



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, October 9, 2012

5:00 p.m. Closed Session

7:00 p.m. Public Session

**333 East 8th Street
Oakland, CA 94606**

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

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

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

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

- Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.
- Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.

- Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.
- Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.
- Conference with Legal Counsel (54956.9(a)), PCCD v. Johnson Controls, Alameda County Superior Court Case No. RG12644402.
- 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 Employee Discrimination Claims.

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

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. The Board will move to the Action Calendar items with public speakers.

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

1. Consider Approval of the Regular Board meeting Minutes of September 25, 2012.

Consider approval of the regular Board meeting minutes of September 25, 2012. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:05 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 (7:20 P.M.)

The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting.

All open session reports and meeting materials have been submitted to the Board electronically, and are available for public 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

Chancellor's Report

Dr. José M. Ortiz (7:30 P.M.)

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment Update

Interim Vice Chancellor Orkin

Student Services Update

Vice Chancellor Ng

General Services Update

Vice Chancellor Ikharo

Human Resources

Vice Chancellor Largent

College Reports

Berkeley City College	Interim President Budd
College of Alameda	President Jackson
Laney College	President Webb
Merritt College	Interim President Stanley

4. Board of Trustees' Reports (7:35 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.

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

PRESENTATIONS (7:45 P.M.)

6. Legislative Update from the McCallum Group **Presenter: Patrick McCallum** (30 minutes)

7. Update on Student Learning Outcomes (SLO) **Presenters: Vice Chancellor Orkin and Diana Bajrami** (10 minutes)

CONSENT CALENDAR (8:30 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

8. Consider Approval of the Board Meeting Calendar for 2013 **Presenter: Assistant Epstein**
Consider approval of the Board Meeting Calendar for 2013. The Chancellor recommends approval.
9. Consider Approval of Board Policy 2435 Evaluation of the Chancellor (new policy) **Presenter: Chancellor Ortiz**
Consider approval of Board Policy 2435 Evaluation of the Chancellor (new policy). The Chancellor recommends approval.
10. Consider Approval of Board Policy 2715 Code of Ethics and Standards of Practice (replaces BP 1.06 Board of Trustees Code of Ethics and Behavior) **Presenter: Chancellor Ortiz**
Consider approval of Board Policy 2715 Code of Ethics and Standards of Practice (replaces BP 1.06 Board of Trustees Code of Ethics and Behavior). The Chancellor recommends approval.
11. Consider Approval of Board Policy 2740 Board Education (replaces BP 1.22 Board Development) **Presenter: Chancellor Ortiz**
Consider approval of Board Policy 2740 Board Education (replaces BP 1.22 Board Development). The Chancellor recommends approval.
12. Consider Approval of Board Policy 2745 Board Evaluation (replaces BP 1.23 Board Self-Evaluation) **Presenter: Chancellor Ortiz**
Consider approval of Board Policy 2745 Board Evaluation (replaces BP 1.23 Board Self-Evaluation). The Chancellor recommends approval.
13. Consider Approval of Board Policy 5030 Student Fees (replaces BPs 6.41 Charge for Transcripts, 6.43 Parking and Transportation Services Fees, 6.45 Enrollment Fee, Financial Assistance, and Deferred Payment Policy; 6.46 Non-Resident Tuition Policy; 6.47 Refund Policy; 6.48 Non-Payment of Enrollment Fees, Other Fees and Obligations; 6.55 Instructional and Other Materials Fees) **Presenter: Chancellor Ortiz**
Consider approval of Board Policy 5030 Student Fees (replaces BPs 6.41 Charge for Transcripts, 6.43 Parking and Transportation Services Fees, 6.45 Enrollment Fee, Financial Assistance, and Deferred Payment Policy; 6.46 Non-Resident Tuition Policy; 6.47 Refund Policy; 6.48 Non-Payment of Enrollment Fees, Other Fees and Obligations; 6.55 Instructional and Other Materials Fees). The Chancellor recommends approval.
14. Consider Approval of Board Policy 5050 Matriculation (replaces BPs 7.01, 7.02, 7.03 Matriculation Services, 7.11, 7.12 Matriculation Procedures, 7.21 Orientation, 7.31 Assessment, 7.41 Counseling/Advising, 7.51 Follow-Up, 7.61

Research, 7.71 Faculty Training, 7.81, 7.82, 7.83 Student Responsibilities, 7.92 Educational Plan **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5050 Matriculation (replaces BPs 7.01, 7.02, 7.03 Matriculation Services, 7.11, 7.12 Matriculation Procedures, 7.21 Orientation, 7.31 Assessment, 7.41 Counseling/Advising, 7.51 Follow-Up, 7.61 Research, 7.71 Faculty Training, 7.81, 7.82, 7.83 Student Responsibilities, 7.92 Educational Plan). The Chancellor recommends approval.

