



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, September 25, 2012

5:00 p.m. Closed Session
6 p.m. Public Reception
7:00 p.m. Public Session

Himalayan Flavors Restaurant
1585 University Ave.
Berkeley, CA 94703

THERE WILL BE A PUBLIC RECEPTION AT 6 P.M. PRIOR TO THE MEETING TO WELCOME BERKELEY SCHOOL BOARD MEMBERS, CITY COUNCIL MEMBERS, AND CITY RESIDENTS.

**This meeting will not be televised or recorded on Granicus.
(Wifi Password: Himal123)**

Welcome to a meeting of the Peralta Community College District Board of Trustees. Listed agenda times are estimates. Agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus: <http://web.peralta.edu/trustees/meetings-votelog/>

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

MINUTES

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)) (7 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.)

There was no action taken in closed session.

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.

MOTION Trustee Riley, second Trustee Withrow to approve the agenda.
PASSED unanimously

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

1. Consider Approval of the Regular Board meeting Minutes of September 11, 2012.

Consider approval of the regular Board meeting minutes of September 11, 2012. The minutes are posted on Granicus.

MOTION Trustee Riley, second Trustee Guillén to approve the minutes.
PASSED unanimously

2. Welcoming Remarks from the Berkeley Unified School District Representative and Presentation of Proclamation

Mayor Tom Bates, and Berkeley Public School Representative Mr. Burr Guthrie, welcomed the group to Berkeley, and received a proclamation from the District.

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.)

Speaker Blake read comments from David Reed about classified staff and resource allocation.

Speaker Alvarez talked about Higher One fees. She shared that as long as students use a Higher One ATM machine then there are no fees. She listed some added fees that are involved from her research. She feels it's unfair for students to have to pay the

fees if they need the entire check in order to live. Trustee Handy asked that the fees be reviewed and shared with the trustees. Trustee Guillén shared that the Board will establish new banking relationships, and he hopes that those partners can provide cost-saving services to our students.

REPORTS (7:20 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 have been submitted to the Board electronically, and are available for public viewing on Granicus.

3. 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.)

Speaker Dadush, ASBCC, shared they have elected their council members who will revise their constitution and by-laws that will be on their upcoming ballot. They have a lot of international students who have unique issues, and students are helping each other. They are starting an international club on campus. They are having club rush on campus. Speaker Campos announced a constitution day event, and their bone marrow drive. Speaker Alvarez announced ASLC constitution day, and Latino heritage month events. Cynthia McKenney will participate in a Black Student Union (BSU) event.

4. Chancellor's Reports

Chancellor's Report

Dr. José M. Ortiz (7:45 P.M.)

The Chancellor gave an update on some recent events and Board items.

On tonight's agenda, the Board is asked to consider:

- A Grant with the National Science Foundation for \$3.5M for four years with Laney College serving as the NSF Advanced technology education center, with a Building Efficiency for a Sustainable Tomorrow (BEST) center. Lawrence Berkeley Labs is serving as a highly committed co-principal investor.

The Chancellor announced that a future Grant will proceed to the Board:

- Department of Labor TAA Grant with \$15 million going to the East Bay consortium with Contra Costa Colleges, Chabot, Ohlone and Solano CCDs. Laney and College of Alameda will each receive approximately \$600,000, and BCC and Merritt \$300,000 to accomplish their goals. TAA stands for Trade Adjustment Assistance Community College and Career Training.

The Chancellor has participated in many recent activities, including:

- BCC's roundtable meeting with many faculty and staff;

- Green Job's Corridor principle's meeting at Berkeley public library, which is a higher education consortium, that includes Cal State East Bay and U.C. Berkeley;
- Chamber of Commerce event, sponsored by the Peralta Colleges' Foundation.

Vice Chancellor's Reports

Budget Update	Vice Chancellor Gerhard
Enrollment Update	Interim Vice Chancellor Orkin (<i>5 minutes</i>)

VC Orkin gave an enrollment update. He shared that we're on track to meet our targets. It's a fine balancing act, where we don't want to go over, but we also don't want to go under. Trustee Gulassa asked about the fall actual numbers and the college allocation percentage, which shows how close the colleges are coming to their targets.

