



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, June 12, 2012

5:00 p.m. Closed Session

7:00 p.m. Public Session

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

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

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

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

### AGENDA

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

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

Topics to be discussed include:

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

Conference with Labor Negotiators (Government Code § 54957.6) Designated District Representatives: Board Officers and Counsel Williams - Unrepresented employees: Chancellor.

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

- Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.

- Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.
- Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- Conference with Legal Counsel (54956.9(a)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.
- Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (8 cases).

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

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

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

- Consider Approval of Chancellor, District Offices.

Public Employment Appointment – [Government Code § 54957(b)(1)]: Public Employee Appointment Title: Chancellor.

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

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

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

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

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

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

**APPROVAL OF THE MINUTES (7:03 P.M.)**

1. Consider Approval of the Regular Board meeting Minutes of May 8, 2012.  
Consider approval of the regular Board meeting minutes of May 8, 2012. The minutes are posted on Granicus.

**RECOGNITION OF OUTGOING STUDENT TRUSTEE (7:04 P.M.)**

Trustees will recognize outgoing Student Trustees Esteem Brumfield and Rich Copenhagen for their dedicated service to Peralta's students, the Governing Board, and community during their terms.

**SWEARING-IN CEREMONY FOR INCOMING STUDENT TRUSTEES (7:14 P.M.)**

President Gulassa will administer the oath of office to newly-elected Student Trustees Sharon Clegg (BCC) and Brian Cervantes (Laney) who will serve as Student Trustees for the 2012-2013 academic year.

**PUBLIC COMMUNICATION (7:20 P.M.)**

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

**REPORTS (7:35 P.M.)**

The Board requests that constituent group reports be brief and concise, and that only electronic copies be provided for posting.  
All open session reports and meeting materials are available for viewing on Granicus.

2. Associated Student Government Reports

Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. (Please provide your Name, College, and Position, and line-up to speak.)

3. Chancellor's Reports

Dr. Wise E. Allen (7:45 P.M.)

Vice Chancellor's Reports

Budget Update

Enrollment Update

Vice Chancellor Gerhard

Vice Chancellor Budd

Childcare Update Vice Chancellor Ng  
General Services Update Vice Chancellor Ikharo

College Reports

Merritt College Interim President Herring  
Laney College President Webb  
College of Alameda President Jackson  
Berkeley City College President Inclan

**BOARD COMMUNICATION (7:45 P.M.)**

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

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

5. Study Session on Financial Aid **Presenter Vice Chancellor Ng** (20 minutes)  
Per request of the Governing Board, there will be a special presentation on the status of Financial Aid.

6. Study Session on Proposed Board Policies **Presenter Jim Grivich** (10 minutes)  
The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption:

- BP 3410 **Nondiscrimination** (new policy)
- BP 3440 **Service Animals** (new policy)
- BP 3500 **Campus Safety** (replaces BP 2.45 Crime Awareness and Campus Security)
- BP 3515 **Reporting of Crimes** (replaces BP 2.45 Crime Awareness and Campus Security)
- BP 3530 **Weapons on Campus**(replaces BP 2.45 Crime Awareness and Campus Security)
- BP 5010 **Admissions and Enrollment** (replaces BP 4.05 Admission of Students, BP 4.10 Admissions Requirements, BP 4.12 Registration, BP 4.14 Dropping Classes and Withdrawing from College)
- BP 5015 **Residence Determination** (new policy)
- BP 5035 **Withholding of Student Records** (replaces BP 4.42 Withholding of Grades, Transcripts)
- BP 5040 **Student Records and directory Information** (replaces BP 4.25 Student Records, BP 4.26 Implementation of the Family Educational Rights and Privacy Act of 1974)

- BP 5052 **Open Enrollment** (replaces BP 5.19 Policy on Open Classes)
  - BP 5130 **Financial Aid** (replaces BP 4.35 Student Financial Aid)
  - BP 6200 **Budget Preparation** (replaces BP 6.02 Budget Preparation and Administration)
  - BP 6320 **Investments** (replaces BP 6.07 Investments)
7. Presentation on Laney Sustainability Center (20 minutes) **Presenters: Laney College Faculty and Vice Chancellor Ikharo**
  8. Annual Report from Measure A Citizens' Bond Oversight Committee (10 minutes) **Presenters: Committee Chair Nyeisha DeWitt and Vice Chancellor Ikharo**
  9. Presentation By City of Oakland and QuEST Regarding Lighting Upgrades and Integrated Classroom Lighting Controls (5 minutes) **Presenters: Representatives from the City of Oakland and QuEST**