15. Consider Approval of Board Policy 5110 Counseling (replaces BPs 4.30 Counseling and Guidance, 4.31 Counseling Services, and 7.41 Counseling/Advising) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5110 Counseling (replaces BPs 4.30 Counseling and Guidance, 4.31 Counseling Services, and 7.41 Counseling/Advising). The Chancellor recommends approval.

16. Consider Approval of Board Policy 5120 Transfer Center (new policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5120 Transfer Center (new policy). The Chancellor recommends approval.

17. Consider Approval of Board Policy 7110 Delegation of Authority (new policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7110 Delegation of Authority (new policy). The Chancellor recommends approval.

18. Consider Approval of Board Policy 7120 Recruitment and Hiring (replaces BP 3.18 Employment of Certificated and Classified Personnel) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7120 Recruitment and Hiring (replaces BP 3.18 Employment of Certificated and Classified Personnel). The Chancellor recommends approval.

19. Consider Approval of Board Policy 7210 Academic Employees (replaces BP 3.18 Employment of Certificated and Classified Personnel) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7210 Academic Employees (replaces BP 3.18 Employment of Certificated and Classified Personnel). The Chancellor recommends approval.

20. Consider Approval of Board Policy 7230 Classified Employees (replaces BPs 3.32 Definition of Classified Personnel, 3.34 Employment of Temporary Classified Staff, 3.35 Out-of-Class (Acting) Assignments and Compensation) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7230 Classified Employees (replaces BPs 3.32 Definition of Classified Personnel, 3.34 Employment of Temporary Classified Staff, 3.35

Out-of-Class (Acting) Assignments and Compensation. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

21. Consider Approval of Resolutions 12/13-11 and 12/13-12 to Designate Signature Authority to Chancellor Ortiz for the Department of Rehabilitation Workability III Program Contracts at College of Alameda and Laney College **Presenter: Vice Chancellor Orkin**

Consider approval of Resolutions 12/13-11 and 12/13-12 to designate Chancellor Ortiz or his designee the authority to approve, sign, and execute the Department of Rehabilitation contracts for College of Alameda and Laney College Workability III grants. The Chancellor recommends approval.

22. Consider Approval of an Agreement with Lawrence Berkeley National Laboratory for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) **Presenter: Vice Chancellor Orkin**

Consider approval of an agreement with Lawrence Berkeley National Laboratory not to exceed \$25,000 through June 30, 2012 to carry out activities in fulfillment of project objectives for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). **Funding Source: National Science Foundation Advanced Technology Education (ATE) Grant.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval of an Agreement with Georgia Piedmont Technical College for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) **Presenter: Vice Chancellor Orkin**

Consider approval of an agreement with Georgia Piedmont Technical College not to exceed \$76,309 through June 30, 2012 to carry out activities in fulfillment of project objectives for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). **Funding Source: National Science Foundation Advanced Technology Education (ATE) Grant.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider Approval of an Agreement with the Milwaukee Area Technical College for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) **Presenter: Vice Chancellor Orkin**

Consider approval of an agreement with the Milwaukee Area Technical College not to exceed \$71,292 through June 30, 2012 to carry out activities in fulfillment of project objectives for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). **Funding Source: National Science Foundation Advanced Technology Education (ATE) Grant.** All Board approved

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

FINANCIAL SERVICES

25. 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*.

26. 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*.

27. 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.

28. Consider Approval of the Annual CCFS 311A. **Presenter: Vice Chancellor Gerhard**

Consider approval of the Annual CCFS-311A: Community College Annual Financial (Fiscal Year 2011-12 and Budget (Fiscal Year 2012-13) Report, in accordance with the California Code of Regulations Section 58300. This report is due to the State Chancellor's Office on or before October 15, 2012. The Chancellor recommends approval.

