



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
SEPTEMBER 13, 2011

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE 7:00 P.M.**

**ROLL CALL\ Trustees González Yuen Pr Ab Gulassa Pr Ab Handy Pr Ab Hodge Pr Ab Guillén Riley Pr Ab Withrow Pr Ab and Riley Pr Ab , Student Trustees Brumfield Pr Ab and Copenhagen Pr Ab . 7:00 P.M. The Regular Meeting of the Board of Trustees will commence at 5:00 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 7:00 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.**

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

Tonight in closed session the Board voted to deny the student's appeal and to uphold the administration's decision on the disciplinary appeal of student Max Hanavan. AYES: 7 NOES: 0 ABSENT: 0 ABSTAIN: 0

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

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Withrow to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Items 17 and 30 are removed from the agenda. Item 29 contract amount is reduced to \$140,000.

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

MOTION: Motion by Trustee Cy Gulassa, second by Trustee Bill Withrow to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

1. Consider Minutes of the Board Meeting of July 19, 2011. Copies of the minutes of the Board of Trustees' Meetings are posted on Granicus. Please submit all minute corrections to the Board Clerk.

Minutes

**IDENTIFICATION OF ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE 7:04 P.M. (Please state the agenda item number and identify the issue.)**

Items 6 and 29.

**IDENTIFICATION OF ITEMS TO REMAIN ON THE CONSENT CALENDAR AND PULLED FOR DISCUSSION 7:05 P.M. (Please state the agenda item number and identify the issue.)**

Items 5, 8, 25, 32, and 39.

**IDENTIFICATION OF ITEMS WITH PUBLIC SPEAKERS 7:06 P.M.**

None at this time of the meeting.

**ASSOCIATED STUDENT GOVERNMENT REPRESENTATIVES REPORT 7:07 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.)**

Student Jepeabo Wellington's murder was remembered by his colleagues at COA. Students held a rally in his memory, in conjunction with violence prevention. The Constitution celebration day was announced. General Counsel Nguyen was thanked for her student leadership training. Speaker Murphy, ASBCC, gave an update on their various student events. Speaker Cervantes, ASLC, gave an update on Laney student activities. A facility tracking device suggestion was presented, for interactive, live input. They will hope to broadcast their meetings live in the future. Speaker Anderson ASMC thanked the administration for the student leadership training, and invited everyone to their club rush event. Speaker Kleigh reported for ASBCC on their successful Fulbright program which occurred over the summer.

**COMMUNICATIONS FROM MEMBERS OF THE PUBLIC 7:15 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.**

Speaker Blake, President of Laney Classified Senate, is concerned if we are really serving our students, and feels that untimely financial aid distributions adversely impacts us with lower enrollment. Speaker Brem shared that the violence prevention program continues to grow, and they are working with other campuses to see if others could equally benefit as community partners. Speaker Zimmerman spoke on behalf of the microscopy program students. Thanks were given to the Merritt College administrators efforts to ensure that the programs' necessary classes will be offered during the intersession term. Speaker Tucker came to speak because she thought the microscopy program was in danger, but now she feels that the issues have been resolved. She thanked Merritt College for continuing the program, and feels the program makes a positive impact on the community. She hopes it can be privately funded in the future. Speaker Trew, a microscopy program student, shared that some of her peers returned from a program in Costa Rica where they had incredible experiences. She hopes to continue her science education, and she will use this program as her edge up to apply to other programs in the future. It was inspiring and impressive to other students to hear what our students have learned in this community college program. Speaker Goldstein, PFT President, updated the Board about class cut concerns, with 200 FTEs being cut, or 55 faculty, mostly part-time faculty. He feels that the outsourced work to private consultants could have gone into the classroom instead. Negotiations are continuing with the District, that have been fruitful. The oil severance tax is endorsed by the PFT executive Board, giving funds to education, and single-payer health care reform. Speaker Speaker Cook, COA EOPS Director thanked the community for their support after the murder of COA student Jepeabo Wellington. Students at all of the campuses have rallied together, as they have all lost students to violence. Grief counseling was offered on the campus. Everyone was invited to the rally in his memory. Speaker Armstead was the Jepeabos supervisor. She wants people to keep his name alive. He worked in the EOPS office, and was a good friend and worker. She thanked everyone at COA for their support of his family.

## **PRESENTATIONS 7:30 P.M.**

2. [Board Study Session Presenter: Jim Grivich \(15 minutes\) The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption: BP 1100 The Peralta Community College District \(new\) BP 1200 Mission \(replaces BP 1.24\) BP 2010 Board Membership \(replaces a portion of BP 1.01\) BP 2015 Student Members \(replaces BP 1.02\) BP 2100 Board Elections \(replaces a portion of BP 1.01\) BP 2110 Vacancies on the Board \(replaces a portion of BP 1.01\) BP 2200 Board Duties and Responsibilities \(replaces BP 1.05\) BP 2210 Officers \(replaces BP 1.04\) BP 2220 Committee of the Whole \(replaces BP 1.21\) BP 2305 Annual Organizational Meeting \(new\) BP 2310 Regular Meetings of the Board \(replaces a portion of BP 1.10\) BP 2315 Closed Sessions \(replaces a portion of BP 1.10\) BP 2320 Special and Emergency Meetings \(replaces a portion of BP 1.10\) BP 2330 Quorum and Voting \(replaces a portion of BP 1.10\) BP 2340 Agendas \(replaces a portion of BP 1.10\) BP 6300 Fiscal Management \(replaces BP 6.03\) BP 7400 Travel \(replaces BP 6.39\)](#)