Through participation in the Oakland Shines Lighting Upgrade and Classroom Integrated Lighting Controls (ICLC) programs, the District received labor and materials, valued at an aggregate total of \$477,583.67. Projected annual energy savings are \$44,546.56, and projected annual CO2 emissions reduction is 172,039 lbs. All installation was done at the Laney College campus. It was the only campus that was eligible for the rebates under the Oakland Shines program. For the lighting upgrade program, lights in the stairwells, exterior of buildings, and the parking lot were replaced with new lighting fixtures and energy-efficient lamps. For the ICLC program, thirty-nine classrooms were eligible and received upgraded lighting, wireless dimmable ballasts, wireless light switches, occupancy sensors, and daylight sensors. The classrooms were further divided into front and rear lighting zones, giving faculty more refined control over classroom lighting levels. The Oakland Shines programs were administered by QuEST, a Berkeley, California engineering firm, and by the Community Energy Services Corporation, also based in Berkeley, California. There was no cost to the District. The work was inspected by the program administrators, and the service providers were paid directly by the program administrators.
  10. Presentation on the Tentative Budget (20 minutes) **Presenter: Vice Chancellor Gerhard**

## **CONSENT CALENDAR (9:20 P.M.)**

All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

## **Motion on the Consent Calendar**

### **Public Comments on the Consent Calendar**

### **Vote on the Consent Calendar**

## **BOARD MATTERS**

11. Consider Approval of Resolution 11/12-46 Notice of Governing Board Member Election Specifications of the Election Order for November 6, 2012 **Presenter: Board President Gulassa**

Consider approval of Resolution 11/12-46 Notice of Governing Board Member Election Specifications of the Election Order for November 6, 2012. The Chancellor recommends approval.

12. Consider Approval of Resolution 11/12-47 Tie Vote in Governing Board Election with Run-Off Election **Presenter: Board President Gulassa**

Consider approval of Resolution 11/12-47 Tie Vote in Governing Board election with a run-off election. The Chancellor recommends approval.

13. Consider Approval of Resolution 11/12-48 Candidate's Statement of Qualifications **Presenter: Board President Gulassa**

Consider approval of Resolution 11/12-48 Candidate's Statement of Qualifications for Elections. The Chancellor recommends approval.

14. Consider Approval of a Contract Addendum for Community College Search Services **Presenter: Board President Gulassa**

Consider approval of a contract addendum for Community College Search Services not to exceed \$11,680. **Funding Source: General Funds.** The contract was approved by the Board on April 27, 2010 for \$28,000. Additional services were required to reinstate a new Chancellor search process. The total contract amount will not exceed \$39,680. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## **EDUCATIONAL AND STUDENT SERVICES**

15. Consider Approval of the Purchase of Two SimMan 3G Plus for the Peralta Nursing Program **Presenter: Vice Chancellor Budd**

Consider approval of the purchase of two SimMan 3G Plus from Laerdal, the manufacturer and sole provider of SimMan 3G, along with all peripherals not to exceed \$284,030. **Funding Source: HRSA Grant (U.S. Department of Health and Human Services: Health Resources and Services Administration.)** This is a shared, advanced simulation laboratory at Alameda County Medical Center (aka Highland Medical Center) that will also be shared by the Peralta Nursing Program Faculty and

Students and Alameda County Medical Center's medical staff, nurses, other clinical staff, medical students and other clinical students. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

16. Consider Approval of the Alameda County Behavior Health Care Services Campus Mental Health Education and Services Grant for all four Colleges and the District **Presenter: Vice Chancellor Budd**

Consider approval of the Alameda County Behavior Health Care Services Campus Mental Health Education and Services Grant for all four colleges and the district for \$330,000 for 2012-2013, with the possible addition of \$107,167 for 2013-2014 based upon accomplishments and progress. **Funding Source: Alameda County.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

17. Consider Approval of the DOR WorkAbility III Grant with Laney College and Approval of Resolution 11/12-49 **Presenter: Vice Chancellor Budd**

Consider approval of the WorkAbility III Grant with Laney College not to exceed \$654,300 and Resolution 11/12-49. The Laney College WorkAbility III Program (WAIII) will provide program administration and management, pre-employment services, career planning, employment preparation, job search instruction, employment services, and on-going support activities to students/DOR consumers for up to 90 days after job placement. **Funding Source: Department of Rehabilitation.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider Approval of the DOR Workability III Grant with College of Alameda and Approval of Resolution 11/12-49 **Presenter: Vice Chancellor Budd**