Trustee Gulassa mentioned that there was a suggestion to hear from the college Presidents at future meetings, perhaps rotating between the College Presidents and the Vice Chancellor's reports. Trustee Withrow asked that all reports also be provided electronically. Trustee Handy shared that one original suggestion was to have campus showcase reports, but that they were very lengthy.

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

BOARD COMMUNICATION (8:00 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.

Student Trustee Cervantes shared that he has attended the college Associated Student meetings. He invited people to attend the ASBCC meetings, where each senator addresses the section for which they are responsible. He attended the District Education committee meeting, which has two students per campus on the student task force. He also attended recent DAS and PFT meetings.

Trustee Handy just returned from the Congressional Black Caucus (CBC) where our students had incredible opportunities to meet elected officials, and the students will give a future Board presentation. She thanked everyone who contributed to send eight students there.

5. PUBLIC HEARING and ACTION ITEM: Sunshine of a Proposed Contract Revision for the Inclusion of Short-term Employees to the Memorandum of Understanding by the International Union of Operating Engineers Local 39 to the Peralta Community Colleges District Presenter: Vice Chancellor Largent

Pursuant to Government Code 3547(a) the public shall have an opportunity to comment upon the International Union of Operating Engineers (IUOE) Local 39 initial proposal for negotiations regarding short-term hourly employees. Pursuant to the Educational Employment Relations Act, Section 3575, the International Union of Operating Engineers (IUOE) Local 39 gives public notice of its proposed contract revision and initial proposal for negotiations regarding the inclusion of short-term employees in the Memorandum of Understanding (MOU) between the District and the Union. Additionally, the Union has sunshined its initial proposal to negotiate the following Articles of the collective bargaining agreement as it specifically relates to short-term (hourly) employees: 1) Article 26, Pay, and Allowances. The Union will propose fair and equitable wage increases for all short-term employees; and 2) Article 24, Health, and Welfare Benefits. The Union will propose fair and equitable benefits for all short-term employees. All Board recommended contracts are subject to negotiation and execution by the Chancellor.

There were no public speakers.

MOTION Trustee Riley, second Trustee González Yuen
PASSED unanimously

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

7. 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 2435 **Evaluation of the Chancellor** (new policy)
- BP 2715 **Code of Ethics and Standards of Practice** (replaces BP 1.06 Board of Trustees Code of Ethics and Behavior)
- BP 2740 **Board Education** (replaces BP 1.22 Board Development)
- BP 2745 **Board Evaluation** (replaces BP 1.23 Board Self-Evaluation)

- BP 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)
- BP 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)
- BP 5110 **Counseling** (replaces BPs 4.30 Counseling and Guidance, 4.31 Counseling Services, and 7.41 Counseling/Advising)
- BP 5120 **Transfer Center** (new policy)
- BP 7110 **Delegation of Authority** (new policy)
- BP 7120 **Recruitment and Hiring** (replaces BP 3.18 Employment of Certificated and Classified Personnel)
- BP 7210 **Academic Employees** (replaces BP 3.18 Employment of Certificated and Classified Personnel)
- BP 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)

Jim Grivich shared that student fees and student deferral policies did not use the league template. He provided some background into the draft policies. The student deferral fee should be consistent with a policy for collecting fees. The matriculation policy, soon to be a Student Success program, has a big change due to the Financial aid system, with changes to BOGG waivers, which will impact our student's matriculation process. The intent is to help students to succeed.

Trustee González Yuen asked about the code of ethics policy. He's concerned about the language stating that the board shouldn't use their positions for personal prestige. He feels this is vague, immeasurable, and goes beyond the legal requirement. He asked to see the old and new policies side-by-side.

In the counseling policy, he supports each student to receiving counseling, but knows we don't have the resources to do so. Mr. Grivich shared the goal may not be for individual counseling, but just to "advise", and group sessions can be provided. Trustee González Yuen suggested that counselors be consulted to see what would work or not from their perspective.

In the delegation of HR authority to the Chancellor, he feels that the Board wants a more active hand than ratification concerning collective bargaining matters and College President hires.

Trustee Withrow is uncomfortable on having HR items subject to ratification by the Board, and he'd suggest the Board only approve items truly under the Board domain.

Any other Trustee suggestions should be forwarded to the Chancellor.

CONSENT CALENDAR (8:00 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

MOTION Trustee Riley, second Trustee González Yuen to approve the Consent Calendar, including agenda Items 9 - 22.