## **Background Material**

Trustee Handy shared that the Board had been previously asking for consistent travel processes, but had to become more involved when administrators did not. Trustee Gulassa welcomes this change instead of having a committee debate policies for many hours. The former committee had considered the league templates, as well, and the Board is thankful that he is here for assist with this project. The work will also include increasing the number of Administrative Procedures issued by the Chancellor. Trustee Gonzalez Yuen asked about the Board meeting agenda. He feels the past Presidents have brought together the Board members into a nice team. He wants to ensure that Board members have the right to get items onto the agenda, if they are in the minority, and that all members are able to contribute to the agenda, with the President and Vice President at the agenda review meetings. Trustee Guillen asked that the Board policies

be organized on our website and available to the public. Trustee Gulassa feels the Chancellor develops the Board meeting agenda, with the President and Vice President making any suggestions, collaboratively. However, it may not always be possible to schedule every suggested item at the very next Board meeting. The Chancellor recognized the important job Mr. Grivich has here, which he's also done at Compton and LACCD. Student Trustee Copenhagen asked how a member of the public makes a policy change, which was explained. Mr. Grivich will help to facilitate policy development in the District, and he welcomes any possible changes and communications.

3. [Budget Overview Presenter: Vice Chancellor Gerhard \(15 minutes\) Vice Chancellor Gerhard will present an overview of the 2011 - 2012 Final Budget.](#)

Trustee Withrow asked if the Board will see quarterly spending reports, which will be provided. Trustee Withrow thanked Vice Chancellor Gerhard for the document and information transparency. Trustee Guillen asked about the CalPERS trend increases, which depend upon future actuarial studies, as well as their trust amount reserves. In the past they were overfunded with no employer matches, which is no longer the case. Trustee Guillen feels that budget reductions leave students at the door, by not serving over 400,000 students. The budget takes into account any mid-year budget cuts the state may make. State apportionment has been the unknown wildcard, based upon state finances, forcing community college districts to make tough decisions about instructional services offered to students. Trustee Gonzalez Yuen appreciates the report clarity, but still sees disparity between college funding. Berkeley City College is down 16-17 full-time faculty members, and none of the colleges are fully staffed. Chancellor Allen addressed the comment. The Chancellor underestimated the ability to move staff, and the process is still underway. FTEF is approved throughout the District, but could change through the year, taking into account the college equity ratios. Vacant positions are being held until the college Presidents make their recommendations. Trustee Gonzalez Yuen asked for a plan, and doesn't feel moves made up to now are acceptable. Student Trustee Copenhagen asked about the campus center use fund fee, and he's worried that it's being used inappropriately, and he requested if this issue be researched. Trustee Gulassa appreciates the report footnotes, and he also asked for equity for our staff and students. Chancellor Allen read the last paragraph in the budget, and thanked everyone, including the Board, for coming together to make these very difficult decisions.

## **INFORMATIONAL ITEMS AND WRITTEN REPORTS 8:00 P.M.**

### **CHANCELLOR**

4. [Chancellor's Report Presenter: Chancellor Allen Vice Chancellors' Reports State Budget Update Presenter: Vice Chancellor Gerhard Enrollment Update Presenter: Vice Chancellor Budd EasyPass, Financial Aid, Student Health Fee, and Health Services Initiative Update Presenter: Vice Chancellor Ng General Services' Update Presenter: Vice Chancellor Ikharo](#)

[Financial Aid update](#)

[Enrollment update](#)

Trustee Gonzalez Yuen commented on the financial aid numbers of issued checks, and he feels the numbers are unacceptable. He's also concerned how long the lines are, and how long students have to wait in the lines before they can meet with staff. He offered some suggestions, such as appointments, numbers for drop-ins and time to be able to return, triage system to greet people in line, hours at night or staggered hours, and a faster direct deposit process.

### **College Reports**

**Merritt College Presenter: President Adams**

**Laney College Presenter: President Webb**

**College of Alameda Presenter: President Jackson**

[Background Material](#)

**Berkeley City College Presenter: President Inclan**

[Background Material](#)

### **BOARD OF TRUSTEES' ANNOUNCEMENTS**

Student Trustee Copenhagen introduced Jeffrey Phang from CCSF, a fellow Student Trustee. He attended a SSCCC conference, where he is a senator. He spoke in Sacramento on the Dream Act. Information about the free Estuary shuttle crossing was distributed, serving Oakland Lake Merritt BART to COA and 860 Atlantic. He thanked those who attended the Board meeting to speak about Mr. Wellington's life. Trustee Gulassa wished the BCC event much success. Trustee Guillen invited the community to the Spanish-speaking citizen's counsel event for student scholarships at Merritt College on Saturday with many family events planned.

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

[DAS President Report](#)

**ACTION ITEMS As a matter of policy (Board Policy 1.10), no action shall be taken on any item not identified as an "action item"**

### **PUBLIC HEARING AND ACTION ITEMS 8:10 P.M.**

5. [Public Hearing and Adoption of Resolution 11/12-11, 2011-2012 Final Budget](#) Presenter: Vice Chancellor Gerhard The Peralta Community College District is required to hold a public hearing on the proposed 2011-2012 annual budget prior to its adoption. Included in Trustee materials is the final adopted budget for the Peralta Community College District for the fiscal year 2011-2012 which has been publically advertised and made available for public viewing at the District Budget and Finance office and is posted on the district's web site. After the public hearing, it is recommended that Resolution No. 11/12-11 be adopted, approving the Annual Budget. The Chancellor recommends approval.

[Background Material](#)

MOTION: Motion by Trustee Abel Guillen, second by Trustee Marcie Hodge to approve.

AYES:	Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion passed.