Consider approval of the DOR Workability III Grant with College of Alameda not to exceed \$1,099,581 and Resolution 11/12-49. **Funding Source: Department of Rehabilitation.** The Greater East Bay District of the Department of Rehabilitation and the College of Alameda will combine staff and resources to provide vocational rehabilitation services to students/DOR consumers who are also enrolled as students at the College of Alameda. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

19. Consider Approval to Submit an Application for the Industry Driven Regional Collaborative (IDRC) Workforce Development Grant for Berkeley City College **Presenter: Vice Chancellor Budd**

Consider approval to submit an application for the Industry Driven Regional Collaborative (IDRC) Workforce Development Grant for Berkeley City College not to exceed \$475,000 through June 30, 2014. **Funding Source: Chancellor's Office, California Community Colleges Economic and Workforce Development Program.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

20. Consider Approval of Job Development Incentive Funds for Berkeley City College  
**Presenter: Vice Chancellor Budd**

Consider approval to submit an application for the Job Development Incentive funds (JDIF) Workforce Development Grant for Berkeley City College not to exceed \$330,500 through June 30, 2014. **Funding Source: Chancellor's Office, California Community Colleges Economic and Workforce Development Program.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

21. Consider Approval of a Responsive Training Fund for Berkeley City College  
**Presenter: Vice Chancellor Budd**

Consider approval to submit an application for the Responsive Training Fund (RTF) Workforce Development Grant for Berkeley City College not to exceed \$340,000 through June 30, 2014. **Funding Source: Chancellor's Office, California Community Colleges Economic and Workforce Development Program.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Approval of an Independent Contract Agreement Extension for Jonel C. Seon  
**Presenter: Vice Chancellor Budd**

Consider approval of an independent contractor agreement extension for Jonel C. Seon not to exceed \$8,960 to provide Green Job Training Program student services, from outreach and recruitment to student support services and tracking, for Laney College's EDD funded Green Jobs Training Program. **Funding Source: Federal Workforce Investment Act (WIA) funds via the California EDD Green Jobs Grant.** The initial contract amount was \$14,000 with a prior extension of \$22,400. Increasing the contract amount by \$8,960 brings the total contract amount for the fiscal year to \$45,360. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval of an Independent Contractor Agreement Extension for Angelina Liu  
**Presenter: Vice Chancellor Budd**

Consider approval of an independent contractor agreement extension for Angelina Liu not to exceed \$15,771 for Laney College's Career Advancement Academy and Green Jobs Training Program. **Funding Source: Federal and state grant funds from the Department of Labor and the State of California.** The original contract amount for \$18,000 was increased to \$24,960. Increasing the contract amount by \$15,771 brings the total contract amount for the fiscal year to \$40,731. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider Approval of Independent Contractor Agreement Extension for Maeve Bergman  
**Presenter: Vice Chancellor Budd**

Consider approval of an independent contractor agreement extension for Maeve K. Bergman, LL.M., and M.B.A. not to exceed \$10,000 to render services for Laney

College's Green Jobs Training Program. **Funding Source: Federal grant funds from the Department of Labor and the Career Advancement Academy.** The original contract amount was \$20,790 with Board-approved increases totaling \$57,600. Increasing the contract amount by \$10,000 brings the total contract amount for the fiscal year to \$88,390. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Approval of an Independent Contractor Agreement Addendum for Pinetree Ridge **Presenter: Vice Chancellor Budd**

Consider approval of an independent contractor agreement addendum for Pinetree Ridge not to exceed \$25,000. **Funding Source: Measure E.** An additional \$25,000 to the original contract of \$190,400 brings the total contract amount to \$215,400. Pinetree Ridge provides consultant services to Peralta Community College District's PeopleSoft student advisement module project to implement the Student Academic Advisement Module in PeopleSoft 8.9. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. Consider Ratification of an Independent Contractor Agreement Addendum for Srujana Tumu **Presenter: Vice Chancellor Budd**

Consider *ratification* of an independent contractor agreement addendum for Srujana Tumu not to exceed \$15,000. **Funding Source: General Funds.** The Chancellor approved this contract under his authority over Board break, and it now returns to the Board for *ratification*. The initial contract was for \$20,000, with a contract extension and \$20,000 approved by the Board in January 2012. This additional \$15,000 request due to additional work will bring the total for fiscal 2011-12 amount to \$55,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

27. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Vice Chancellor Budd**

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations – May 2012" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

## FINANCIAL SERVICES

28. 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*.

