared that the taxpayer association has been very supportive of our bond measures. Trustee Handy recalls that it's sometimes been difficult to identify a candidate from this group.

Trustee Gonzalez Yuen suggested that this be returned to the administration to revise the text to align with the Trustees' sentiments and to strike section 2 from the proposed resolution. Trustee Gulassa suggested that the Board approve the current language as proposed, and to give authority to the Chancellor to make any necessary amendments. The Chancellor will review this matter carefully to see if the recommendations can be implemented.

25. Consider Approval of a Contract Extension for Christine Williams, College of Alameda **Presenter: President Jackson**

Request approval of a contract extension for Christine Williams from December 12, 2012 to June 30, 2013 to serve as a consultant working with College of Alameda custodial staff and management to provide custodial support/operational training not to exceed \$35,000. The original contract amount was \$12,600. The addendum will increase the total contract amount not to exceed \$47,600. **Funding Source: Unrestricted General Funds from facility rental revenue.** The consultant will work with the Head Custodian and the Business & Administrative Manager to assess custodial workforce, create detailed work procedures for each campus building, and provide training in proper cleaning procedures. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve.

AYES: Trustee Gonzalez Yuen, Trustee Brown, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: and Trustee Guillen.

The motion passed.

Trustee Brown asked about this scope of work that is generally centralized, and she asked that such services be brought in-house in the future. The Chancellor agrees and shared that it won't occur again in the future. This project began last year, and due to our staff reductions the necessary support wasn't provided.

## HUMAN RESOURCES

### 26. Consider Approval of a Contract Extension for Larry Frierson **Presenter: Vice Chancellor Largent**

Consider approval of a contract extension for Larry Frierson not to exceed \$25,000 for legal services. **Funding Source: General Funds.** \$25,000 was approved under the Chancellor's contract authority, and an additional \$25,000 is requested not to exceed a total of \$50,000 for fiscal year 2012- 2013. Mr. Frierson will provide legal advice for the District and Chancellor involving specific personnel and employee relations matters under the administrative responsibility of the District's Vice Chancellor for Human Resources. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

MOTION: Motion by Trustee Withrow, second by Trustee Riley to approve.

AYES: Trustee Brown, Trustee Withrow, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: Trustee Gonzalez Yuen, and Trustee Handy.

ABSENT: and Trustee Guillen.

The motion passed.

Trustee Brown asked for the scope of work for Mr. Frierson. Vice Chancellor Largent addressed the scope of work, which include supporting HR and employee relations in specialized areas and issues in anticipation of litigation. He's not involved with collective bargaining matters. Trustee Gonzalez Yuen asked for evidence of the backup information, and he asked that it be provided in closed session in the future. Trustee Handy felt this should encompass the Vice Chancellor of HR's duties, and that these services should be provided in-house. She's also concerned that no competitive bid process was done. Trustee Gulassa shared that as we have reduced staff that we have also had to prepare for related anticipated litigation. Trustee Withrow feels we should have consultants that give advice when we don't have the necessary skill sets, and that

we don't require the services over an extended period of time into the future. Trustee Gonzalez Yuen needs to hear from the Chancellor the consequences of the Board voting against this matter. Trustee Riley asked the Board not to get involved in this area of expertise, and that Human Resources is satisfied with the contractor, and he doesn't want to stifle staff to do their job. Trustee Brown asked as a matter of procedure if there is a competitive process for professional services, as well as the purpose of the contract.

The Chancellor shared these dollars were previously approved by the Board in the last fiscal year, but wasn't spent. The attorney helps the District with personnel challenges and complaints that require third party investigation. He thus highly recommends this contract approval. Trustee Gulassa feels the Board should invest confidence in managers to do their jobs and best protect the District.

Trustee Handy asked if this matter can return to the Board in January, and requested added background material. Vice Chancellor Largent asked for the funds to proceed now for potential issues that should timely proceed. Trustee Brown asked that the District be provided with the best available services and a quote for fees, and that we use best practices in this matter. Trustee Gulassa clarified that we don't use a competitive process for expert consulting services. When hiring a firm for all matters in the District, some District's use a bid process. Trustee Handy asked about the funds that were not used in the prior fiscal year, and why an added amount is now requested. Trustee Brown clarified that there's a difference between competitive selection for professional services and a competitive bid, and she feels that a quote for fees should be used in the future for this competitive selection.

27. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees **Presenter: Vice Chancellor Largent**

Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Bollinger	Michael	1/22/13	6/28/13	Inst Asst I/DSPS	A
Bush	Joyce	12/12/12	6/28/13	Inst Asst/Biomedical Eng.	L
Despins	Nicole	1/14/13	6/28/13	Inst Asst III/DSPS	L
Hernandez	Alegria	1/22/13	5/22/13	Inst Asst/ADN Program	M
Livsey	Andrew	1/14/13	6/28/13	Inst Asst IV/DSPS	L
Perez	Salvador	12/17/12	6/28/13	Clerical Assistant II	M
Ruckman	Joann	12/12/12	6/28/13	Inst Asst/Multimedia	B
Tran	Ben	12/12/12	6/28/13	Inst Asst IV/DSPS	L
Wortz	Dorcas	12/12/12	6/30/13	Food Service Supervisor	L

**FACILITIES**

28. Consider Approval of the Laney College Facilities Master Plan **Presenter: Vice Chancellor Ikharo**

Approval is requested for the Laney College Facilities Master Plan (FMP), prepared by the Administration and STV Architects (formerly architecture/VBN), with consultation from the stakeholders. **Funding Source: No expenditure of funds is involved in this action. Preparation of the Laney Facilities Master Plan was funded by Measure A.** In April 2010, the Educational Master Plan for Laney College was approved by the Board of Trustees. Due to the environmental changes affecting Laney College and the surrounding communities, there was a need to update the Facilities Master Plan to reflect the strategic educational plan of the college. Laney College opted to create a new Facilities Master Plan that reflected those changes. The Chancellor negotiated a Board approved contract with STV Architects (formerly architecture/VBN) to provide facilities master planning services to create the Laney College FMP. An electronic copy of the report is available to the public on the Peralta website at <http://web.peralta.edu/general-services/> All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval

29. Consider Approval of Amendment No. 2 to the Agreement with Valley Relocation and Storage and Approval of Amendment No. 2 to the Agreement with Crown Worldwide Moving and Storage for Furniture and Equipment Moving Services **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 2 to the agreement with Valley Relocation and Storage and Amendment No. 2 to the agreement with Crown Worldwide Moving and Storage for furniture and equipment moving services, in the total amount of \$200,000 (\$105,000 for Valley Relocation and Storage and \$95,000 for Crown Worldwide Moving and Storage). The amendments will extend the agreement services until December 31, 2013. **Funding Source: General Funds or Measure A, depending on the moving service required.**

The Board approved the original agreements with Valley Relocation and Storage and Crown Worldwide Moving and Storage at the meeting of December 7, 2010. The not-to-exceed total was \$250,000 (Valley Relocation and Storage as the primary mover, in the amount of \$150,000, and Crown Worldwide Moving and Storage as the secondary mover, in the amount of \$100,000). The companies were selected through a formal Request for Proposals process. The agreements were for two-year periods with one-year renewal options. At the Board meeting of July 19, 2011, amendments to the agreements were approved in the total amount of \$200,000 (\$100,000 for each company).

The continued need for move services is related to Measure A capital projects development at the four colleges and the District Administration Center (DAC) in the Peralta District. These projects are ongoing and require the removal and replacement of office equipment and furnishings beyond the scope of labor resources available to campus personnel. The prices for moving services will remain the same as the

originally quoted prices in the existing contracts. Both companies have performed satisfactorily, and it is recommended that their services be extended. This will be the third and final year of their contracts.

The anticipated moves for the upcoming fiscal year are as follows:

<b>College</b>	<b>Move</b>	<b>Time Schedule</b>
Laney College	Relocation of items in Theater Building	2012/2013
	Relocation of items from storage	2012/2013
Merritt College	Move into Library from storage	2013
	Move from Building A to Library	2013
	Move from Building A to Building Q	2013
College of Alameda	Move Biology Department to 860 Atlantic	2013
	Move out of Cougar Village	2013
860 Atlantic	Relocation of Genomics Equipment	2012

Including Amendment No. 2 to the contract with Valley Relocation and Storage, the total will be \$355,000; and including Amendment No. 2 to the contract with Crown Worldwide Moving and Storage, the total will be \$295,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**ACTION CALENDAR ITEMS**

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

**ANNOUNCEMENTS**

1. The next regular Board meeting will be held on January 22nd at the District Offices.
2. The Board wishes Trustee Brown a happy birthday this month.
3. The Board sends congratulations to General Counsel Nguyen for being a recipient of the Minority Bar Coalition Unity Award with the State Bar.
4. The Board wishes our students good luck on their final exams.
5. The Board wishes the community a Happy and Safe Christmas, Hanukah, Kwanza, Holidays, and Happy New Year 2013! Peralta will be closed in observance from December 24th through January 1st.

6. Thank you to everyone who worked tirelessly to make 2012 a successful year at Peralta.

## ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8<sup>th</sup> Street, Oakland, CA, (510) 466-7203, [repstein@peralta.edu](mailto:repstein@peralta.edu) at least 48 hours prior to the meeting.