



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
OCTOBER 26, 2010

CALL TO ORDER

PLEDGE OF ALLEGIANCE 5:15 P.M.

ROLL CALL Trustees González Yuen Pr Ab Gulassa Pr Ab Handy Pr Ab Hodge Pr Ab Riley Pr Ab Withrow Pr Ab and Guillén Pr Ab , Student Trustees Davis Pr Ab and Storm Pr Ab . 5:15 P.M. The Regular Meeting of the Board of Trustees will commence at 5:15 P.M. in the Boardroom, District Administrative Center, 333 East Eighth Street, Oakland, at which time the Board Roll Call will be taken. Immediately following the Board Roll Call at 5:00 P.M., the Board will enter Closed Session. The Regular Meeting in Open Session will convene at 5:15 P.M. The first item of business upon convening in open session after the Pledge of Allegiance will be to report on Closed Session actions, if any, or to announce that Closed Session is in recess. Listed agenda times are estimates.

Present: Trustee Bill Riley, Trustee Bill Withrow, Trustee Nicky González Yuen, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Student Trustee Jurena Storm.
Absent: Student Trustee Darnice Davis.

REPORT OF CLOSED SESSION ACTIONS 5:16 P.M.

At tonight's closed session, the Board voted to approve the extension or appointments of the following public employee contracts: 1. Interim Vice Chancellor for Finance & Administration, District Office, Michael Lenahan, contract extension, at a reduction in contract from 1.00 FTE to .25 FTE, with a monthly salary of \$3,437.50, from October 1, 2010 through December 31, 2010, to work solely on the OPEB bond project. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Guillén and Hodge) 2. Director of Financial Aid, District Office, Judy Cohen, \$110,000/year, October 27, 2010 through December 31, 2012. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Guillén and Hodge) 3. Payroll Manager, Office of Budget and Finance, District Office, Marie Kobase, \$100,000/year, from October 27, 2010 through December 31, 2012. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Guillén and Hodge)

APPROVAL OF THE AGENDA 5:17 P.M. (Please state the agenda item number and identify the issue.)

Item 16 bid information was read into the agenda, not to exceed \$147,345. Items 18, 19, and 22 were removed from the agenda. Item 22 will proceed to the Board facilities and land use committee.

MOTION: Motion by Trustee Bill Withrow, second by Trustee Cy Gulassa to approve the agenda as amended.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Nicky González Yuen,

Trustee Linda Handy, and Trustee Cy Gulassa.
 NOES: None
 ABSTAIN: None
 ABSENT: Trustee Abel Guillén, and Trustee Marcie Hodge.

ASSOCIATED STUDENT GOVERNMENT REPRESENTATIVES REPORT 5:19 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.)

The COA student update is attached to these minutes. A campus guest speaker was Dr. Murillo on the labor strike presentation and movie. There is an upcoming Dios de los Muertos event. Speaker Marlin gave a report from Merritt College, which is also attached to the minutes. ASMC has been focusing on recruitment, and has sworn in four senators over the past two meetings, and there are more petitions pending. They sold over 150 cups of coffee at the cycle cross event that was held on 10/17. The Peet's coffee efforts should be up and running soon. There is a Dia de los Muertos event on 11/3. Speaker Thompson gave a report from BCC sharing that every student government position except treasurer is now filled, and that there are 18 clubs on campus. They are working on a discount card for students, "Day of the Dead" week, and a bee-bop and salsa class.

Trustees Guillén and Hodge arrived at the meeting at 5:40 p.m.

[Merritt student association report](#)

[COA student association report](#)

MINUTES 5:18 P.M.

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

AYES: Trustee Bill Riley, Student Trustee Nicole Tobor, Student Trustee Yvonne Thompson, Trustee Linda Handy, Trustee Abel Guillén, Trustee Nicky González Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
 NOES: None
 ABSTAIN: None
 ABSENT: None

1. Consider Minutes of the Board Meeting of October 12, 2010. Copies of the minutes of the Board of Trustees' Meetings are posted on Granicus. Please submit all minute corrections to the Board Clerk. As a matter of policy (Board Policy 1.10), no action shall be taken on any item not identified as an "action item."

[Minutes: 10-12-10](#)

COMMUNICATIONS FROM MEMBERS OF THE PUBLIC 5:25 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.

None.

IDENTIFICATION OF ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE 5:40 P.M. (Please state the agenda item number and identify the issue. Items pulled for debate may be moved to the next regular Board meeting.)

