



GOVERNING BOARD  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
NOVEMBER 10, 2009

**CALL TO ORDER**

**The Regular Meeting of the Board of Trustees will begin at 4:45 P.M. in the Boardroom, District Administrative Center, 333 East Eighth Street, Oakland. The first item of business will be to announce the matters to be discussed in Closed Session. Immediately following that announcement, the Board will enter Closed Session. The Regular Meeting in Open Session will reconvene at 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Handy, Trustee Withrow, Trustee Riley, Student Trustee Thompson, and Student Trustee Mouton-Patterson.  
Absent: Trustee Hodge.

**REPORT OF CLOSED SESSION ACTIONS 7:01 P.M.**

At tonight's closed session, the Board voted to approve the public employee contract of: 1. Dr. Eñora Webb as Acting College President, Laney College.  
AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0 at a salary of \$157,000/year, from January 1, 2010 up to six months.

**APPROVAL OF THE AGENDA 7:02 P.M. (Please state the agenda item number and identify the issue.)**

MOTION: Motion by Trustee Gulassa, second by Trustee Riley to approve the agenda.

AYES: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Handy, Trustee Withrow, and Trustee Riley.  
NOES: None  
ABSTAIN: None  
ABSENT: and Trustee Hodge.

**MINUTES 7:03 P.M.**

MOTION: Motion by Trustee Guillén, second by Trustee Gulassa modify the minutes to reflect that

the designated \$500,000 funds for categorical programs did not exclude taking those funds from the reserves. The remainder of the minutes are approved.

AYES: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Handy, Trustee Withrow, and Trustee Riley.  
NOES: None  
ABSTAIN: None  
ABSENT: and Trustee Hodge.

1. Consider Minutes of the Board Meeting of October 27, 2009. Copies of the minutes of the Board of Trustees' Meetings are posted on Granicus and on the Peralta website. As a matter of policy (Board Policy 1.10), no action shall be taken on any item not identified as an "action item."

[Background Material](#)

**[ASSOCIATED STUDENT GOVERNMENT REPRESENTATIVES REPORT 7:05 P.M.](#)**  
**[At this time in the meeting, representatives of the associated student governments will be afforded an opportunity to address the Board. \(Please provide your name and position, and line-up to speak.\)](#)**

Speaker Hanh, Laney College Student Body President, shared recent student meetings regarding the budget. Chancellor Harris and Trustee Withrow were thanked for participating. Their Veteran's Day event was very successful, and those that have served our country were thanked. He asked that students be considered first in the budget. Speaker Long, BCC, gave a student event update about their teach-in. Student Jean, COA student at large, spoke for Jurena Storm. They have become more active in speaking out against State budget cuts, and participated in the State Student General Assembly meeting. ASCOA purchased a table at the Foundation dinner. Student Chavez shared the AS Merritt College upcoming events. She is part of the La Puente program. She was told that part-time counselors may be laid off in the Spring, and she shared how crucial these positions are to the program in order for many students to continue their education. Student Ford is a returning student and he sees so much diversity and excitement on campus, and he asks that academic programs not be cut, especially English programs.

**[IDENTIFICATION OF ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE 7:35 P.M. \(Please state the agenda item number and identify the issue.\)](#)**

Items 3 and 7.

**[IDENTIFICATION OF ITEMS TO REMAIN ON THE CONSENT CALENDAR AND PULLED FOR DISCUSSION 7:38 P.M. \(Please state the agenda item number and identify the issue.\)](#)**

Item 4. There are also public speakers on Items 3, 7, 12, and 14.

2. [Public Hearing and Adoption of the 2009-10 Budget \(Resolution No. 09/10-23\) Presenter: Vice Chancellor Smith](#)

[Presented for consideration and approval is the Final Budget for the Peralta Community College District for fiscal year 2009-2010. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. \(To speak on this agenda item, please note consent calendar agenda item number 3 on your speaker card.\)](#)

[Proposed budget 2009-2010](#)

[Budget presentation](#)

## **ACTION ITEMS**

### **INFORMATIONAL ITEMS AND ORAL REPORTS 8:40 P.M.**

**COMMUNICATIONS FROM MEMBERS OF THE PUBLIC 7:20 P.M. (Please line-up to speak when your name is called.) This portion of the agenda provides an opportunity for members of the public to address the Board on matters not included on this agenda. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda item. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Under the Brown Act, Trustees and District staff are not allowed to discuss and/or take formal action at today's meeting on items brought before them under this item. Trustees and District staff are only allowed to respond briefly. Persons submitting cards to address an item included on the agenda will be called upon at the time the agenda item is considered by the Board, 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 by the recording secretary. Written statements can be submitted to the Board Clerk for inclusion in the Board minutes.**