29. 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*.

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

Consider approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval.

31. Consider Approval of the Year-end Appropriation Transfers 2011-2012  
**Presenter: Vice Chancellor Gerhard**

It is recommended that the Board of Trustees authorize the District to make appropriate transfers necessary at the close of the 2011-2012 fiscal year to permit the payment of budgeted and other obligations of the District during such fiscal year. The Chancellor recommends approval.

32. Consider Approval of the GANN Limit for 2012-2013 **Presenter: Vice Chancellor Gerhard**

Consider approval of the 2012-13 Appropriation Limit (Gann Limit). It is recommended that the Board of Trustees approve the 2012-13 Appropriation Limit (Gann Limit). Article XIII B of the State Constitution, as approved by the voters in November 1979, requires the establishment of an appropriation limit on "proceeds of taxes" revenues for public agencies including community college districts. As part of the development of the tentative budget, the attached Gann Limit worksheet is required to be completed and approved by the Board of Trustees in accordance with Government Code Section 7910. The Chancellor recommends approval.

33. Consider Presentation of the Tentative Budget 2012-2013, First Read **Presenter: Vice Chancellor Gerhard**

It is recommended that the Tentative Budget for the 2012-2013 fiscal year be submitted to the Board for acceptance. California Code Regulations Section 58305(a) requires that, on or before the first day of July, each community college district shall file a tentative budget with the County Superintendent of Schools. This item is for *informational* purposes only. The final budget 2012-2013 will proceed to the Board for adoption on or before September 11, 2012. The Chancellor recommends acceptance.

## **STUDENT SERVICES**

34. Consider Ratification of an Addendum to the Hicks Consulting Group Contract  
**Presenter: Vice Chancellor Ng**

Consider *ratification* of an addendum to the Hicks Consulting Group contract for \$10,000. **Funding Source: Measure E.** The Chancellor approved this contract under his authority during Board recess, so it returns to Board now for *ratification*. The project costs will be covered by Measure E funds which have been approved for Financial Aid Infrastructure Technology. The increase of funds is critical in order to maintain PeraltaCard Disbursement processing, creating and submitting Gainful Employment (GE) Disclosure data, Management Information Systems (MIS), National Student Loan Data System (NSLDS), Participation Agreement (PPA) and preparing for the Financial Aid audit in July, 2012. The new contract amount for Hicks Consulting Group for 2011-2012 is not to exceed \$195,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

35. Consider Approval of a Contract with Alameda Family Services at College of Alameda **Presenter: Vice Chancellor Ng**

Consider approval of a contract with Alameda family services not to exceed \$50,000 for two years. **Funding Source: General Funds-Student Health Fees.** AFS is located in Alameda to serve and understand the needs of students from College of Alameda and will be able to provide comprehensive Mental Health Services to students including crisis intervention, outreach therapy and individual counseling, and mental health education. AFS has a medical billing system designed to serve the needs of the community, particularly those of low or moderate income. The Chancellor is authorized to finalize the draft contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

36. Consider Approval of a Contract with Asian Health Services and the Peralta Colleges **Presenter: Vice Chancellor Ng**

Consider approval of a contract between the Peralta Colleges and Asian Health Services not to exceed \$500,000 per year for two years. **Funding Source: General Funds-Student Health Fees.** AHS will continue to provide Medical Services (family planning, birth control, HIV testing, flu shots, TB testing, referrals for urgent care), Mental Health Services (crisis intervention, therapy, substance abuse, depression, relationship and individual counseling), as well as Individual Health Education and Support Services. The Chancellor is authorized to finalize the draft contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

37. Consider Approval of a Contract with LifeLong Medical Care and the Peralta Colleges **Presenter: Vice Chancellor Ng**

Consider approval of a contract between PCCD and LifeLong Medical Care for \$50,000 per year for two years. **Funding Source: General Funds-Student Health Fees.** LMC is located in Berkeley to serve and understand the needs of students from Berkeley City College and will be able to provide comprehensive Mental Health Services to students including crisis intervention, outreach therapy and individual counseling, and mental health education. LMC has a medical billing system designed to serve the needs of the Berkeley community, particularly those of low or moderate income. The Chancellor is authorized to finalize the draft contracts. All Board approved contracts are subject to

final negotiation and execution by the Chancellor. The Chancellor recommends approval.