Item 24.

IDENTIFICATION OF ITEMS TO REMAIN ON THE CONSENT CALENDAR AND PULLED FOR DISCUSSION 5:41 P.M. (Please state the agenda item number and identify the issue.)

Items 11 and 12.

INFORMATIONAL ITEMS AND ORAL REPORTS 5:42 P.M.

ACTION ITEMS

2. CHANCELLOR

Chancellor's Report Presenter: Chancellor Allen

Vice Chancellors' Reports Budget Update, Monthly Expenditure Report, and Financial Activity Calendar Presenter: Vice Chancellor Gerhard

Financial Activity Calendar

Monthly Expenditure Report

BCC Report

PUBLIC HEARINGS

3. PUBLIC HEARING: Sunshine of the Initial Proposal for Successor Agreement for the Service Employees International Union Local (SEIU) 1021 (Permanent and Hourly) to the Peralta Community College District Presenter: VC Largent Pursuant to Government Code 3547(a) the public shall have an opportunity to comment upon the Service Employees International Union Local (SEIU) 1021 Initial Proposal for a Successor Agreement with the Peralta Community College District that was received at the October 12, 2010 Board meeting. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends adoption of the SEIU Local 1021 initial proposal.

[Background Material](#)

There were no speakers on the public hearing.

MOTION: Motion by Trustee Bill Withrow, second by Trustee Bill Riley to approve the sunshining of Item 3.

- AYES: Student Trustee Yvonne Thompson, Student Trustee Nicole Tobor, Trustee Bill Riley, Trustee Bill Withrow, Trustee Nicky González Yuen, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, and Trustee Cy Gulassa.
- NOES: None
- ABSTAIN: None
- ABSENT: None

CONSENT CALENDAR (FOR ACTION) 5:50 P.M. 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. Items pulled for Debate by the Trustees will be addressed later in the meeting, at approximately 8:45 p.m. Meeting times are estimates.

MOTION: Motion by Trustee Bill Riley, second by Trustee Cy Gulassa to approve the consent calendar, including Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 as amended, 17, 20, 21, 23, and 24.

- AYES: Trustee Bill Riley, Student Trustee Nicole Tobor, Student Trustee Yvonne Thompson, Trustee Linda Handy, Trustee Abel Guillén, Trustee Nicky González Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
- NOES: None
- ABSTAIN: None
- ABSENT: None

[Executed resolutions](#)

BOARD POLICIES and RESOLUTIONS

- 4. Consider Approval of Board Policy 1.21 Committees (revised) Presenter: Trustee Gulassa Consider approval of Board Policy 1.21 Committees (revised). This revision comes to the full Board upon the approval and recommendation of the Board Policy Review Committee. This is a second and final reading at the Board level. The Chancellor recommends approval.

[Background Material](#)

- 5. Consider Board Policy 6.47 Refund Policy (revised) Presenter: Trustee Gulassa Consider Board Policy 6.47 Refund Policy (revised). This revision comes to the full Board upon the approval and recommendation of the Board Policy Review Committee. This is a second and final reading at the Board level. The Chancellor recommends approval.

[Background Material](#)

6. Consider Board Policy 5.22 Standards of Scholarship (revised) Presenter: Trustee Gulassa Consider Board Policy 5.22 Standards of Scholarship (revised). This revision comes to the full Board upon the approval and recommendation of the Board Policy Review Committee. This is a second and final reading at the Board level. The Chancellor recommends approval.

[Background Material](#)

7. Consider Elimination of Board Policy 4.15 Tuition Refund Policy for Out-of-State and Foreign Students Presenter: Trustee Gulassa Consider elimination of Board Policy 4.15 Tuition Refund Policy for Out-of-State and Foreign Students. This elimination comes to the full Board upon the approval and recommendation of the Board Policy Review Committee. Language from this policy will be incorporated into an Administrative Procedure. This is a second and final reading at the Board level. The Chancellor recommends approval.

[Background Material](#)

8. Consider Approval of Proclamation in Support of Proposition 25 Presenter: Trustee Guillén Consider approval of proclamation in support of Proposition 25, which would reduce the vote needed to pass a state budget from today's two-thirds majority in both houses of the Legislature to simple majorities in both places.