## Executed resolution

6. Consider Approval of Resolution 11/12-8 to Reduce/Eliminate Certain Services and Related Layoff Notices Presenter: Vice Chancellor Largent Under the Principles for Sound Fiscal Management adopted by the Community College Board of Governors, Title 5, California Code of Regulations, §58311, each District shall be responsible for the ongoing fiscal stability of the District through the responsible stewardship of available resources. Benefits costs continue to rise and the California Department of Education has proposed a 16.5% reduction to the Maximum reimbursement Rate for certain child care services. The State fiscal crisis has had a devastating impact on the District's financial condition. District-wide approaches to address the reduction of funding for Categorically-Funded positions require significant reductions and/or discontinuance/elimination of current services. The Governing Board complies with California Education Code §§88005, 88117, and 88127 in eliminating affected positions; and the District is required by California Education Code §88017 to notify affected classified incumbents no earlier than 45 calendar days prior to the effective date of lay-off. The following classified position allocations are hereby affected by lack of funds, effective October 31, 2011: Position Title Layoff FTE Site/Department Child Care Assistant II 2.0 FTE District - Children's Center. The Chancellor is directed to: 1. Immediately notify all affected employee organizations of the issues, directions and concerns set forth in this Resolution, in order to allow any affected organization to request to meet and negotiate any resulting effects of lay-off. 2. Comply with all applicable sections of the California Education Code in preparing any and all required lay-off and/or reassignment notices to classified incumbents so affected by lack of funding, and any and all notices as required by collective bargaining agreement. The Governing Board has determined, after public input, that layoff or reduction of work years of employees are the necessary and last fiscally viable response to the District's adverse budgetary situation. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## Background Material

MOTION: Motion by Trustee Bill Withrow, second by Trustee Cy Gulassa to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.

NOES: Trustee Abel Guillen, and Trustee Nicky Gonzalez Yuen.

ABSTAIN: None

ABSENT: None

The motion passed.

Trustee Guillen understands that the State has pulled the budget funding for this project. The District is trying to secure a Head Start program at the COA site. He hopes that the affected positions will be reassigned where their skill sets apply.

Student Trustee Brumfield Abstained, and Student Trustee Copenhagen voted No, as advisory votes.

## Executed resolution

### **CONSENT CALENDAR (FOR ACTION) 8:40 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 approved contracts are subject to final negotiation and execution by the Chancellor. Items pulled for Debate by the Trustees will be addressed later in the meeting, at approximately 8:40 p.m. Meeting times are estimates.

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Withrow to approve the consent calendar, including Items 7, 8, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

Trustee Gonzalez Yuen abstained on Items 20 and 32; Trustee Handy abstained on Item 39.

29. [Consider Approval of an Independent Contract Agreement for Legal Services for Larry Frierson, Attorney at Law Presenter: Vice Chancellor Largent The District Office of Human Resources and Employee Relations requests approval of an independent contractor with Larry Frierson, Attorney at Law, not to exceed \\$280,000 through June 30, 2012. Funding Source: General Funds. Mr. Frierson will be providing advice to the District for personnel and employee relations matters. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

#### [Background Material](#)

Trustee Guillen shared that initial fee of \$280,000 would double the size of Human Resources and the General Counsel (GC) office, and reflect 75% of the existing GC budget. The suggested contract amount has been reduced to \$140,000. He asked for a scope of work for the person, and feels that the work can be performed with existing personnel, and feels it's too high of a pricetag for the District to assume at this time. Trustee Handy feels the position is redundant to tasks assumed by HR, but she also sees there are some areas where the contractor has expertise to help cut future costs. She asked that we're very careful spending these funds, with no overlapping of services, and that the contract specifically address how the services will be utilized in his areas of expertise only.

MOTION: Motion by Trustee Bill Withrow, second by Trustee Cy Gulassa to approve the contract for up to \$140,000, as amended.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Linda Handy, and Trustee Cy Gulassa.  
NOES: Trustee Abel Guillen, Trustee Marcie Hodge, and Trustee Nicky Gonzalez Yuen.  
ABSTAIN: None  
ABSENT: None

The motion passed.

Student Trustee Brumfield Abstained, and Student Trustee Copenhagen voted No, as advisory votes.

30. Consider Approval of Designating Academic Manager Positions Presenter: Vice Chancellor Largent Pursuant to Education Code Section 87002(B), "Educational administrator" means an administrator who is employed in an academic position designated by the District Governing Board as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, Chancellors, presidents, and other supervisory or management employees

designated by the Governing Board as educational administrators. It is recommended that the Board approve the designation of the following academic manager positions:  
 The Chancellor recommends approval.  
 Academic Administrator Positions  
 Chief Administrative Officer, Technology & Information Systems  
 Dean of Academic Pathways and Student Success, (grant funded)  
 Dean of Enrollment Services, (grant funded)  
 Dean of Special Programs and Grants, (grant funded)  
 Dean of Workforce Development and Applied Sciences, (grant funded)  
 Dean of Disabled Student Programs & Services (DSPS) and Trio Student Success, (grant funded)  
 (Item pulled from the agenda.)