Bob Grill, COA instructor, talked about general priorities. He shared that the budget we received from the State is an attack on the poor and disenfranchised. He feels that the State's priorities are not ours by funding prisons higher than education. He asks the Board to serve the economically disenfranchised in our community as a priority. He feels that categorical funds are critical, as well as vocational programs. He feels there should be a 2-10% pay cut to pay for these programs. Speaker Hsieh feels there should be censorship of Trustee Hodge for the way that she addressed a student at the last meeting. She asked how the District can justify management salary increases, and that managers should lead by example. She shared that benefits were taken from the unions, and she asked for fair bargaining. Impending layoffs affect the general budget, which affects all of our students. She asks the District to deal fairly with the Unions. Speaker Dietz, DSPS instructor, spoke about her department. She is concerned about students coming into the District with learning disabilities, and their rights to equal access preparing students for a BA and advanced degree. She wants to continue encouraging higher education for the students that are in her high risk program. Speaker Huggins is a Laney

college Senator. He thanked the audience for attending and for their support. He thanked the Board for sending the DVDs to Sacramento. Students are taking their energy to march on Sacramento and join with other Districts across the State. Merritt College does not have an Associated Student advisor which hurts their students. He urges that they receive an advisor. He works at EOPS, and it hurts him to have to turn away students from applying. He requested that Trustee Hodge submit a formal letter of apology to student Davis from the last meeting. Speaker Rivkin, CalWorks employee, shared that categorical cuts will devastate our students. The needs of students impact all of us. She feels future funding will be lost due to the steps being taken now. She asked us all to unite for the benefit of the students by taking a temp 2% or progressive pay cut, or giving back any raises given in the last year, and she'd be willing to do this. Speaker Callahan, Merritt College student, shared that students there do care about many issues, including textbooks. He asked that the Board inspect the issues of textbooks and their rising costs. He asked for access to affordable textbook systems, such as added online resources. When a student purchases 3 or more books are needed per class, it adds a heavy cost to their education. Speaker Alexander, District staff development officer, and has also been a Merritt College high tech instructor. They provide adaptive technology for all types of disabilities, voice recognition, specialized computer classes and computer literacy, which students can't receive in a regular computer class. There has been some talk to consolidate some of the high tech centers, and she feels that each campus needs its own center. Speaker Clay acknowledged Chancellor Harris, Yvonne Thompson, Elnora Webb, and Trustee Handy who attended the WRCAA Conference. She thanked the Board for allowing her to follow her dream by attending. Speaker Urial, Laney Tower, wanted to address the Board about NBC general contractors. He asked the Board to comment on the Foundation's involvement with the form, and if the District has any plans to hire them in the future. He can come back under that agenda item to make a statement. Speaker Hampton thanked students and staff for attending tonight. She observed that the District mission statement is to deliver programs and services, and she's honored to be part of this mission. She feels we are also here to enhance human, economic, and social development, and to empower students to fulfill a mission. She feels we need to come together to problem solve together on many issues. She asked for added time on communication with students. She feels that the Trustees can use their power to help the students now. Speaker Williams feels that micromanagement is a proper response lamenting the lack of details given to make decisions. Budget decisions will have major impacts, related to staff jobs and student schedules. She asked that the Board make informed decisions. She asks that this information be shared freely in order to know what staff and the Board are thinking.

## **PUBLIC HEARINGS 7:40 P.M.**

Chancellor Harris shared that this is a tremendously challenging time for the State. Our budget was cut by \$7.2M in the general funds and \$6M in the categorical programs. The administration has continued to work hard to restore some of those cuts. He traveled back to DC to speak to the Department of Veteran Affairs. Restoring inequities will be a continued challenge. We anticipate future cuts, as well. We are considering a parcel tax locally, federal funds, PBMI initiatives, and turning to a two year budget. He asks everyone in the Peralta community to be a