[Background Material](#)

9. Consider Approval of Resolution 10/11-27 Excusing Student Trustee Absence Presenter: Trustee Guillén Consider approval of Resolution 10-11/27, excusing Student Trustee Davis' absence from the October 12, 2010 Board meeting due to a family emergency. The Chancellor recommends approval.
10. Sunshining of Initial Proposal for Successor Agreement for International Union of Operating Engineers (IUOE) Local 39 to the Peralta Community College District Presenter: Vice Chancellor Dr. Largent Pursuant to Educational Employment Relations Act, Section 3547, the International Union of Operating Engineers (IUOE) Local 39 hereby gives public notice of its initial proposal for a Successor Agreement with the Peralta Community College District. This item will introduce the initial proposal of the IUOE Local 39 to the District for the purpose of public notice (sunshining). Pursuant to Government Code Section 3547, public comment on such proposal shall be received at the next regular Governing Board meeting of November 9, 2010. FINANCIAL SERVICES

[Background Material](#)

11. [Consider Approval of the 2008-2009 District-wide Financial Audit](#) Presenter: Vice Chancellor Gerhard [The Board is asked to receive and file the District's annual audited financial statements for the fiscal year ending June 30, 2009. These financial statements have been reviewed by the Board Audit and Finance committee. The Chancellor recommends approval. The audit is also posted on the Budget and Finance website at: \[http://www.peralta.cc.ca.us/projects/3/Annual%20Financial%20Report/Annual_Financial_Report_2009.PDF\]\(http://www.peralta.cc.ca.us/projects/3/Annual%20Financial%20Report/Annual_Financial_Report_2009.PDF\)](#)

[Background Material](#)

Trustee Withrow shared that the Board received this report one month ago. He introduced Heidi White from the audit firm to answer any Board questions. She provided a brief update on the report. Trustee Withrow shared that each audit findings will be incorporated into a project to provide more transparency to the Board and stakeholders. Trustee Gulassa asked which recommendations she considers to be the most important and difficult to resolve. The most serious ones are listed first, and numbers 1-11 are material weaknesses. She hopes to see positive movement in future audit report, but similar findings will also be shown in the next audit. Trustee Guillén asked about getting the property management tools in place in a timely manner. The Chancellor responded that the first 11 items will be addressed first, tracked through PeopleSoft software, with executive staff training. In the past, this information remained only in the finance department. We've made a huge leap forward on how these problems will be addressed so that they won't be repeated. Trustee Gulassa shared he's glad to hear about this strategy, and he asked if we are now prepared to provide future, detailed reports. Heidi shared that reports are now more accessible, they are being generated, they reconcile, and that the process is progressing. The Chancellor noted that we'll need to continue to bring in experts to solve some of these problems to build-out the modules in the finance department, but that those contractors won't be here indefinitely.

12. [Consider Approval of the Annual CCSF-311A Report](#) [Presenter: Vice Chancellor Gerhard Consider approval of the annual CCSF-311A: Community Colleges Annual Financial \(Fiscal Year 2009-10\) and Budget \(Fiscal Year 2010-11\) Report, in accordance with the California Code of Regulations, Section 58300. This report is due on or before October 15, 2010 to the State Chancellor's Office. The Chancellor recommends approval.](#)

[Background Material](#)

Trustee Withrow shared that this report was not previously filed in the last two years, and that it's an important step that it's now being approved by the Board. Vice Chancellor Gerhard gave an update on the 311 form, and shared that we are in compliance with the 50% law.

13. Consider Approval of Neuberger Berman Resolution 10-11/30 Presenter: Vice Chancellor Gerhard The Board is asked to approve the standardized form to update the authorized signers list on all of Peralta Community College District's accounts with Neuberger Berman. The Chancellor recommends approval.

[Background Material](#)

EDUCATIONAL SERVICES

14. Item pulled from the agenda
15. Request Approval for Contract Extension with CIBER, Inc - District Office (IT). Request approval for a contract extension with CIBER, Inc. CIBER consultants will perform functional and technical services to assist Peralta in supporting Oracle/PeopleSoft Financials and Campus Solutions. The amount approved shall not exceed \$90,000. This will cover expenses from October 18, 2010 to January 31, 2011. Scope of Work to ensure successful implementation of PeopleSoft Financials and Campus Solutions * Provide database support for implementation * Run upgrade in test environment * Perform patches and fixes * Development of billing collections and write off project * Final migration testing and Go-Live Source of Funds: Measure A. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