31. 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. The Chancellor recommends approval. Last Name First Name Date of Hire End Date Position Title Site Barnett Janet 9/14/11 6/30/12 Duplicating Technician II A Cain Cynthia 9/15/11 6/30/12 Sr. Clerical Assistant L Carroll Linda 9/20/11 6/19/12 Instructional Asst I/DSPS M Cole Richard 9/14/11 6/30/12 Clerical Assistant B Cusick Colin 9/14/11 6/30/12 Instructional Asst/Biology B Diaz Margarita 9/14/11 5/25/12 Instructional Asst/Child Development M Doner Kristin 9/14/11 6/30/12 Instructional Asst/Multi-Media B Elliott Martina 9/20/11 6/19/12 Clerical Assistant II M Fong Jonathan 9/14/11 6/30/12 Instructional Asst/Multi-Media B Harding June 9/14/11 6/30/12 Principal Accounting Tech M Harper Joolia 9/14/11 6/30/12 Instructional Asst/Multi-Media B Harshaw Dolores 9/14/11 12/16/11 Clerical Assistant II B Hernandez Alegria 9/14/11 12/16/11 Instructional Asst/ADN Program M Ho Lisa 9/14/11 6/30/12 Instructional Asst/Biology B Howells Jack 9/14/11 6/30/12 Instructional Asst/English B Hutchin Christian 9/14/11 6/30/12 Instructional Asst/English B Ingle Harris 9/14/11 6/30/12 Instructional Asst/Biotechnology M Jacks-Young Alena 9/14/11 12/17/11 Staff Assistant/Admin (Instruction) L Louie Joanna 9/14/11 12/17/11 Staff Assistant/Admin (Instruction) L Lyons Laura 9/19/11 12/23/11 Student Personnel Services Spec. B Martin-Ribitch Samuel 9/14/11 6/30/12 Instructional Asst/Multi-Media B Pasley-Stryzko Michele 9/14/11 6/30/12 Instructional Asst/English B Perez Minerva 9/14/11 6/30/12 Staff Assistant/Admin B Pharr Phasasha 9/15/11 6/30/12 Sr. Clerical Assistant L Rehman Uzma 9/14/11 12/16/11 Instructional Asst III/DSPS B Rumjahn Theresa 9/14/11 6/30/12 Instructional Asst/Unspecified B Shaposhnikov Nikolay 9/14/11 12/17/11 Instructional Asst/Mathematics L Sims Delane 9/14/11 6/30/12 Instructional Asst/Basic Skills B Solomon Felix 9/14/11 12/30/11 Instructional Asst/Journalism L Taylor Socorro 9/15/11 6/30/12 Executive Assistant/Student Services D Thomas Paula 9/14/11 6/30/12 Instructional Asst/Basic Skills B Tikker Kevin 9/14/11 6/30/12 Instructional Asst/Multimedia B Tran Kevin 9/14/11 6/30/12 Clerical Asst II/Typing A Yang Yong 9/15/11 6/30/12 Fin. Aid & Placement Asst. L Yee Christian 9/14/11 6/30/12 Instructional Asst I/DSPS A Young Yolanda 9/14/11 12/31/11 Account Clerk I B
7. [Consider Approval of December Board Meeting Date Presenter: Trustee Riley Consider approval of moving the December Board meeting date from December 13th to December 6th due to a Trustee scheduling conflict. The Chancellor recommends approval.](#)
8. [Consider Approval of the Governing Board Meeting Calendar 2012 Presenter: Trustee Riley Consider approval of the Governing Board meeting calendar 2012. The Chancellor recommends approval.](#)

### [Background Material](#)

Trustee Gonzalez Yuen shared that the proposed agenda is thin in the months of December, January and November. Trustee Gulassa shared that there may be a special meeting in the future that can help to fill the agenda meeting gap a bit.

9. Consider Approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20) Presenter: Trustee Gulassa Consider approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20). This revision and first, informational reading comes to the full Board upon the review and input from District Academic Senate, Peralta Federation of Teachers, Human Resources Department, Legal Department, and Board of Trustees. Classified Senates (including Confidential staff), SEIU Local 1021, Local 39, Associated Students, and Management are invited to provide feedback in September 2011. The policy is presented for review, and will return to a future Board meeting for adoption. The Chancellor recommends approval.

### [Background Material](#)

10. Item removed from the agenda.

## **FINANCIAL SERVICES**

11. Consider Ratification of Purchase Order Report Presenter: Vice Chancellor Gerhard Consider ratification of purchase order report. This item is for informational purposes only. This report is being presented for review in accordance with Education Code section 81656 which states, "All transactions entered into by the District shall be reviewed by the governing board every 60 days". All Purchase Orders listed have been issued in accordance with the District's policies and procedures by an authorized officer of the District and have been budgeted. The Chancellor recommends ratification.

### [Background Material](#)

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

### [Background Material](#)

13. Consider Ratification of James (Jim) Grivich's Contract. Presenter: Vice Chancellor Gerhard Consider Ratification of James (Jim) Grivich's contract of \$90,000 to assist the Peralta Community College District with addressing the Accrediting Commission for Community and Junior Colleges' (ACCJC) recommendations provided within their June 2011 report. Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

### [Background Material](#)

14. Consider Approval of Vavrinek Trine Day & Co Contract. Presenter: Vice Chancellor Gerhard Consider approval of contract with Vavrinek Trine Day & Co., LLP (VTD) in the amount of \$138,500 to perform the District's annual audit for the fiscal year ended June 30, 2011. Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and

execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

15. Consider Approval of Official Payments Corporation Contract. Presenter: Vice Chancellor Gerhard Consider approval of an open purchase order for Official Payments Corporation in the amount not to exceed \$300,000. The contract is needed to pay for student credit card processing fees until the end of this Fiscal Year, June 30, 2012. Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

16. Consider Ratification of the California Community Colleges Chancellor's Office, Quarterly Financial Status Report, CCFS 311Q Presenter: Vice Chancellor Gerhard Consider ratification of the District's fiscal year 2010-11 4th quarter CCFS 311Q report. The Chancellor recommends ratification.

[Background Material](#)

17. Consider Approval of the Bond and Disclosure Counsel, Stradling Yocca Carlson & Rauth Presenter: Vice Chancellor Gerhard Award bid and authorize the Chancellor to negotiate contract between the Peralta Community College District and Stradling Yocca Carlson & Rauth for Bond and Disclosure Counsel Services specific to the District's Other Post Employment Benefit program (OPEB). Funding Source: OPEB Trust. This item proceeds to the Board with the approval of the Retirement Board and Advisory Members. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (Item pulled from the agenda.)