part of these discussions. We are in the midst of an incredible recession. We know we have to struggle to stretch resources. We have to present a balanced budget. We anticipate additional mid-year cuts in January, possibly in reduced property tax revenues. Vice Chancellor Smith gave a presentation on the budget. The Chancellor has worked for months on this budget to make smart, effective cuts as far away from the classroom as possible. The District cut 6%, and the colleges cut 2% each. Speaker Weintraub, PFT President, feels this is the first time an adopted budget has been seen in two years. She suggested that the Board wait until the next meeting to vote because there has been no shared governance process involved. She feels that faculty have some discrepancies to report. The Board is making important decisions that will have long-range impacts on the budget. She feels that no one has had time to digest or review it yet. She feels it's the Board responsibility to safeguard the community's funds before adopting it. PFT has been in negotiation with the District, and she requests to see the budget prior to further negotiations. Over \$3M in cuts is going to come from adjunct funds on the backs of part-time faculty. She asked that students be the first priority, and that we move on to Sacramento to fight for affordable education. Speaker Sturdevant is a Laney College part-time student. He feels this may be a future training ground for privatization to deal with the budget cuts that are coming down the road. He hasn't seen the Board say they will fight for education, students, staff, or faculty. He asks for imagination and will. He invited people to a meeting next Tuesday to fight for added education funding. Speaker Doyle, BCC representative, wanted to speak on District salaries. He feels that the budget figures can't be trusted due to the large number of errors already found. He knows this is a horrendous job to produce this document. He feels that Tom is trying his best, but he asks for 2 weeks to review the budget. Speaker Stark, Laney faculty, asked for time to review and comment on the budget due to her background on the self-study, categorical Dean, and budget experience. She feels that 24 hours isn't enough time to review it. She feels that the presentation falls short trying to explain areas of concern. She couldn't find the cost for running Peralta TV in the budget. She feels there are mistakes in different places, such as in DSPS budget. She cited some other errors she found, such as a \$23M inaccuracy. She has other questions about the special reserve fund. She requests a different forum to address her questions. Speaker Schacher asked who are going to be the survivors here. She feels that the classrooms cuts are cutting too deeply into the classroom. Laney EOPS learned last week that they wouldn't take any more students next semester. She shared that upcoming students won't receive EOPS services at all. She feels that most of our incoming current students receive EOPS, and she worries about the extra services future students receive won't receive. Speaker Grill, COA academic senate President, cited examples of inconsistent budget items. He asked for added time to discuss the budget at the campus.

[Speaker Stark comments](#)

[Speaker Conner's presentation](#)

[Speaker handout one](#)

[Speaker handout two](#)

[Speaker handout three](#)

3. [Consider Adoption of the 2009-10 Final Budget Resolution No. 09/10-23 Presenter: Vice Chancellor Smith](#)

[Presented for consideration and approval is the Final Budget for the Peralta Community College District for fiscal year 2009-2010, Resolution No. 09/10-23. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. \(To speak on this agenda item, please note agenda item number 3 on your speaker card.\)](#)

[Proposed budget 2009-2010](#)

[Budget presentation](#)

MOTION: Motion by Trustee González Yuen, second by Trustee Guillén have the budget return to the full Board on December 15th, with a public dialogue to be held at the Board audit and finance committee meeting to understand the budget details.

AYES: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Handy, Trustee Withrow, and Trustee Riley.  
NOES: None  
ABSTAIN: None  
ABSENT: and Trustee Hodge.

Trustee Handy feels that everyone needs time to review this, and she asked that it return at the next Board meeting on December 15th. Trustee Yuen feels that's acceptable. Trustee Gulassa supports the motion. He feels that 24 hours is not sufficient time to understand the documents. He has questions trying to interpret the data. He commends those who looked into the budget. Vice Chancellor Smith shared that we are setting a bad precedent. He feels the budget assumptions have been reviewed with all of the groups and that the process has been followed, and that the budget has been presented adequately. The Board approved a tentative budget, and has met with all of the groups. He feels the Board is now changing the process due to not liking the result. Trustee Handy doesn't feel that this is a challenge to the work done up until now. She asked for the extra time to review it. She respects the time that everyone took to review the budget. She did not have enough time to review it. By delaying, the Board is also incurring added expenses, by not implementing the budget's anticipated savings.

[CHANCELLOR \(2 minutes per speaker - 30 minutes\)](#)

[Chancellor's Report](#)

Vice Chancellors' Reports Enrollment Update Presenter: Vice Chancellor Allen Financial Aid Report Presenter: Vice Chancellor Allen Strategic Plan Accomplishments Presenter: Associate Vice Chancellor Budd EasyPass and Health Services Initiative Update Presenter: Associate Vice Chancellor Bracy General Services Update Presenter: Vice Chancellor Ikharo Budget Update Presenter: Vice Chancellor Smith Information Technology Update Presenter: Vice Chancellor Lam Peralta TV College Promos Presenter: Executive Director Heyman (15 minutes)

[EasyPass update](#)

### Enrollment report

Fall enrollment has been reduced by 87 sections. Laney is up 10 sections or 1%. Most of the cuts came from Merritt College, and then COA. To capture the savings, spring financial targets will be discussed. Productivity has increased dramatically.

A Financial Aid update was given. 9241 applications were received, 6018 evaluated, and 1687 waiting review. Total checks issued are 3426, with 2750 remaining to issue. They are working hard to avoid backlog.

President Herring reported that students had an opportunity to get seasonal flu shots. Trustee Withrow attended a COA aviation program with a guest Rear Admiral.

### **Colleges' Reports**

**Merritt College Presenter: President Adams**

**Laney College Presenter: President Chong**

**College of Alameda Presenter: President Herring**

**Berkeley City College Presenter: President Inclan**

### **COMMENTS FROM THE BOARD OF TRUSTEES (1minute per speaker) (Announce any upcoming Board committee meetings.)**

Trustee González Yuen had the privilege of being at a Laney College play entitled "The misinformation of Oakland", where they interviewed people on the process of education. He thanked Meryl Siegel for inviting the Board. This Thursday is the Board Facilities and Land use committee, where they will examine some of Mark Drummond's suggestions. The Audit and Finance committee will discuss the budget on 11-16 12:30- 3pm in the Boardroom.