HUMAN RESOURCES

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

Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates

recommended for short-term assignments in non-academic classified positions. Each candidate’s assignment will not exceed the position title into which the candidate is assigned. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Evans	Kevin	10/10/12	5/24/13	Instructional Assistant/P.E.	L
Harper	Joolia	10/10/12	12/14/12	Instructional Assistant/Multimedia	B
Livsey	Andrew	10/10/12	12/20/12	Instructional Assistant IV/DSPS	L
Luckett	Aaron	10/10/12	12/14/12	Instructional Assistant/English	B
Manierre	Lauren	10/10/12	1/11/13	Instructional Assistant III/DSPS	L
Pursley	George	10/10/12	12/14/12	Instructional Assistant/English	B
Singer	Judith	10/10/12	5/30/13	Senior Library Technician	M

FACILITIES

- 30. Consider Approval of Resolution 12/13-13, Acceptance and Retention, Building “E” Stair Repair for Laney College, Rodan Builders, Inc. **Presenter: Vice Chancellor Ikharo**

On June 26, 2012, this Board awarded a contract to Rodan Builders, Inc. for the Building “E” Stair Repair for Laney College project. **Funding Source: Bond Measure A.** The scope of work included the repair of external concrete stairs at Laney College located at Buildings “E” and “G” and repair of an external concrete beam located at the Laney College Student Center. The work has now been completed, and a Notice of Completion has been filed with the County of Alameda. Approval by the Board of Trustees is recommended. This resolution accepts the work as complete and provides for a retention payment of \$4,480, which is 10% of the contract price. There have been no change orders to the original contract amount (\$44,800). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

- 31. Consider Approval of Resolution 12/13-14, Acceptance and Retention, Photovoltaic System Installation Project at Merritt College, Chevron Energy Solutions Company **Presenter: Vice Chancellor Ikharo**

The District engaged Chevron Energy Solutions Company as a design-build contractor for the Photovoltaic System Installation Project at Merritt College. **Funding Source: Bond Measure A.** The project included installation of a ground mounted photovoltaic array located on the hillside by the athletic field at Merritt College and a parking shade

system structure at a subsection of Merritt College Parking Lot C. The total size of the photovoltaic system is 1.2 MW and will provide approximately 45% of the total energy usage for the college from clean, renewable onsite energy generation. This project was undertaken in keeping with the District's comprehensive and aggressive sustainability policy and as championed by the Sustainable Peralta Initiative. Photovoltaic systems produce the most electricity during peak hours of the day when electric rates are highest. By installing a photovoltaic system on the Merritt campus, the District will reduce its energy bills by displacing power purchased at peak rates. The primary benefits of the Merritt College solar photovoltaic system are cost savings in electricity and CO₂ avoidance. On average, the photovoltaic system saves the District \$21,718 each month. The District's savings will increase with each electricity rate increase. The savings are combined with a monthly average CO₂ reduction of 168,011 lbs. Installing the solar photovoltaic system also created jobs in the six cities that the District serves. Additional benefits include community goodwill (essential for bond funding) and improved energy conservation awareness for students, faculty and staff, which should lead to some degree of behavior modification as it relates to energy use. The photovoltaic array project went through the shared governance process in 2009.

The Photovoltaic System Installation Project is 100% complete, and a Notice of Completion has been filed with the County of Alameda. Approval by the Board of Trustees is recommended. This resolution accepts the work as complete and provides for a retention payment of \$293,648.90 to Chevron Energy Solutions Company. There have been no change orders on this project. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

32. Consider Approval of an Amendment to the Independent Contractor Agreement with Sam Clar Office Furniture for Rental of Furniture for Counseling Portable Buildings (Interim Swing Space) at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested for an amendment to the independent contractor agreement with Sam Clar Office Furniture, in the not-to-exceed amount of \$37,335.00, which extends the time period for rental of furniture for the counseling portable buildings (interim swing space) at Laney College. The furniture rental is required until completion of the major remodel of the Tower Building at Laney College. **Source of Funds: Bond Measure A.** The cost is \$3,111.25 per month, with the total furniture rental amount not to exceed \$37,335.00 for fiscal year 2012-2013. The college has already relocated its staff from the Administrative Tower building to the portable buildings to accommodate the construction project, and the continued furniture rental is necessary to provide a habitable working space environment for the temporarily relocated college staff. In March of 2011, the District approved the original independent contractor agreement in the not-to-exceed amount of \$47,061.75 for the 2011-2012 fiscal year. This amendment to the independent contractor agreement in the amount of \$37,335.00 brings the total contract amount to \$84,396.75. All Board approved contracts are

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

ACTION CALENDAR ITEMS (9:05 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. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

Motion on each Action Calendar Item

Public Comments on each Action Calendar Item

Vote on each Action Calendar Item

ANNOUNCEMENTS

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 8th Street, Oakland, CA, (510) 466-7203, repstein@peralta.edu at least 48 hours prior to the meeting.