[Background Material](#)

18. Consider Approval of the Chancellor's Office Tax Offset Program (COTOP) Presenter: Vice Chancellor Gerhard Consider approval of contract between the Peralta Community College District and the Chancellor of the California Community College for the District to participate in the Chancellor's Office Tax Offset Program (COTOP). Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

**EDUCATIONAL SERVICES**

19. Consider Approval to Amend the Department of Rehabilitation (DOR) Grant Funding Presenter: Vice Chancellor Budd Consider approval to amend the Department of Rehabilitation Grant funding from \$664,581 to \$809,581. The Department of Rehabilitation and the College of Alameda are working together to provide vocational rehabilitation services to students under the Workability III program. The grant is from July 1, 2009 through June 30, 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

20. Consider Approval of an Independent Consulting Contract with Raubolt Consulting Services, Inc., with Robert "Bob" Barr Presenter: Vice Chancellor Budd Consider approval of a contract with

Raubolt Consulting Services, Inc. for consultation services for the Peralta Office of Educational Services and Laney College. Funding Source: General Funds. The amount to be approved shall not exceed \$84,500 through June 30, 2012. The scope of services is outlined in the background materials. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

21. Consider Approval of Independent Contract Agreement with Yvonne Morrow-Reid, College of Alameda Presenter: Vice Chancellor Budd Consider approval of independent contract with Yvonne Morrow-Reid from September 1, 2011 through October 31, 2011, contract amount not to exceed \$23,584. Funding Source: Department of Labor (DOL) Grant. Renewing Ms. Reid's contract brings the total contract amount to \$48,400 for the time period of June 6, 2011 through Oct 31, 2011. Ms. Reid has served College of Alameda in the capacity of Director for the ATLAS program. Ms. Reid has provided fiduciary and programmatic/student oversight to the ATLAS Program and related projects which include planning, organizing, staffing, grant management and timely reports, budget and general administration, and student orientations and one-on-one student mentorship. Ms. Reid is responsible for the assurance of student success, and she observes ATLAS students and faculty in the classroom setting, making programmatic decisions and adjustments to best serve students based upon anecdotal input, statistical data, and trend analysis. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

22. Consider Approval of the Economic and Workforce Development/Job Development Incentive Fund (JDIF) Grant, College of Alameda Presenter: Vice Chancellor Budd Consider approval of the Economic and Workforce Development/Job Development Incentive Fund (JDIF) Grant made and entered into by and between BOG California Community Colleges Chancellor's Office and College of Alameda. Funding Source: JDIR Grant, Community College Chancellor's Office. The total grant funds requested shall not exceed \$300,000. The total match funds are \$481,597. The term of the grant shall be from March 8, 2011 to June 30, 2012. (Independent contracts for this program are listed on this Board agenda.) The goal of this grant is to develop the first steps of a training infrastructure for Direct Support Professionals, who provide care for people with developmental disabilities. These workers support consumers in their own homes, in small residential setting and in integrated day programs. The Project Director will develop fast-track, direct support, professional skills training for new job entrants at College of Alameda, and implement skills upgrade training for incumbent workers at Las Positas College. The Project Director will also work with faculty teaching the courses to contextualize them, and, together with the Project Support consultant, provide outreach and recruitment, internships and job development to the working poor and CalWORKs recipients to participate in the cohort training programs. At College of Alameda, the 15 month program involves three cohorts of trainee DSPs (90 job entrants), who will receive a 14 unit certificate and be placed into employment (40 welfare recipients or working poor job seekers). At Las Positas College the program includes 40 incumbent workers. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

23. Consider approval of Independent Contractor/Consultant Services for Richard Stein, Project Director, Direct Support Workers Career Ladder, College of Alameda (JDIF) Presenter: Vice Chancellor Budd Consider approval of contract for Richard Stein, Project Director, Direct Support Workers Career Ladder, College of Alameda not to exceed \$73,400 from July 1, 2011 to June 30, 2012. Funding Source: JDIR Grant, Community College Chancellor's Office. The project Director

for the Direct Support Workers Career Ladder Training and Employment Project is responsible for coordinating the implementation of a Job development Incentive funds grant from the Workforce Innovative Partnership for Economic Development. In addition, the project director is to plan, organize, and direct the activities of the Direct Support Workers Career Ladder Training and Employment Project including program management, staffing, budget, and general administration. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### Background Material

24. Consider approval of Independent Contractor/Consultant Services for Daraja Wagner, Project support, Direct Support Workers Career Ladder, College of Alameda (JDIF) Presenter: Vice Chancellor Budd Consider approval of a contract for Daraja Wagner, Direct Support Workers Career Ladder, College of Alameda not to exceed \$31,000 from July 1, 2011 to June 30, 2012. Funding Source: JDIR Grant, Community College Chancellor's Office. Contractor will provide project and administrative assistant support to the Direct Support Professionals Career Ladder Training and Employment Program, and by assisting with recruitment and job development. Contractor will provide office assistant support by answering the phone, receiving visitors and providing Project information, scheduling appointments, maintaining calendars and files, reproducing documents, arranging and coordinating meetings and events, taking notes at meetings and other duties as assigned. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### Background Material

25. Consider Approval of an Independent Contract Agreement with Jennifer L. Kennedy, Laney College and Merritt College Presenter: Vice Chancellor Budd Ms. Kennedy will be working with Laney College, Merritt College, and the Peralta Community College District on grants. The contract amount shall not exceed \$50,000, with services performed through June 30, 2012. Ms. Kennedy will: Work with the Laney College and Merritt College grant team to plan and write grants applications for the National Science Foundation (NSF) Advanced Technological Education (ATE) programs. She will plan and prepare federal and state grants and renewals, as needed. Work with project directors of grant projects at the four Peralta Colleges to ensure timely and proper implementation of grant projects and meet compliance requirements of grant projects, as assigned. Prepare grant reports and other district planning documents as assigned. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### Background Material

Trustee Handy asked about the position' scope of services. Vice Chancellor Budd responded that this position can assist with all of Peralta's grants. Trustee Handy feels a grant writer is a very important position, and she'd like to see this as a full-time position and hired competitively. Trustee Guillen asked for the source of funds, and the grant overhead will fund the position.