### **DAS PRESIDENT REPORT Presenter: DAS President van Putten**

#### DAS Report

7. Consider Approval to Extend Independent Contractor Mark Paschal's Agreement for Investigative Services Presenter: Interim Director of Human Resource Services & Employee Relations Ulrich District administration requests Board authorization to extend an existing independent contractor's agreement with Mr. Mark Paschal not to exceed \$75,000 for professional services. Mr. Paschal provides fact finding and written investigative reports for a number of EEOC related discrimination and other EEO complaints for the Human Resource Services and Employee Relations Departments. Mr. Paschal's current contract has reached its Chancellor authorized limit of \$25,000. The Employee Relations Department requests an additional \$75,000 for the fiscal year ending June 30, 2010 to further ensure completion of matters requiring timely investigations for final reports. Any contract approval is subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### Background Material

MOTION: Motion by Trustee Riley, second by Trustee Handy to approve agenda Item 7.

AYES: Trustee Riley, Trustee Withrow, Trustee Handy, and Trustee Gulassa.  
NOES: None  
ABSTAIN: and Trustee González Yuen.  
ABSENT: Trustee Hodge, and Trustee Guillén.

Speaker Handa shared that many agencies have gone to an outside consultant. He shared that when an attorney serves as an investigator, that they don't have attorney client privilege. He shared that investigative reports for higher management positions must be released. Trustee Gulassa asked for clarification on the current investigation cases. Chancellor shared that there are 27 grievances pending. He asked for funding, and that perhaps other investigators could be considered, but that the services are required as a matter of law. Speaker Hsieh asked where the funding will come from for this independent contractor. She asked what happened to the budget workshop that had occurred in past years. Speaker Weintraub is curious about the priorities in the Board spending on independent contractors and consultants. She asked the Board to decide if these areas are top priorities or not, and where these funds are being spent. She shared that employee relations has two additional staff members.

The Chancellor indicated that we are legally required to do these independently via an outside consultant. Trustee Handy feels that the word consultant is not a nasty word. We have EEOC complaints and others that come from employees that have to be investigated by law. We have choices if this should be an internal position which would cost more based upon added benefits, or an external consultant to be used as needed. She wants to know if any of these issues will change once we have a VC of HR. Chancellor shares it's driven on an hourly basis based upon the number of complaints received. He will personally oversee any expenditures in this area. Trustee Gulassa asked for the average cost of an investigation, which is 25 hours at \$80/hour for the average investigation. 50 cases over the course of a year is not unusual. The cases take a long time to investigate with needed experience and confidentiality to interview all of the participants, and it requires a trained professional. These are often not simple matters, as they involve many witnesses. Trustee Yuen is convinced that this is a function that needs to be funded. He is concerned that this is a contractor that we've been using for awhile, and that he hasn't seen any deliverables. He has provided investigatory services to the District. The Chancellor says that others consultants can be brought in. Trustee Withrow shared that we have continual investigations, and he asks what can be done in this area in the future. The Chancellor will see if there might be a better way to proceed in the future. Trustee Gulassa asked if there is a financial principle to meet the size of the budget. The employee relations manager over HR manages the work average cost. Trustee Gulassa wants to stress these economic concerns, and he will get a report on the anticipated costs. We will look at all of the independent consultant contracts to see if they can be cut. Trustee Gulassa asked that the full amount be projected with a presentation to the Board.

8. Consider Approval of Resolution 09/10-26, Accept Bid and Award Contract, Infrastructure Upgrades of 4 New Portables and Refurbishment of 2 Counseling Portables as Tower Swing Space Project at Laney College (Bid No. 09-10/10), Dan Electric Presenter: Vice Chancellor Ikharo Approval is requested to accept the bid and award a contract to Dan Electric, in the

amount of \$355,000, for the Infrastructure Upgrades of 4 New Portables and Refurbishment of 2 Counseling Portables as Tower Swing Space Project at Laney College (Bid No. 09-10/10). These are leased portable buildings located on the Laney campus. This project involves: Infrastructure upgrades of four (4) new portable buildings, including utilities, sidewalks and landscaping; Interior improvements for two (2) Counseling portable buildings, including upgrades to electric, mechanical, data, telecom, fire alarm system and new finishes. The project will provide swing space for the Tower Refurbishment Project, per construction documents prepared by YHLA Architects. This project is one of the previously approved Laney College Phase II Modernization and Short-Term Projects funded by Measure A. This project was bid and the work will be performed under a Project Labor Agreement (PLA). A formal Request for Bids (09-10/10) was conducted for this project, and a bid opening was held on October 29, 2009. Four bids were received, as follows: CONTRACTOR LOCATION TOTAL BID Dan Electric Alameda, CA \$355,000.00 B-Side Construction Oakland, CA \$369,500.00 JUV Inc. Oakland, CA \$407,000.00 Bay Construction Co. Oakland, CA \$439,000.00 The lowest responsible and responsive bid was submitted by Dan Electric, in the amount of \$355,000. Dan Electric is a qualified SLBE contractor, although it was not necessary to utilize the discount percentage to obtain the lowest responsible bid. This resolution formally accepts the bid and authorizes a contract award to Dan Electric for the Infrastructure Upgrades of 4 New Portables and Refurbishment of 2 Counseling Portables as Tower Swing Space Project at Laney College. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College, "Administration - Tower building repairs, upgrades, and renovations." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