38. Consider Approval of Three Independent Contractors for Peralta TV **Presenter: Jeffrey Heyman**, Department of Public Information, Communications & Media  
Consider approval for three independent contractors to provide a variety of video and radio production services for Peralta TV/9th Floor Radio not to exceed \$90,000 from July 1, 2012 through June 30, 2013. **Funding Source: General Funds.** Coverage of college events for broadcast on Peralta TV is provided by a contractor who is not restricted to regular working hours, available nights and weekends. Additionally, radio station coordination, working with student DJ's at odd hours, is also provided by contractors, providing opportunities for students to produce radio programs. These activities continue to support the educational mission of the colleges. The amount requested represents a \$10,000 (15%) reduction over last year's budget. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## HUMAN RESOURCES

39. Consider Approval of the 2012 – 2013 Holiday Schedule for the District  
**Presenter: Vice Chancellor Largent**  
Consider approval of the 2012-2013 holiday schedule for the District. The Chancellor recommends approval.
40. Consider Approval of an Independent Contract Extension for Larry Frierson for Legal Services **Presenter: Vice Chancellor Largent**  
The District Office of Human Resources and Employee Relations requests approval to increase its current independent contractor's agreement for Larry Frierson, Attorney at Law, who provides legal advice for the District for personnel and employee relations matters under the administrative responsibility of the District's Vice Chancellor for Human Resources. The District is requesting an increase of \$100,000, or a total contract not to exceed \$240,000. **Funding Source: General Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.
41. Contract Approval of an Independent Contract Extension for Renne Sloan Holtzman & Sakai for Investigative Services **Presenter: Vice Chancellor Largent**  
The District Office of Human Resources and Employee Relations requests approval to increase its current independent contractor's agreement for Renne, Sloan, Holtzman & Sakai, LLP. This firm provides independent, neutral, and confidential investigations into complaints of harassment, discrimination, retaliation, Whistleblower and other alleged misconduct filed with the District by students, employees, and members of the public. The handling and resolution of such complaints are under the administrative responsibility of the Vice Chancellor for Human Resources and Employee Relations. The District requests an increase of \$75,000 to cover matters that will require

confidential administrative reviews and reports, or a total contract not to exceed \$150,000. **Funding Source: General Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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

Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. The Chancellor approved the first list of names under his authority during Board recess, so it now returns to the Board for *ratification*. The second list requires Board approval.

**Requires Board Ratification:**

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Chapman	Rebecca	6/1/12	6/30/12	Instructional Asst/ Machine Technology	L
Chong	Micah	6/1/12	6/30/12	Instructional Asst/Machine Technology	L
Goltz	Louis	6/1/12	6/30/12	Instructional Asst/Cosmetology	L
Hamilton	Darrian	5/23/12	6/30/12	Instructional Asst/Diesel Mechanics	A
Sunday	Roger	6/1/12	6/30/12	Instructional Asst/ Machine Technology	L
Weitkemper	Malina	6/18/12	6/30/13	Lifeguard	L

**Requires Board approval:**

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Attarian	Aram	7/1/12	12/31/12	Instructional Assistant II/DSPS	A
Drakes	Daniel	7/1/12	6/30/13	Clerical Assistant II/Typing	D
Ho	Jenny	7/1/12	6/30/13	Instructional Assistant/Biology	B

Huynh	Phuong	7/5/12	6/30/13	Child Care Specialist	D
Laiche	Nacira	7/1/12	6/30/13	Instructional Assistant/Chemistry	B
Laniohan	Aurora	7/1/12	6/30/13	Instructional Assistant IV/DSPS	A
Lewis	Azul	7/1/12	6/30/13	Instructional Assistant/Chemistry	B
Lewis	Francine	7/1/12	6/30/13	Secretary	B
Marquez	Anel	7/1/12	6/30/13	Science Lab Tech/Bio Science	B
May	Susan	7/1/12	6/30/12	Coordinator/Tech Prep Program	D
Rasner	Maria	8/20/12	6/30/13	Instructional Assistant I/DSPS	A
Roberts	Ronnie	7/1/12	6/30/13	Staff Assistant/Employee Relations	D
Spencer-Vacca	Laura	7/1/12	6/30/13	Instructional Assistant IV/DSPS	A
Tran	Ben	6/22/12	6/29/12	Instructional Assistant IV/DSPS	L
Tran	Kevin	7/1/12	8/31/12	Senior Clerical Assistant/Typing	A
VanBuhler	Belinda	7/1/12	6/30/13	Instructional Assistant III/DSPS	A
Wright	Wanda	7/1/12	6/30/13	Instructional Assistant III/DSPS	A
Yee	Christian	7/1/12	6/30/13	Instructional Assistant II/DSPS	A
Young	Yolanda	7/1/12	6/30/12	Account Clerk I	B