26. Consider Approval of Application for a National Science Foundation Advanced Technology Education (ATE) Initiative, Laney College Presenter: Vice Chancellor Budd Consider approval of application for a National Science Foundation Advanced Technology Education (ATE) Initiative not to exceed \$5,000,000 over four years. Funding Source: National Science Foundation. Laney College proposes to submit a proposal to serve as a National Science Foundation Advanced Technology Education (ATE) Center. The mission of the proposed Building Efficiency for a Sustainable Tomorrow (BEST) Center at Laney College is to support the transition to high performance green buildings by creating a national forum on building efficiency issues and serving as a centralized

resource on technician education, research, technology, and industry collaboration. Laney submitted a NSF Center grant proposal last year, was not funded, but strongly encouraged to reapply. Project team members at Laney include: Principal Investigator (PI - Peter Crabtree), project manager (team oversight, grant administration), outreach coordinator (manages national instructor network and professional development activities), curriculum coordinator/faculty on release (documents and compiles program model, curriculum, and lab resources), staff service specialist, web consultant, and communications consultant. Objectives are listed in the background materials. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

27. Consider Approval to Enter into the 2011-2012 Child Development Contact Agreement and Resolution 11/12-12 Presenter: Vice Chancellor Ng Consider approval to enter into the 2011-2012 Child Development Contact Agreement and Resolution 11/12-12 with the State Department of Education, Child Development Division for Child Development Services at the Children Center of Laney College and Merritt College with a Maximum Reimbursable Amount (MRA) not to exceed \$760,716.00. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

#### [Executed resolution](#)

28. Consider Approval of Childcare Contract with BANANAS for Berkeley City College Presenter: Vice Chancellor Ng Consider approval of BANANAS childcare contract for Berkeley City College to administer the College voucher program, funding not to exceed \$40,000. Funding Source: CalWORKS. This contract has no impact on the BCC budget, as the Funding Source is categorical funding provided by the State for this purpose. BCC does not operate a childcare center. There is a high demand for uninterrupted childcare services, especially from CalWORK's students. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

33. [Consider Approval of Resolution 11/12-14, Acceptance and Retention, Berkeley City College ADA Project, Eternal Construction, Inc. Presenter: Vice Chancellor Ikharo On January 18, 2011, this Board ratified a contract award to Eternal Construction, Inc. for the Berkeley City College ADA Project. Funding Source: Bond Measure A. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Berkeley City College President and Business Manager have signed the Project College Acceptance Form. The work was performed to comply with a court ordered corrective action. Board approval is requested of Resolution 11/12-14, which formally accepts the work as complete and provides for a retention payment of \\$3,106, which is 10% of the contract price \(\\$31,060\). There have been no change orders to this contract. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

#### [Background Material](#)

34. Consider Approval of Resolution 11/12-15, Acceptance and Retention, College of Alameda Landscape Entry Renovations, ValleyCrest Landscape Development, Inc. Presenter: Vice Chancellor Ikharo On September 28, 2010, this Board awarded a contract to ValleyCrest Landscape

Development, Inc. for the College of Alameda Landscape Entry Renovations. Funding Source: Bond Measure A. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the College of Alameda President and Business Manager have signed the Project College Acceptance Form. Board approval is requested of Resolution 11/12-15, which formally accepts the work as complete and provides for a retention payment of \$28,699.85, which is 5% of the contract price. The Board previously approved one change order to this contract in the amount of \$8,797.00, which is 1.6% of the base contract amount (\$565,200.00). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

35. Consider Approval to Rescind Previous Bid Award and Re-Bid Project, District-Wide Security Surveillance Project, Increment 2 (Bid No. 10-11/31) Presenter: Vice Chancellor Ikharo At the meeting of July 19, 2011, the Board of Trustees approved Resolution 11/12-2, which accepted the bid (in the amount of \$4,850,553.32) and authorized the Chancellor to enter into a contract with ADT Security Services for the District-Wide Security Surveillance Project, Increment 2 (Bid No. 10-11/31). ADT requested modifications to the contract language, which the District would not consider under a public bidding process. On August 25, 2011, ADT submitted a written request to withdraw their bid because they could not accept the District's contract terms. The District has agreed to allow ADT to withdraw their bid. Because the next lowest bid was over \$100,000 higher, staff recommends re-bidding this project. Board approval is requested to rescind the previous bid award to ADT Security Services and to re-bid the project. Funding Source: Bond Measure A (for minor costs to re-bid project). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

36. Consider Ratification of Change Order No. 1, PCCD Smart Classroom Systems, Merritt College, One Workplace L. Ferrari LLC Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 1 to the contract with One Workplace L. Ferrari LLC for the PCCD Smart Classroom Systems at Merritt College, in the amount of \$34,399.00, which is 1.7% of the original contract amount (\$1,977,110.54). There is a contingency in the project available to pay for this change order. Funding Source: Bond Measure A. This change order includes: Costs to provide equipment that allows for closed captioning to all Merritt smart classrooms A change from the Bretford to Winsted desks, as requested by the College to enhance security of the new equipment A change in the equipment installation in P307, as requested by the College, due to existing field conditions that could not accommodate the specified equipment In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 1 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