FACILITIES

16. Consider Approval of Resolution 10/11-29, Award of Contract for Emergency Construction, Repair of Gas Leak at Laney College Presenter: Vice Chancellor Ikharo Approval is requested for Resolution 10/11-29, to award a contract for emergency construction for the repair of a gas leak at Laney College, at an estimated not-to-exceed cost of \$75,000. A gas leak was recently detected at the entrance to the Laney College campus between the "E" and "F" buildings. After examination by PG&E, they advised that the section of the gas line must be replaced no later than November 15, 2010. Under Section 20654 (a) of the California Public Contract Code, "In an emergency when any repairs, alterations, work, or improvement is necessary to any facility of the college, or to permit the continuance of existing college classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, do either of the following: (1) Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. (2) Notwithstanding Section 20655, authorize the use of day labor or force account for the purpose." This qualifies as an emergency situation because the gas leak repairs must be undertaken immediately, and the work is necessary to avoid danger to life or property. In accordance with this code, approval of the Superintendent of the Alameda County Office of Education to award a construction contract for the necessary replacement work has been requested and was received on October 11, 2010. An engineering firm (GTS, Inc.) has been engaged under an independent contract for design of a partial replacement of the gas distribution system at Laney. Using the design generated by GTS, Inc., three qualified contractors will submit informal bids for the construction scope of work. It is anticipated that the bids will be received on October 21, 2010. The recommended contractor and the bid amount will be presented to the Board at this meeting. As further required by the Public Contract Code, unanimous approval by the Board of Trustees of this resolution is requested. Funding Source: State Scheduled Maintenance Funds. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

(This information was read into the agenda, under approval of the agenda.)

Bid Tabulation Laney Gas Distribution Replacement Project Four (4) companies were invited to participate in an informal bid walk on 10/21/2010 for the partial replacement of the Laney gas distribution system. Two (2) companies showed up – ARB, Inc. and American Air Conditioning, Plumbing and Heating. GTS, Inc., the design consultant that prepared the bid documents, also participated. Bids were received on 10/25/2010 and the results are as follows: 1) ARB, Inc. - \$147,345
2) American Air Conditioning, Plumbing and Heating - \$149,350 The original engineering estimate was for \$75,000. After speaking with the two companies that submitted bids, both indicated that the price of the work was largely the result of the aggressive deadline for completion of the work (11/15/2010) as well as the requirement for minimal disruption to campus operations. Based on the need to complete the work by 11/15/2010 with minimal disruption to campus operations, it is the recommendation of General Services to award the work to the lowest responsible bidder ARB, Inc. The Department of General Services will continue to negotiate with the low bidder to reduce project costs. However, the price will not exceed the bid amount of \$147,345.

17. Consider Approval of Change Order No. 3, Gymnasium Kalwall at College of Alameda,, E. F. Brett & Company, Inc. Presenter: Vice Chancellor Ikharo Approval is requested for Change

Order No. 3 to the contract with E. F. Brett & Company, Inc. for the Gymnasium Kalwall at College of Alameda, in the amount of \$17,341, which is 3.8% of the original contract amount (\$456,679). Although this is the first change order to the Gymnasium Kalwall project, it is identified as Number 3 because the Division of the State Architect (DSA) considers this work a component of the original contract for the COA Lighting Upgrades to Bldgs. B, D & G project, and there are two Board approved change orders for that project. As explained to the Board previously, the Gymnasium Kalwall work was removed from the original contract scope and bid as a separate project. This change order work is necessary to address unforeseen conditions incurred during construction, and includes the following: Additional sheet metal work at the skylight curb bottom and an added 8-inch wide, 18-gauge galvanized sheet metal strip, necessary due to the many welds at the existing flange and subsequent damage to the metal decking from its removal. Addition of a two-piece flashing at the head of the skylight to ensure a watertight installation and allow for better expansion and contraction of the roof. Furnish and install a mechanical strut in the mechanical room for a previous project, requested by DSA. Replace puddle welds with self-drilling metal screws due to the heat which would have destroyed the 18-gauge sheet metal that was required during construction. It is necessary for the Contractor to move forward with this work due to the need to complete construction prior to the rainy season. This work has been negotiated, and the Contractor is prepared to proceed upon Board approval. It has been determined that it is in the best interests of the District and financially prudent to authorize this change order. The Board Facilities and Land Use Committee and the Board of Trustees have previously approved this project, since the gymnasium kalwall was included in the scope of work for an approved College of Alameda Phase II modernization and short-term project (Lighting Upgrades to Bldg. B, D and G/Bldg. G Weight Room and Minor Accessibility Improvements and Toilet Room Modernization at Bldgs. B, L and Diesel Mechanics). Allocation of Measure A funding for the Phase II modernization and short-term projects was approved at the Board meeting of October 9, 2007. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, and verified by the Finance Department as a qualifying expenditure in accordance with the language of this resolution and further described on the bond project crossover list for implementation. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Material