9. Consider Approval of Resolution 09/10-27, Acceptance and Retention, Tennis Courts Renovations at Merritt College, Interstate Grading & Paving, Inc. Presenter: Vice Chancellor Ikharo On March 24, 2009, this Board awarded a contract to Interstate Grading & Paving, Inc. for Tennis Courts Renovations at Merritt College. The work has now been completed, and acceptance is recommended. This is one of the previously Board approved Merritt Modernization and Short-Term Projects. This resolution accepts the work as complete and provides for a retention payment of \$28,371.40, which is 10% of the contract price. The Board previously approved change orders to this contract totaling \$21,814, which is 8.3% of the original contract amount (\$261,900). Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Merritt College, "Classroom and facilities repairs and grounds improvements." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

10. Consider Ratification of Change Order No. 1, Carpentry Shop Refurbishment at Laney College, Kudsk Construction, Inc. Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 1 to the contract with Kudsk Construction for the Carpentry Shop Refurbishment at Laney College. The change order totals \$19,490, which is 9.7% of the original contract amount (\$200,800). The change order work was requested by the District to address unforeseen issues during construction, which involved: Additional electrical work necessary to support new owner-furnished equipment, Reconnection of existing dust

collection system not included in the design documents, Addition of duct silencers not included in the design documents, Installation of blast gates not included in the design document, A credit for acoustical ceiling tile not required for an unoccupied storage space. Further information on the change order items is included in Board members' materials. It was necessary for the contractor to perform this work to meet operational requirements and to meet requirements of the educational curriculum. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and the items are now brought before the Board for ratification. It has been determined that it is in the best interests of the District and financially prudent to authorize the change order. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College, "Classroom and facilities repairs and grounds improvements." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

11. Consider Ratification of Change Order No. 1, Electrical and Data/Telecom Related Upgrades at Buildings F and G Computer Labs at Laney College, Sousa Electric Corporation dba D.C. Sousa Electric Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 1 to the contract with Sousa Electric Corporation dba D.C. Sousa Electric for the Electrical and Data/Telecom Related Upgrades at Buildings F and G Computer Labs at Laney College. The change order totals \$11,326, which is 8.2% of the original contract amount (\$138,000). The change order work addresses design omissions and includes owner requested items that involved: Additional electrical and data work at F206, An adjustment to electrical connection to furniture in Building F, Installation of power poles in lieu of hard wired connections to furniture in rooms F251 and F254. Further information on the change order items is included in Board members' materials. It was necessary for the contractor to perform this work to meet operational requirements and to meet requirements of the educational curriculum. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and the items are now brought before the Board for ratification. It has been determined that it is in the best interests of the District and financially prudent to authorize the change order. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College, "Upgrade power grid, network capacity and cooling/ventilation in labs, including science, math, English, language, and technology labs." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

**[CONSENT/CALENDAR \(FOR ACTION\) 9:25 PM All action items are to be considered to be a part of a consent calendar. Trustees are given the opportunity to pull specific items off of the consent calendar for discussion and action. All items that have not been pulled by a Trustee will be considered in a block for comments by the public and action by the Board. All Board recommended contracts are subject to negotiation and execution by the Chancellor.](#)**

MOTION: Motion by Trustee González Yuen, second by Trustee Riley to approve the consent calendar, including Items 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

AYES: Trustee Gulassa, Trustee González Yuen, Trustee Handy, Trustee Withrow, and Trustee Riley.  
NOES: None  
ABSTAIN: and Trustee Guillén.  
ABSENT: and Trustee Hodge.

MOTION: Motion by Trustee Gulassa, second by Trustee Riley extend the meeting time by 5 minutes.

AYES: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Hodge, Trustee Withrow, and Trustee Riley.  
NOES: None  
ABSTAIN: None  
ABSENT: and Trustee Handy.

Trustee Guillén abstained on the consent calendar vote.

Present: Trustee Gulassa, Trustee González Yuen, Trustee Guillén, Trustee Handy, Trustee Withrow, Trustee Riley, Student Trustee Thompson, and Student Trustee Mouton-Patterson.

Absent: Trustee Hodge.