#### [Background Material](#)

37. Consider Ratification of Change Order No. 2, Learning Center/Library Renovation at Merritt College, Alten Construction, Inc. Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 2 to the contract with Alten Construction, Inc. for the Learning Center/Library Renovation at Merritt College, in the amount of \$156,707. Including the previously Board ratified Change Order No. 1, the cumulative change order total to date is \$230,374, which is 6.6% of the original contract amount (\$3,497,000). Funding Source: Bond Measure A. These change order items are primarily due to the following reasons: At the request of the District, various upgrades were

incorporated into the project. Some of those upgrades were not approved in time to be added into the contract documents. These upgrades include: An expanded lighting scope for the 2nd and 3rd floors, which will also now be tied into the District energy management system (EMS) Incorporation of existing mechanical systems into the EMS that were not a part of the original contract to provide better functionality and energy efficiency for the occupied building A few items that were added are a result of hidden locations or unforeseen issues, which could not have been verified or investigated in the previously occupied space. These include: Code required fireproofing Necessary structural repairs to a sagging steel deck Continuous operation of existing exterior lights for pedestrian safety In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 2 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

### Background Material

38. Consider Approval of Amendment No. 3 to the Agreement for Architectural Services with NBBJ for 860 Atlantic Avenue Tenant Improvements Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 3 to the agreement for architectural services with NBBJ for the tenant improvements at 860 Atlantic Avenue, Alameda, in the amount of \$109,000. Funding Source: Bond Measure A. The amendment will provide the following additional design services: Revision to documents for structural changes required by the Division of the State Architect (DSA) Increased structural changes for new glue-lam roof beams to support new mechanical equipment included in Amendment No. 2 (new chiller for the facility) Added scope for hazardous materials consultant Added scope resulting from the decision made that the facility would also provide interim housing for the Merritt College Genomics Program during the programming and construction of the new science building at Merritt College. This added scope will enable a joint use of the 860 Atlantic Avenue facility by both College of Alameda and Merritt College. Historical Background: The 860 Atlantic Avenue facility was originally intended to serve as temporary swing space for the College of Alameda Science Program during the construction of Buildings C and D. NBBJ (formerly Fisher Friedman Associates) was selected from the Board approved short list of architects to work on the 860 Atlantic Avenue Tenant Improvement project. On November 18, 2008, the Board approved entering into an agreement in the amount of \$106,000 with NBBJ for the following services: Prepare a property condition report for 860 Atlantic Avenue as part of the District's due diligence during the acquisition process Conduct basic schematic architectural services The resulting property condition report indicated building deficiencies in areas such as building code compliance, structural/seismic, mechanical, plumbing, security, fire suppression, and other visually deficient requirements. During the basic architectural schematic services, NBBJ created space planning and interior layouts and worked with the College to determine how the facility would accommodate the instructional needs of the Science Program at College of Alameda. As programming continued and discussions were held with stakeholders, further needs for the interim laboratories were identified to maintain the College of Alameda's science programs to the current standards. Further developments increasing project scope necessitated an increase of architectural fees in the not-to-exceed amount of \$284,000. Amendment No. 1 in that amount was approved at the Board meeting of May 12, 2009. Amendment No. 2 provided design services for a new rooftop chiller for the facility. Revisions to the architectural, mechanical and structural drawings were made to show the installation details and energy calculations for the new chiller, as required by the Division of the State Architect (DSA). Amendment No. 2 in the amount of \$21,000 was approved at the Board meeting of April 13, 2010. Including this Amendment No. 3 in the not-to-exceed amount of \$109,000, the total agreement amount will be \$520,000. A more comprehensive "global" approach to contracting is now being implemented by the Department of General Services to mitigate scope changes. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### Background Material

32. Consider Approval of an Independent Contractor Extension with The ELS Group, LCC for Professional Consultation Services of George Kozitza in the Laney College Business Office Presenter: Vice Chancellor Largent Consider approval for services with the ELS Groups LLC consultant, George Kozitza, from July 1, 2011 through December 30, 2011 not to exceed \$11,500 per month. Funding Source: General Funds. Contract services includes: Identifying practices and work tasks that can be eliminated to improve efficiency and overload issues in the newly restructured administrative structure, which consists of one less vice president, two less deans and over fifty staff vacancies within the integrated instruction and student services design academic and student affairs; Carrying out the steps necessary to allow the college to build its program development fund and endowment campaign fund; Drafting the text for the collateral materials on Laney's signature initiatives for use in fundraising campaigns; Developing special revenue generating memorandums of understanding; Rolling out the new Laney College standard operating procedures; and Other duties as assigned. All Board approved contract are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

### Background Material

## **FACILITIES**

39. Consider Ratification of Amendment to the Contract with Ascent Elevator Services for District-Wide Elevator Inspection and Maintenance Program Presenter: Vice Chancellor Ikharo Ratification is requested for an amendment to the contract with Ascent Elevator Services for the District-wide Elevator Inspection and Maintenance Program. This amendment extends services for a one-year period from April 1, 2011 through March 31, 2012, at a fee of \$51,570. Funding Source: District General Funds. On January 15, 2007, the Board of Trustees approved a contract award to Ascent Elevator Services (Ascent) for the District-wide Elevator Inspection and Maintenance Program. Ascent was selected through a competitive Request for Proposal process (RFP 06-07/24). In the RFP response, service prices were quoted for five years. Ascent has provided services according to the prices quoted in their proposal since the initial one-year contract. The last optional year under the proposal is for the period from April 1, 2011 through March 31, 2012. Ascent has been very responsive since the initiation of the contract, and the District has been satisfied with the services they have performed. Staff recommended approval of an amendment extending Ascent's contract for a final year at the cost specified in their original proposal (2.987%/year escalation), resulting in a total Elevator Inspection and Maintenance Program fee of \$51,570 for this period ending March 31, 2012. A new RFP will be conducted prior to the end of this renewal term. It was necessary to approve the amendment during the Board recess so that the elevator services could continue and the vendor could be paid. The Chancellor approved this amendment, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), and ratification by the Board of Trustees is now requested. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

### Background Material

Trustee Handy had asked this non-local company to review its discriminatory hiring policy previously. She noted that this is a highly paid profession, and asked if the elevator union has done anything to improve their local membership and diversity and hiring practices.