18. Consider Ratification of Change Order Nos. 1, 2, 3 and 4, College of Alameda Parking Lot A Landscape Improvements, Galedrige Construction, Inc. Presenter: Vice Chancellor Ikharo. Ratification is requested for Change Order Nos. 1, 2, 3 and 4 to the contract with Galedrige Construction, Inc. for the College of Alameda Parking Lot A Landscape Improvements. The change orders total \$22,687.45, which is 9.9% of the original contract amount (\$226,929.00). Change Order Nos. 1, 2, 3 & 4 include work requested by the District to address unforeseen issues during construction, which involved: Unforeseen soils conditions (asphalt beneath planting areas, low water table, etc.) requiring: Revised drainage and irrigation plans. Additional spoils required to be removed and transported off-site. 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 these change orders. This project was discussed at the Board Facilities and Land Use Committee meeting on May 20, 2010 and at two College Facilities Committee meetings, receiving recommendations (native species incorporated) and endorsement. Funding Source: Parking Lot Fund. All Board recommended contracts are subject to negotiation and

execution by the Chancellor. The Chancellor recommends ratification. (This item was removed from the agenda.)

Background Material

19. Consider Ratification of Change Order No. 1, Site Improvements and Modular Replacement at the District Administrative Center, JUV, Inc. Presenter: Vice Chancellor Ikharo. Ratification is requested for Change Order No. 1 to the contract with JUV, Inc. for the Site Improvements and Modular Replacement (for the International & Distance Education Center) at the District Administrative Center site. Change Order No. 1 totals \$99,055.98, which is 9.9% of the original contract amount (\$999,700.00). Change Order No. 1 includes additional owner requested resurfacing of the existing parking lot and significantly increased landscape areas around the District Administration Center and the new International Distance and Educational Center modular building. 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 this change order. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, and verified by the Finance Department as a qualifying expenditure in accordance with the language of this resolution and further described on the bond project crossover list for implementation. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification. (This item was removed from the agenda.)

Background Material

20. Consider Approval of Amendment No. 2 to the Independent Contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Media Classroom Initiative. Presenter: Vice Chancellor Ikharo. Approval is requested for Amendment No. 2 to the independent contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Media Classroom Initiative, in the amount of \$69,100. This firm originally began providing services under an independent contract in the amount of \$78,000. The original fee was based on the initial review of the basic project scope of work and accelerated schedule for all four campuses in conjunction with guidelines set forth in the District-Wide Facilities Master Plan. As programming continued and discussions were held with stakeholders, further needs for the equipment deployment, electrical upgrades and construction documents were identified to maintain the college's individual programs to the current standards. The increase in project scope required an increase of audio visual design fees in the amount of \$120,000. Amendment No. 1 to provide these services was approved by the Board of Trustees at the meeting of May 25, 2010. It should be noted that this is a design build project. The current Amendment No. 2, in the amount of \$69,100, includes the following additional services: Revised plans and specifications for an additional forty-six classrooms. Creation of an enhanced Level 1 design. Review of the alternate Nomad System. Addition of security devices to the contract documents. Investigation of a third party streaming video provider, e.g. Cisco. Additional requested redesign at Berkeley City College and College of Alameda. An initial list of classrooms was developed but later modified to include forty-six Level 1 rooms. During the review of the design development documents, it was determined that additional design decisions needed to be evaluated and selected, as well as assistance in the evaluation of a third party streaming video provider. Lastly, Berkeley City College as well as College of Alameda requested changes to the original design. The design changes at Berkeley City College will reduce the construction amount, and the change at the College of Alameda is to include at

least one Level 3 classroom at the campus. College of Alameda previously did not have a Level 3 technology classroom earmarked for the campus. The Smart Classrooms project has been discussed at various Board of Trustees and Board Facilities and Land Use Planning Committee meetings, most recently at the meeting of May 20, 2010. Including Amendment No. 2, the total contract amount for Rosen, Goldberg, Der & Lewitz, Inc. will be \$267,100. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, and verified by the Finance Department as a qualifying expenditure in accordance with the language of this resolution and further described on the bond project crossover list for implementation. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