4. [Consider Approval to Accept the Health Services Letter of Interest Presenter: Trustee Handy Consider approval and authorize the acceptance of the Letter of Interest \(LOI\) submitted by Asian Health Services \(with La Clinica de la Raza and Life Long Medical Care\) to become the designated health services provider for the Peralta Community College District. Authorizes the Alameda County Health Care Services Agency \(HCSA\) to enter into negotiations with Asian Health Services to provide a Single Stop Coordinator which will assist Peralta CCD students in determining their eligibility for services and benefits and provide case management as required. Peralta CCD will provide \\$35,000 in funding for this position which will be matched by the HCSA to provide the Single Stop Coordinator position. This item comes with approval from the Board Student Services and Student Equity Committee. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

#### [Background Material](#)

Trustee Handy introduced this issue. It is a first-time project of collaboration with the parties. Speaker Thadani thanked the trustees for forging ahead with this project, and for visiting SF City College and the McClymonds health care centers. She has gone to the facilities committee and faculty senate, and they seem to be leaning toward having a Laney health center, rather than a Peralta health center. Sadly, there was a suicide of a COA student. Chancellor asked about mental health, and how we get a balance of mental and physical health services for students.

This is the pilot program, and she hopes that the clinics will be a training ground. She is glad to have the funding from agencies to get this started. Students often are eligible for services elsewhere if they have Medicare benefits, for example. She

thanks all of our students and staff who have worked so hard to make this happen. Trustee Gulassa asked about the funding allotment. There will be a meeting next week to discuss the funding issues for the future, as it is a work on progress. Trustee Yuen thanked the campus nurses for shepherding this project along. The committee said from the start that this should be a district facility. Laney was prioritized as the site due to size and access, but this will be a district facility. Dr. van Putten clarified that the Laney college plan was to have a student health care expansion, and that it wasn't part of Laney's plan to have a District health care facility there. Laney doesn't object to have a District health care facility in the vicinity.

Trustee Guillén returned to the meeting at 9:55 pm

5. Consider Benefit Dependent Eligibility Audit of 2010 Presenter: Vice Chancellor Smith The District Benefits Office recommends performing a rigorous benefit audit for the purpose of identifying ineligible dependents insured under our medical and/or dental plans. Based on a third party analysis, 6% of our insured population may not meet the eligibility definition. The dependent audit of 2007 did not require the submission of documents to establish relationship between employees and their family members. The audit of 2010 expects to ensure our adherence to established eligibility criteria by requiring documents which establish relationship and conformity to benefit enrollment guidelines. We expect to render savings of \$277,000 with an administrative investment of \$25,090. This translates to a 10:1 return on investment. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

6. Consider Approval for a Contract for Cypress Mandela Training Center, Inc. Presenter: President Chong Consider approval of a contract for Cypress Mandela Training Center, Inc. in the amount of \$137,000 as part of the ongoing Oakland Green Jobs Corp project spearheaded by Laney College. This contract is funded specifically as part of the State of California Employment Development Department CalGRIP grant which targets young adults 18-24 for job training and placement services in green sector jobs. This contract will authorize Cypress Mandela to provide a range of services for the project including recruitment, screening, and selection of participants, life skills training, pre-apprenticeship skills development, placement of trainees in green apprenticeship positions, and post-placement tracking of participants. The CalGRIP project involves the work and ongoing consultation of a number faculty members and departments on Laney campus including ECT, Carpentry, and Engineering. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

[Background Material](#)

12. [Consider Ratification of Change Order No. 1, Laney College Women's Restroom Refurbishment, Gold Spring Construction Co. Presenter: Vice Chancellor Ikharo. Ratification is requested for Change Order No. 1 to the contract with Gold Spring Construction Co. for the Laney College Women's Restroom Refurbishment. The change order totals \\$31,610.57, which is 9.0% of the original contract amount \(\\$349,221\). The](#)

change order work was requested by the District to address unforeseen issues during construction, which involved: Installation of shutoff valves in E250, Installation of 3" AC piping outside B106 and C103, Installation of electrical lighting in E250, C103 and A267, Door and framing work in D104, C103 and A267, Signage, New toilet accessories in B208 and F110, Installation of new toilet carriers necessary to achieve required clearances in B208, ADA upgrades in A234 and G269, Adjustment of toilet height in A267, New toilet carriers in F208. Further information on the change order items is included in Board members' materials. It was necessary for the contractor to perform this work to meet operational requirements and to meet requirements of the educational curriculum. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and the items are now brought before the Board for ratification. It has been determined that it is in the best interests of the District and financially prudent to authorize the change order. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College, "Classroom and facilities repairs and grounds improvements," and "Upgrading of handicapped access throughout the campus." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Speaker Weintraub asked that ADA issues not be unforeseen in the future, and not evolve into change orders.