**FACILITIES**

43. Consider Approval of Resolution 11/12-42, Acceptance and Retention, Building Q Improvements at Merritt College, Rockaway Construction Inc. **Presenter: Vice Chancellor Ikharo**

On March 23, 2010, this Board awarded a contract to Rockaway Construction Inc. for the Building Q Improvements at Merritt College. **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 Merritt College President and Business Manager have signed the Project College Acceptance Form. Approval by the Board of Trustees is recommended. This resolution accepts the work as complete and provides for a retention payment of \$70,998.05, which is 5% of the contract price. The Board previously ratified three change orders to this contract in the cumulative amount of \$129,086.92, which is 9.9% of the original contract amount (\$1,290,874.00). All Board

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

44. Consider Approval of Resolution 11/12-43, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, PCCD Smart Classroom Systems, Bid A (College of Alameda, Berkeley City College and Laney College), Serb Systems, Inc. dba Pro Media Ultrasound **Presenter: Vice Chancellor Ikharo**

On September 28, 2010, this Board awarded a contract to Serb Systems, Inc. dba Pro Media Ultrasound for the PCCD Smart Classroom Systems, Bid A (College of Alameda, Berkeley City College and Laney College). This project included the purchase and installation of all equipment for the smart classrooms at the three colleges. (The Smart Classroom Systems for Merritt College was done by a different contractor under a separate contract.) The work at College of Alameda, Berkeley City College and Laney College has now been completed, and a Notice of Completion has been filed with the County of Alameda. This resolution accepts the work as complete and provides for a retention payment of \$294,639.30, which is 10% of the contract price as adjusted by the deductive change order. **Funding Source: Bond Measure A.**

*Ratification* is also requested for Change Order No. 1, a deduction in the amount of (\$272,157.00), which is a **reduction of 8.5%** to the original contract amount of \$3,218,550.00. Deductive Change Order No. 1 includes changes in equipment required and installation locations at the three campuses. The cumulative total of these changes resulted in a deductive amount of (\$272,157.00). This deductive change order returns \$272,157.00 to the District. It is the only change order for this project. It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and ratification of Deductive Change Order No. 1 are recommended by the Chancellor. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

45. Consider Approval of Resolution 11/12-44, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, PCCD Smart Classroom Security Implementation Project, Convergent Technologies LP **Presenter: Vice Chancellor Ikharo**

On April 26, 2011, this Board awarded a contract to Convergent Technologies LP for the PCCD Smart Classroom Security Implementation Project. This project installed battery operated door locks for all smart classrooms that could be adapted to support the new locks, in order to enhance security and prevent theft of the new AV equipment. One hundred eighteen (118) locks were installed in various smart classroom doors throughout the District's four campuses. The work has now been completed, and a Notice of Completion has been filed with the County of Alameda. This resolution accepts the work as complete and provides for a retention payment of \$28,023.20, which is 10% of the contract price as adjusted by the deductive change order. **Funding Source: Bond Measure E.** *Ratification* is also requested for Change Order No. 1, a deduction in the amount of (\$63,996.00), which is a **reduction of 18.6%** to the original contract amount of \$344,228.00. Part of the bid for this project included an allowance and two unit prices to calculate the cost of modifications for unforeseen site field

conditions and/or required changes in the field as desired by each campus. Deductive Change Order No. 1 represents the remaining balance of the allowance and returns \$63,996.00 to the District. It also extends the contract completion date to April 30, 2012. This is the only change order for this project. It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and ratification of Deductive Change Order No. 1 are recommended by the Chancellor. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

46. Consider Approval of Resolution 11/12-45, Acceptance and Retention, Ratification of Change Order No. 4, Learning Center/Library Renovation Project at Merritt College, Alten Construction, Inc. **Presenter: Vice Chancellor Ikharo**

On December 7, 2010, this Board approved awarding a contract to Alten Construction, Inc. for the Learning Center/Library Renovation project at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt College President and Business Manager have signed the Project College Acceptance Form. Project acceptance is recommended. This resolution accepts the work as complete and provides a retention payment of \$384,617, which is 10% of the contract price as modified by change orders. **Funding Source: Bond Measure A.** *Ratification* is also requested for Change Order No. 4, in the amount of \$24,664. Including the previously Board approved Change Order Nos. 1, 2 and 3, the cumulative change order total is \$349,170, which is 9.99% of the original contract amount (\$3,497,000). It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 is now brought before the Board for ratification. Change Order No. 4 was required to address non-compliant aspects of the existing building that were not included in the contract documents but are required for code compliance, safe occupancy of the building and correct functioning of the various systems. The non-compliant items included:

- Missing fire alarm monitoring modules for new flow-tamper switches and new fire smoke dampers, which were omitted from the original contract documents
- Correction of existing hidden flooring conditions that did not meet ADA accessibility codes

It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and *ratification* of Change Order No. 4 are recommended by the Chancellor. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

47. Consider Ratification of Change Order No. 4, Laney Tower Modernization Project, AJF/BHM, A Joint Venture **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 4 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, in the amount of \$54,709. Including the previously Board approved Change Orders No. 1, 2 and 3, the

cumulative change order total to date is \$301,360, which is 7.5% of the original contract amount (\$3,997,351). **Funding Source: Bond Measure A.**

Change Order No. 4, which is necessary as the result of unforeseen conditions and code compliance, includes the following scope of work:

- Furnish labor, equipment and materials to design and expand the existing basement fire sprinkler system to provide new heads, piping and supports per the requirements of the Division of the State Architect
- Furnish labor, equipment and materials to replace and upgrade the existing fire alarm system to include speaker strobes, conduits and cabling for all floors, as required by code and unforeseen field conditions
- Furnish labor equipment and materials to demolish/remove the existing lath and plaster in the 14 men's and women's bathrooms and prepare wall surfaces to receive new ceramic tile, necessary due to unforeseen field conditions

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 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*.

48. Consider Approval to Enter into an Agreement with Clark & Sullivan/Walsh Construction to Provide Design-Build Project Delivery Services and Construction for the Merritt College New Science and Allied Health Building **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Clark & Sullivan/Walsh Construction to provide design-build project delivery services and construction for the Merritt College New Science and Allied Health Building, in the estimated amount of \$42,760,000. **Funding Source: Bond Measure A.** A multiple-step RFQ (Request for Qualifications) process was followed in the selection of a design-build team for the Merritt New Science and Allied Health Building. At the meeting of January 24, 2012, the Board of Trustees approved entering into negotiations with Turner Construction Company for the project. It was further recommended and approved that if the District and Turner Construction Company were unable to arrive at a design-build agreement acceptable to both parties, the Chancellor was authorized to negotiate an agreement with the second highest scoring firm, Clark & Sullivan/Walsh Construction. After several months of extensive negotiations, the District determined that an acceptable agreement could not be reached with Turner Construction Company and concluded negotiations. As a result, on March 28, 2012, the District initiated contract negotiations with Clark & Sullivan/Walsh Construction for design-build services and construction for the Merritt College New Science and Allied Health Building. Clark & Sullivan/Walsh Construction has teamed up with NTD Architects (architect of record) and a local architectural firm, Murakami/Nelson, for this project. Clark & Sullivan/Walsh Construction will conduct a vigorous community outreach program to create opportunities for small local businesses in the Peralta District service area. In order to maximize small local business

participation, bid requests will be developed and grouped in competitive packages suitable to achieve a 30% minimum small local business participation. This project is also part of the Project Labor Agreement with the Building and Construction Trades Council of Alameda County. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

49. Consider Approval to Enter into an Agreement with YHLA Architects for Architectural/Engineering Services Required for the Fire Alarm and Fire Pump, and Construction Administration Services for the Laney College Tower Renovation Phase II Project **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with YHLA Architects for architectural and engineering design services required for the fire alarm and fire pump, and construction administration services for the Laney College Tower Renovation Phase II project, in the not-to-exceed amount of \$96,742. **Funding Source: Bond Measure A.**

Architectural services are required to comply with the fire alarm and fire pump upgrades as required by the Division of the State Architect (DSA). Additionally, architectural services are required to cover the contract administration required for the construction phase of the Laney Tower Renovation Phase II project. These services are necessary to ensure oversight of the ongoing construction and compliance with the plans and specifications developed for the project. An important part of the construction administration is the project closeout phase that involves coordination and compliance with all the requirements of DSA to meet new Title 24 regulations on fire alarms and fire pumps. YHLA Architects was selected from the previously Board approved short list of architectural firms. The firm is based in Oakland and is the architect for the Laney Tower Renovation Phase I, which will ensure continuity of the entire Tower project. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