21. Consider Approval for the Chancellor to Negotiate an Agreement with Chevron Energy Solutions Company for Design Services for the Laney Administrative Tower Modernization Project Presenter: Vice Chancellor Ikharo Approval is requested for the Chancellor to negotiate an agreement with Chevron Energy Solutions Company to provide design services for the Laney Administrative Tower Modernization Project, at a not-to-exceed fee of \$350,000. At the meeting of December 11, 2007, the Board of Trustees approved Chevron Energy Solutions Company to perform master planning and energy infrastructure retrofit services. The selection resulted from a formal Request for Qualifications process (RFQ 07-08/19). The engineering and design of the HVAC and electrical systems for the Laney Tower Modernization project were performed under this authorization. The Department of General Services has decided to publically bid the construction portion of the project, limiting Chevron's services to design, DSA coordination and construction administration. This decision to publically bid the contract has resulted in this request to negotiate a design contract with Chevron Energy Solutions at a not-to-exceed amount of \$350,000. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, and verified by the Finance Department as a qualifying expenditure in accordance with the language of this resolution and further described on the bond project crossover list for implementation. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. RISK MANAGEMENT

[Background Material](#)

22. Consider Approval of Consulting Agreement with Marsh Inc. for District Emergency Preparedness Presenter: Director Valentine Approve a Statement of Work for Marsh Inc to render consulting services to the District and its Colleges for development, training and implementation of five (5) Emergency Preparedness Plans for the District including the District Administrative Emergency Operations Plan (EOP) and an EOP for each college, in the amount not to exceed \$90,000, subject to the availability of Measure A funding. In addition to the plans, the services also generate deliverables for Emergency Preparedness Policy and Program Structure and Crisis Communications. A future presentation from the Director of Risk Management will be scheduled. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. (This item was removed from the agenda and will proceed to the Board facilities and land use committee.)

[Background Material](#)

PERSONNEL

- 23. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees on an Emergency Basis Presenter: Vice Chancellor Largent 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 category in which hired.

Last Name	First Name	Date of Hire	End Date	Position Title	Site	Agua	Bliss
Chen	Ru	10/27/10	6/30/11	Clerical Assistant II A			
Nguyen	Nhat My	10/27/10	6/30/11	Clerical Assistant II A			
Thompson	H. Jeffrey	10/27/10	6/30/11	Sr. Human Resources Analyst D			
Tran	Kevin	10/27/10	6/30/11	Clerical Assistant II/Typing A			

MISCELLANEOUS

- 24. [Consider Approval of the Regular Board Meeting Calendar for 2011](#) Presenter: Assistant Epstein [Consider approval of the Regular Board meeting calendar for 2011. The Chancellor recommends approval.](#)

[Background Material](#)

Trustee Withrow asked for optimal public access to our meetings, and he wants the public to know when the set dates are, as well as on the TV viewing audience. He feels that 65% of the time we wouldn’t be holding the meetings on the regular dates on the staff proposed calendar. He has proposed an alternate calendar on the 2nd and 4th meetings per month each month. Since November has Thanksgiving and Election Day, he feels that November 15th would be fine. In January, he’s suggesting the 11th and 25th. He’s suggesting that January 11th be a discussion meeting for the Board to discuss strategic planning. Trustee Guillén shared that we conduct public meetings generally on the 2nd and 4th, but that it shouldn’t be applied dogmatically. Staff do it’s planning. Trustee Gonzalez González González Yuen asked for the May meetings to be changed to May 10th and 24th. Trustee Handy feels that there should be a goal to have meetings on set days, and she’d rather see consistent meetings, when needed. Agendas could be compacted, and there could be exceptions. Trustee Gulassa shared this is an unusual year with people on furloughs and offices being understaffed, and he’s sympathetic to the administration to fitting the calendar into staff constraints. He feels that regular meetings should be the ideal, and that it’s a burden on Trustees to change their schedules.

MOTION: Motion by Trustee Nicky González Yuen, second by Trustee Bill Riley to approve the staff calendar, with amendments changing the May meeting dates to May 10 and May 24.

- AYES: Trustee Bill Riley, Student Trustee Nicole Tobor, Student Trustee Yvonne Thompson, Trustee Linda Handy, Trustee Abel Guillén, Trustee Nicky González Yuen, Trustee Cy Gulassa, and Trustee Marcie Hodge.
- NOES: and Trustee Bill Withrow.
- ABSTAIN: None
- ABSENT: None

Trustee Withrow opposed the motion.