#### Background Material

13. Consider Approval of Amendment No. 3 to Agreement for Architectural Services with YHLA Architects for Laney College Modernization and Short-Term Projects Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 3 to the agreement with YHLA Architects, in the amount of \$122,802, for architectural services related to the Laney Swing Space Project. The fees for design items listed below are all related to temporary relocation of faculty, staff and administration necessary to facilitate the refurbishment of the Laney Tower. The services include design for Bid No. 09/10-10, which is on the agenda for contract award at this meeting, another renovation project for portable buildings currently located on the Laney campus, and other miscellaneous renovations for swing space required during the Laney Tower refurbishment project. Custodial \$ 2,650 Mail Room/Switchboard \$ 5,300 Health Services \$ 4,600 Counseling Offices, Faculty & Classified Offices, Campus Administrative Offices, Added Triple-Wide Portable, Added Double-Wide Portable, Self-Study Accreditation \$ 43,750 Portable Package #1 Civil Engineer \$ 7,810 Architectural Permit/CDs \$ 12,800 Electrical Engineering \$ 9,062 Fire Life Safety Consultant \$ 7,480 Portable Package #2 Architectural CDs \$ 18,450 Performance Specs \$ 8,250 Information Technologies Architectural \$ 2,650 Electrical Engineer (Design/Build) Mechanical Engineer (Design/Build) Total: \$122,802 The original agreement with YHLA to provide architectural services for Laney modernization and short-term projects, in the amount of \$236,903.33, was approved by the Board of Trustees at the meeting of January 15, 2008; Amendment No. 1, in the amount of \$226,470, was approved at the Board meeting of April 8, 2008; and Amendment No. 2, in the amount of \$405,170, was approved at the meeting of September 16, 2008. Including this Amendment No. 3, the total contract amount is \$991,345.33. YLHA was on the short list of architects that the Board of Trustees previously approved to perform architectural services for the District. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College, "Administration - Tower building repairs, upgrades, and renovations." All Board recommended contracts are subject to negotiation and execution by

the Chancellor. The Chancellor recommends approval.

Background Material

14. Consider Approval of Amendment No. 2 to Contract for Labor Compliance Program (LCP) Services for the District with Davillier-Sloan, Inc. Presenter: Vice Chancellor Ikharo. Approval is requested for an amendment to the existing contract for Labor Compliance Program (LCP) services with Davillier-Sloan, Inc., in the not-to-exceed amount of \$10,000. Under this amendment, Davillier-Sloan, Inc. will continue to work with the District and the Labor Commissioner of the State of California to resolve any and all issues related to non-compliance with Labor Code 1771.7 on the part of NBC General Contractors Corporation for work performed on any District project. These additional services were requested by the Board of Trustees in order to assure full compliance with any issues of alleged wage underpayment by NBC. The original contract with Davillier-Sloan, Inc. provided LCP services from July 1, 2008 through June 30, 2009 at a not-to-exceed fee of \$72,000. At the Board meeting of April 7, 2009, approval was received to continue LCP services from April 1, 2009 through June 30, 2010, at a not-to-exceed fee of \$92,250. The additional services increase the not-to-exceed fee for the current period to \$102,250. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, District-Wide Projects, "Classrooms and facilities to enhance the community outreach capabilities of the District among the numerous ethnic communities living and served by the District," and all bond projects under Measures A and E. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Material

Speaker Weintraub asked that NBC workers be being properly paid, and that something be put into place for proper payment. She asked that safety concern be addressed, as well. The General Counsel confirmed that these issues are being addressed. The employees at issue are represented by attorneys, and stop notices have all been filed. Dr. Ikharo clarified that it hasn't been determined that NBC fraudulently didn't pay, but is just an allegation. This agenda item is to continue to ensure that the workers are adequately represented.

15. Consider Approval of Amendment to Contract with Securitas Security Services USA, Inc. for Weekend Security Services at College of Alameda, Laney College, Merritt College, and the District Administrative Center Presenter: Vice Chancellor Ikharo Approval is requested for an amendment to the contract with Securitas Security Services USA, Inc. for weekend security services to be provided at College of Alameda, Laney College, Merritt College, and the District Administrative Center. The term of services will be for eight months beginning November 1, 2009 until June 30, 2010, at an estimated monthly cost of \$8,960 and an estimated total cost of \$71,680. Services to be provided under this amendment will include: Patrolling services (in clearly marked vehicles) by uniformed officers with check-in points (tour confirmation, or ToCo points) placed in strategic locations throughout each campus to provide maximum visibility and ensure that the officers check every area of the campus during their patrol. They will report any suspicious activity and call for police assistance when needed. (Memorandums of Understanding (MOUs) have been established between the District and the Oakland and Alameda Police Departments.); A Mobile Supervisor will be duty to provide break relief for officers, assist with special events, respond to supervisory