40. Consider Approval to Increase the Approved Lease Expenditure Amount for 2070 Allston Way, Berkeley, California Presenter: Vice Chancellor Ikharo Board approval is requested to increase the approved expenditure amount for the lease of 2070 Allston Way by \$76,739.00, to pay for the proportionate operating costs and Alameda County property tax (which is reimbursed by the County). Funding Source: Bond Measure A. At the Board meeting of December 15, 2009, the Board of Trustees approved entering into a 25-month lease of space at 2070 Allston Way, Berkeley, to be used for swing space for Berkeley City College, in the amount of \$332,760.60. Berkeley City College is leasing this property for swing space during the construction of tenant improvement projects at the main campus. The lease term commenced on December 18, 2009 and will end on January 17, 2012. According to the terms of the lease, the District is responsible for paying a proportionate share of the building operating costs. The operating costs already paid have averaged \$638.00 per month. The total for the entire lease term will be approximately \$15,312.00. The District must also pay a proportionate share of the Alameda County property taxes (which are later refunded to the District by the County). The estimate for two years is \$61,427.00. The total of these additional charges is \$76,739.00. Because the original Board approval amount of \$332,760.60 included only the actual lease cost, Board approval is requested to increase the approved lease expenditure (purchase order) amount by \$76,739.00. The property tax amount of \$61,427.00 will be reimbursed by the County, so the actual expenditure above the monthly rental will be approximately \$15,312.00. Funding is currently available in the Measure A budget for this expenditure. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Material](#)

41. Consider Ratification of Amendment No. 1 to Lease for 2070 Allston Way, Berkeley, California Presenter: Vice Chancellor Ikharo Ratification is requested for Amendment No. 1 to the lease for 2070 Allston Way in Berkeley. Amendment No. 1 extends the term of the lease for 25 months, from January 18, 2012 through January 17, 2014, in the amount of \$392,624.00. Funding Source: Bond Measure A. This space will continue to be used as swing space during the last phase of the Berkeley City College facility build-out (fifth floor). The original lease was for a 25-month term beginning December 15, 2009. The rental fees for the extension period have been reduced from the original lease costs. The amendment includes: Free rent for the first month Negotiated 5% reduction for months 2-13 from \$13,663.90 to \$12,960.75 (\$703.15/month savings) Negotiated 5% reduction for months 14-25 from \$14,066.15 to \$13,363.00 (\$703.15/month savings) A clause that allows the District to terminate the lease on or after July 18, 2013 (with a three-month advance written notice) without incurring any early termination payments In addition to the monthly lease payments totaling \$315,885.00, the District is required to pay a proportionate share of the building operating costs. Based on actual charges during the original lease period, this cost is estimated at \$638.00 per month, or \$15,312.00 for 24 months. The District is also required to pay a proportionate share of Alameda County property taxes, estimated at \$61,427.00 for the extension period. (The property taxes are refunded at the end of each fiscal year by the County, as the District is a tax-exempt public agency.) The total budget for the lease extension (actual rent plus estimated operating costs and property tax) will be \$392,624.00, although \$61,427.00 will be reimbursed by the County. The Chancellor approved this amendment during the Board recess, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), and ratification by the Board of Trustees is now requested. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

#### [Background Material](#)

42. Consider Approval of Bond Measure Budget Transfer and Appropriation Presenter: Vice Chancellor

Ikharo Approval is requested for a bond measure budget transfer and appropriation. The budget action has been approved by the Merritt College President, Vice Chancellor for General Services, Vice Chancellor for Finance & Administration, and the Chancellor. With the intent of full disclosure, it is now presented to the Board of Trustees for approval. Funding Source: Bond Measures A. On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projections and budget transfer procedures. The Measure A budget included all current and future projects totaling the \$390 million bond amount. At that time the Board also approved the process for future budget transfers from one project to another, which included District and College approvals and subsequent approval by the Board of Trustees. Since that time, project scopes have been refined, and some new projects have been created. In accordance with the Board approved Bond Measure Spending Plan, a budget transfer form has been prepared for this budget transaction. This transaction indicate the current budget, revised or new budget and the transfer amount, for both the budget that is being increased (credit) and the budget that is being decreased (debit). Following is Budget Transfer #27 (#26 will be approved at a later meeting):

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Budget Transfer Amount	27
(Measure A)	To: Merritt Utility Infrastructure	\$ 4,000,000	\$7,678,000	\$3,678,000	From: Merritt
	Renovations	\$12,429,000	\$ 9,429,000	(\$3,000,000)	Merritt Swing Space
	\$ 462,000	(\$ 238,000)			\$ 700,000
	\$ 440,000	0	(\$ 440,000)		Merritt Horticulture
				Total: (\$3,678,000)	Description: Increase Utility

Infrastructure budget to accommodate chillers for Buildings L, Q and the new Allied Sciences Building. The increase also includes some major electrical upgrades. The Swing Space and Horticulture projects were completed under the Merritt Renovations budget. The Exterior Lighting project was completed under the Merritt Utility Infrastructure budget.

[Background Material](#)

Student Trustee Copenhagen feels that the meeting was disorderly and limits public access. He praised mourned Student Wellington as a well-loved and integral part of our community. He hopes that Peralta can be a great influence in our community to prevent future acts of violence.

**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 to the Board Clerk 466-7203 repstein@peralta.edu**

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