CONSENT CALENDAR (NON-ACTION) INFORMATIONAL ITEMS

25. Consider Approval of Board Policy 6.45 Enrollment Fee, Financial Assistance, and Deferred Payment Policy (revised) Presenter: Trustee Gulassa Consider Approval of Board Policy 6.45 Enrollment Fee, Financial Assistance, and Deferred Payment Policy (revised). This revision comes to the full Board upon the approval and recommendation of the Board Policy Review Committee. This is a first reading of two necessary at the Board level, and the item will return to the next Board meeting for final adoption. The Chancellor recommends approval.

Background Material

26. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Vice Chancellor Gerhard Recent AP, Travel and Consulting Contract warrant registers are presented to the Board for Ratification purposes only. The Chancellor recommends ratification.

Warrant Report

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.

Trustee Riley left the meeting prior to the workshop.

Board of Trustee Special Workshop with Warren Kinsler, Partner Atkinson, Andelson, Loya, Ruud & Romo October 26, 2010 6:00 - 8:00 P.M.

The Board has been struggling with some oversight issues, to manage the District and fulfill it's oversight. Trustee Withrow was thanked for setting up this workshop. Warren Kinsler was introduced and thanked for participating.

ACTION ITEMS

1. Where do we fit within the structure of Government?

The authority to delegate was reviewed, which is in District policies. The administration should know to come back to the Board to report fully. Trustee Guillén shared that policies are very vague and could be open to many interpretations. The Board struggles between being more prescriptive than they think is necessary due to the oversight roles. Warren shared that a balance has to be found. Some Board policies (BPs) need to be flushed out and made meaningful through the Administrative Procedure (AP) process. Board duties and responsibilities and best practices will change based upon outside factors, that might change often. With authority comes accountability and responsibility for what the Board does and the results. Trustee Withrow shared there is no flow of information that comes back to the governing body to report on the health of the institution or if policies are being carried out. How does a Board carries out it role without this information flow? The Contra Costa Board based their strategic plans upon areas listing what information is to be provided to the Board, when, and how the Board will assess its performance. The Board as a whole determines on what they want the administration to be working. Trustee Gulassa shared that many issues being handled deal with what happened in the past and not currently, and he asked how the

Board should deal with a rogue Chancellor. The Board tried to get a report from the Inspector General, but the accreditation team said that was out of line. The accreditation team didn't talk to the Board as a whole, and then came forward with its finding on the Board. The Board needs to train themselves to proceed to do their jobs, if they have confidence in the Chancellor, and not to refer problems through a backdoor. If not, it will continue to put the Board in the position of being responsible for answering particular questions, which is not the Board's job. A trustees' general answer needs to be "please talk to the administration about the issue". Board recommendations are perceived as supreme, but the Chancellor and college Presidents may have a different direction for a project. Ground rules need to be established of what information the Board wants, the format, when, and what they are going to do with it. Trustee González González Yuen takes exception in that much of what the Board does is in closed session. He doesn't feel that this Board ever acted to protect individuals. Trustee Gulassa shared that he felt that administrators were protecting each other, and not the Board. Trustee González González Yuen shared that one challenge is to get appropriate information to deal with the Chancellor when the source of the information is the Chancellor, so this Board hired an Inspector General to get more information. He didn't get the information he wanted, so he feels this is a catch 22 situation. Trustee Guillén shared that the Board didn't have audits or 311 forms filed for many years, which were clear clues that the administration wasn't working. Trustee Handy shared that the trustees don't work here and are limited by the Brown Act, and it ties the Board's hands completely. If the Board asks for more information, it's seen as if the Board is micromanaging, and the Board is powerless to act. Administrators will cover their tracks, but the Board is ultimately responsible. Trustee González González Yuen asked how the Board knows if the information received from a Chancellor is correct or not? Warren asked what it is going to take the District off of probation. The Board needs to establish the information that is needed, and insist that background information is given to know what questions to ask. Our District is not alone in these challenges in working through the established administration.

2. What is the Board's role as a matter of law?
3. Board Policy and Administrative Procedure - Board Roles and Responsibilities - Potential Action

[Presentation](#)

(A) Board Policy 1.05, Board Duties and Responsibilities

[Background Material](#)

Warren recommends the Chancellor's version of the proposed policy. This will get the District off on the right foot with ACCJC. Representing the public interest will change based upon the issue and can be very broad. Trustee Withrow asked from a legal standpoint if general issues could lead the District into trouble, whereas specifics in this policy could keep the Board on track. Warren suggests that levels of specificity should be included in other policies and APs, but not in this particular one. Trustee Gulassa shared it's also confusing to him that APs are needed to fulfill the listed general statements, but he could accept the Chancellor's general version. He suggested adding the phrase, "By establishing policies, the board fulfills...then add the listed items. Trustee Guillén feels that's a great suggestion. Warren feels that Trustee Withrow's suggested policy is too specific for what ACCJC seeks under Standard IV. The Chancellor is content with Trustee Gulassa's suggestion.