calls, monitor officers to ensure all is being done in compliance with company policy, and assist with sensitive special mail delivery between the District and Berkeley City College. The original contract with Securitas for security service at Berkeley City College was approved at the Board meeting of July 11, 2007 for a three-year period beginning August 1, 2007, at a total price of \$513,723.24. The Board approved an amendment to the contract at the meeting of September 15, 2009, to provide services at the Berkeley City College Annex Facility, in the estimated amount of \$37,836. Including this amendment, the total contract amount will be \$623,239.24. Securitas has begun performing weekend security services at the other campuses and the District Administrative Center under an independent contract effective November 1, 2009, when the new contract with the Alameda Sheriff's Office became effective. In view of the budget crises and the necessity to reduce the cost of security services, Securitas was selected to augment the services provided by the Alameda County Sheriff's Office by providing weekend security service. Provision of these security services by Securitas will continue the commitment of the District to protect life and property and create a safe environment for students, faculty and staff. Funding Source: District General Funds (70%) and District Parking Fund (30%). All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

16. [Consider Approval of Contract Extension for the McCallum Group](#) Presenter: [Chancellor Harris Consider approval of contract extension for the McCallum Group for five years, effective January 3, 2010 through January 3, 2015, for the proposed contract amount of \\$5,000/month. Patrick McCallum has served the District in the capacity of District Legislative Advocate since 2004. Mr. McCallum has advocated Peralta's need for growth adjustment to address the District's unfunded growth, kept the District and its representatives abreast on legislation and activities affecting Peralta such as growth funding, and has provided the Chancellor and Board with weekly emailed updates on legislation concerning community colleges. Mr. McCallum has arranged and accompanied District administration to meetings with state legislators and officials to advocate on behalf of community colleges in general and Peralta specifically. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

#### [Background Material](#)

Speaker Handa shared that lobbying has become a cottage industry. Many agencies have a local as well as a federal lobbyist. He noted that the 5 year term locks in the price or to ensure the individual. He noted that lobbyist reports have been taken out of the agenda materials. He shared how well a lobbyist can be used by an agency.

17. Consider Approval of Resolution 09/10-28, Acceptance and Retention, Beginner's Inn Culinary Kitchen at Laney College, NBC General Contractors Corporation Presenter: Vice Chancellor Ikharo On September 18, 2007, this Board awarded a contract to NBC General Contractors Corporation for the Beginner's Inn Culinary Kitchen at Laney College. The work has now been completed, and acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment of \$353,928.88. The Board previously approved change orders to this contract totaling \$1,407,011, which is 24.8% of the original contract amount (\$5,680,000). Of this change order total, \$851,969 is the cost of the new Dining Room. If the change order items for the Dining Room are subtracted from the

project change order total, the remainder is \$555,042, which is 9.8% of the original contract price. The final contract payment due to NBC General Contractors Corporation, in the amount of \$15,206.27 and the retention payment of \$353,928.88 (totaling \$369,135.15), will be issued in the form of joint checks to NBC and the subcontractors/suppliers who have filed Stop Notices for unpaid balances owed them by NBC. The District and Board are protected by indemnification with regard to this project by Hartford Fire Insurance Company, the company that issued the required Payment Bond. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College "Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Biology, Business, Chemistry, CIS, Culinary Arts, Dance, Environmental Control Technology, Foreign Languages, Geography, Math, Theater Arts, and Welding." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

18. Consider Approval of Letter of Intent for Stimulus Funding with the State of California  
Presenter: Vice Chancellor Allen Consider approval of a letter of intent for stimulus funding with the State of California for the Atlas Program and Allied Health Program for up to \$1 million per grant, at the College of Alameda and Merritt College. Faculty will be included in this process. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

19. Annual Organizational Meeting Presenter: Assistant Epstein In accordance with the Education Code, Trustees must select a date to hold the annual organizational meeting. It is recommended that the annual organizational meeting be scheduled for December 15, 2009, as part of the regular Board of Trustees meeting. The Chancellor recommends approval.
20. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees on an Emergency Basis Presenter: Vice Chancellor Smith Pursuant to AB500, attached is a report that contains the name, classification, and date of hire, assignment end date, hourly rate, classification, position title, location, background and experience department, and fund source of candidates recommended for short-term assignments in non-academic classified positions. Below are the names and classifications of these candidates. Each candidate's assignment will not exceed the District's established fiscal-year limit of 184 days. The Chancellor recommends approval. Last Name First Name Date of Hire End Date Position Title Site Hawthorne Fanya 11/13/09 12/18/09 Clerical Assistant II M Roberts Ronnie 11/12/09 6/30/10 Clerical Asst II, Typing/Confidential D Silva Teri 11/12/09 6/30/10 Instructional Asst I/DSPS M Thurston Alison 11/01/09 6/30/10 Instructional Asst/Chemistry B

**ADJOURNMENT OF THE REGULAR BOARD MEETING**

**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.**

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Elihu M. Harris, Chancellor  
Secretary to the Board of Trustees  
PERALTA COMMUNITY COLLEGE  
DISTRICT