50. Consider Approval of Amendment to Lease with Continental Can Building LLC for Interim Storage Needs for Merritt College and Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested for an amendment to the lease between the District and Continental Can Building LLC for interim storage space located at 5601 San Leandro Street in Oakland, at a total not-to-exceed cost of \$55,000. **Funding Source: Bond Measure A.** The amendment extends the lease term for a period of eleven months, from March 1, 2012 through January 31, 2013, at a cost of \$5,000 per month. The leased space will continue to be used for storage of books and other usable furniture, fixtures and equipment during the construction work of the Laney College Administrative Tower Building and the move-in phase for the Learning Center/Library Renovation project at Merritt College. The construction of the Learning Center/Library Renovation project is complete, but the library stacks and furniture remain to be delivered before the stored materials for that project can be removed. The Laney Tower project is anticipated to be complete by November 2012, and storage space will be required until the project is complete and the furniture and equipment is moved back to the Tower.

The original lease was approved at the Board meeting of February 15, 2011. The lease term began March 1, 2011 and ended February 29, 2012. The Board of Trustees approved an amount of \$54,000 for the lease cost. An additional \$8,000 deposit was required for first and last months' rent. Approval is requested to increase the purchase order by that amount, as it was not included in the original Board approval. The \$8,000 deposit will be refunded at the lease termination. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

51. Consider Approval for the Purchase of Network Equipment and Devices for Improvements to the 860 Atlantic Avenue Project from Extra Team under a Piggyback-able Contract **Presenter: Vice Chancellor Ikharo**

Approval is requested for the purchase of network equipment and devices for the Improvements to 860 Atlantic Avenue project, in the amount of \$143,684.52. **Funding Source: Bond Measure A.** The network equipment and devices will be installed by the IT Department. They are necessary to provide office and classroom access to files, printers, internet, presentations and email, and to make the phone and security systems (surveillance cameras) fully functional. Under Public Contract Code Section 20652, the Governing Board of any community college district without advertising for bids, and when that board has determined it to be in the best interests of the District, may authorize purchase of materials and equipment utilizing piggyback-able contracts. Initially, the College contacted three technology vendors who have piggyback-able contracts for the necessary equipment. Each vendor was requested to provide a quote for the required equipment and devices.

Quotes were received from the following vendors in the amounts listed:

Extra Team	\$143,684.52
Fusion Storm	\$145,512.95
NetXperts	\$153,869.94

The District Information Technology Department and the Purchasing Department reviewed the quotes. All vendors provided valid piggyback-able contract pricing. The lowest and recommended quote was received from Extra Team, in the amount of \$143,684.52. Extra Team quoted under WSCA Cisco Master Agreement AR-233. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

52. Consider Approval of Bond Measure Budget Transfer and Appropriation (No. 40) **Presenter: Vice Chancellor Ikharo**

Approval is requested for one bond measure budget transfer and appropriation (No. 40). This budget action has been approved by the Laney College President, Vice Chancellor of General Services, Vice Chancellor of 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 Measure 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. The transaction indicates 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 the summary for Measure A Budget Transfer No. 40:

Transfer Number	Project/Budget Name	Current Budget	Revised/New Budget	Transfer Amount
40 (Measure A)	<b>To:</b> Laney Sustainability Center	\$0	\$4,550,331.00	<b>\$ 4,550,331.00</b>
	<b>From:</b> Project #2318 – Building SC	\$23,000,000.00	\$18,449,669.00	<b>(\$4,550,331.00)</b>
	<b>Description:</b> Creation of a new project for design and construction of a new Laney Sustainability Center.			

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

**ACTION CALENDAR ITEMS (8:45 P.M.)**

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar.

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

53. Consider Approval of an Employment Agreement With Dr. Jose M. Ortiz, Ed.D. for the Position of Chancellor for the Peralta Community College District  
**Presenter: Board President Gulassa**

Consider approval of an employment agreement with Dr. Jose M. Ortiz, Ed.D. to serve as Chancellor for the Peralta Community College District for a three-year term commencing July 2, 2012 through June 30, 2015, subject to renewal, with a base salary in the amount of \$260,000 with benefits. **Funding Source: General Funds.** On May 8, 2012, the Board of Trustees publically announced the appointment of Dr. Jose M. Ortiz

as the new Chancellor, pending final negotiations and Board approval of the employment contract and salary at a regularly scheduled meeting. A copy of the final “Agreement for Employment of Chancellor” is posted on Granicus. The Board’s Chancellor contract negotiation team consisted of Board President Gulassa, Vice President Riley, and Trustee Withrow.

## ADJOURNMENT

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