Trustee Withrow shared the Board doesn't have control over fiscal health and stability. Warren shared that the audit reports on the fiscal health, and that the administration must implement any listed changes. The Board needs to self-educate to know how the District finances work, tell the

administration what is needed, instruct the auditor on the necessary format, and continue to seek answers and ask questions. Trustee Guillén feels that a competent CFO was hired to give timely information to the Board audit and finance committee. The Board as a whole can ask the Chancellor for items and information, as needed, as well. Trustee Withrow feels fiscal health can be interpreted in many different ways. Warren shared there are a variety of standards to examine, such as a District's reserves, 50% law, 75% law, etc. that the auditors apply to our fiscal documentation. How does the Board know that the information on which these standards are set are correct? Warren shared that this is a scary part of a trustee's job. Trust is needed with the ability to verify the information provided. Trustee Gulassa shared that "ultimate responsibility" is held with the Board, and the public takes this standard very seriously. He asked how management is then held responsible for a major crisis? Warren shared this goes to personnel issues to fire staff, perhaps even with some criminal implications. It's the Board's responsibility to fix the problems when it's their watch, and the Board has to retain its accreditation to help its public. It's a result oriented game, and the Board will have to do whatever it takes to attain accreditation. Warren suggested that the Board focus on what it wants to know, what it doesn't have, or what it needs to get to know what the Board doesn't know. Trustee Withrow shared that Board delegates authority, assigns responsibility, and attains ultimate responsibility for its decisions. Many of the Board's comments are from past experiences, and not the present, and Trustee Guillén has confidence in the current administration.

MOTION: Motion by Trustee Nicky González Yuen, second by Trustee Linda Handy to approve BP 1.05 with Chancellor Allen's edits, and with the amendment that "the Board fulfills its responsibilities by creating policies that...", and then proceeding with the listed policy recommendations.

AYES: Student Trustee Nicole Tobor, Student Trustee Yvonne Thompson, Trustee Linda Handy, Trustee Abel Guillén, Trustee Nicky González Yuen, Trustee Cy Gulassa, and Trustee Marcie Hodge.
NOES: and Trustee Bill Withrow.
ABSTAIN: None
ABSENT: and Trustee Bill Riley.

Trustee Withrow voted no on the accepted version.

Trustee Guillén commented on Board fact finding needs, and when there is a conflict between BPs and Board committees not being congruent with how the District conducts business, which was also another ACCJC issue. The Board has held many workshops to address these concerns. He suggested that there be committee meetings as possible future Board workshops. Trustee Handy doesn't want to sit through a facilities meeting, for example, but she is interested in student services. She feels that our IT problems would not have occurred if the technology committee were not disbanded. She doesn't feel the whole Board should be on all of the committees, nor addressed to the full Board. Trustee González González Yuen concurs with Trustee Handy. There are major facility issues coming before the committee which require tedious inspection, which may not interest the full Board. If this occurred, other regular Board meetings would have to be added to the calendar. Trustee Hodge would prefer to see other community college committee models before eliminating our current structure. Trustee Gulassa shared that it would be hard for the Board members to keep track of each committee's issues at the full Board level. Trustee Gulassa shared that at the ACCT conference one District agenda had listed items linked to the chief District strategic goals, which could be added to our agenda report form. Trustee Handy shared that Peralta is unique with special needs. The committee is the only forum for the trustees to connect with the staff and students. Trustee Guillén shared that there's no consensus on his suggestion, but that it was a good discussion. If the Board makes a unanimous vote on an issue to the Chancellor, then the Board

direction is clear to the Chancellor, but this is not always the case. Trustee Guillén thanked the Board for going through this exercise, and Warren was thanked for his help. Trustee Gulassa thanked Warren for the valuable handouts, as well.

(B) Governing Board Oversight

[Background Material](#)

ADJOURNMENT

Wise E. Allen, Chancellor
Secretary to the Board of Trustees
PERALTA COMMUNITY COLLEGE
DISTRICT