PASSED unanimously

BOARD MATTERS

8. Consider Board Meeting Calendar for 2013 **Presenter: Assistant Roxanne Epstein**

Consider Board Meeting Calendar for 2013. (This item will return to the next Board meeting for action.)

EDUCATIONAL AND STUDENT SERVICES

9. Consider Approval of a Contract from the Corporation for Manufacturing Excellence (MANEX) for Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a contract not to exceed \$121,106 through August 31, 2014 from the Corporation for Manufacturing Excellence (MANEX) for Laney College to provide curriculum development, delivery of instruction, and related project management services for a pilot program to train building operators in commercial building "retuning" to improve building energy efficiency. **Funding Source: No Fiscal impact.** All funding for Laney College is provided by the MANEX contract. The intent to apply for this grant was approved by the Board on September 13, 2011 with National Science Foundation funding. This contract from the Corporation for Manufacturing Excellence in San Ramon, California, the manufacturing outreach center for Northern California, will fund Laney College's Environmental Control Technology Department to develop and deliver contract training for building operators and technicians within the Bay Area to perform

building retuning activities to improve energy efficiency at manufacturing sites and improve the competitiveness of Bay Area manufacturers in the global economy. This contract education initiative is funded by MANEX through an award from the National Institute of Standards and Technologies (NIST) and the US Department of Commerce (DOC). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

10. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Interim Vice Chancellor Orkin**

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 – September 2012" contains course and program actions as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

11. Consider Approval of a Grant Award from the National Science Foundation **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a new funded grant award from the National Science Foundation. The amount awarded is \$3.5 million for four years. The funding period is from September 15, 2012 through August 31, 2016. **Funding Source: National Science Foundation.** Laney College will serve as a National Science Foundation Advanced Technology Education (ATE) Center. The mission of the proposed Building Efficiency for a Sustainable Tomorrow (BEST) Center 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. The center will position Laney College as a national leader for the education training of high performance building technicians. As part of the grant, there will be significant funding for Laney to document and fine-tune its Environmental Control Technology (ECT) curriculum and instructional lab setup to serve as the national model that will be widely disseminated. In addition, Laney's visibility nationally will be increased by hosting annual summer and winter institutes for instructors across the United States. Lawrence Berkeley Laboratories is serving as a highly committed Co-Principal Investigator (Co-PI) to this grant. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

12. Consider Approval of a One Year Contract between PCCD and LifeLong Medical Care **Presenter: Vice Chancellor Ng**

Consider approval of a contract between PCCD and LifeLong Medical Care for \$50,000 per year for one year. **Funding Source: Student Health Fee Monies.** The mental health clinician shall perform student services, staff/faculty services, and health records and reporting, as listed under scope of services. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

FINANCIAL SERVICES

13. 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*.

14. 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*.

15. 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.

HUMAN RESOURCES

16. Consider Board Authorization to Change the District Holiday Schedule for Observance of Malcolm X Birthday **Presenter: Vice Chancellor Largent**

District administration requests Board authorization to change the District's holiday schedule for observance of Malcolm X Birthday from Monday, May 20, 2013 to Friday, May 17, 2013. The week of final examinations for the spring 2013 term begins on Saturday, May 18, 2013, and runs through Friday, May 24, 2013. The previously determined date to observe the Malcolm X Day is May 20, 2013, which is in accordance with the terms of the Bargaining Agreements between the District and the classified unions SEIU Local 1021 and IUOE Local 39. However, this date presents a conflict with the approved Academic Calendar, the scheduling of final exams, and the need to have classified staff present during this critical week. SEIU 1021 and IUOE Local 39 are in agreement to change the Malcolm X Birthday holiday from Monday, May 20, 2013, to Friday, May 17, 2013. The Chancellor recommends approval.

17. 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
Carpenter	Helane	10/1/12	6/30/13	Staff Assistant/Employee Relations	D
Chan	Cynthia	9/26/12	12/21/12	Instructional Assistant I/DSPS	L
Crawford	Shawna	9/26/12	12/21/12	Instructional Assistant III/DSPS	L
Danton	Rebecca	9/26/12	6/30/13	Interpreter, Fully Certified	All
Ferreira	Richard	9/27/12	1/31/13	Financial Aid & Placement Asst.	L
Higginbotham	Erin	9/26/12	12/21/12	Instructional Assistant/Psychology	L
Miraflor	Mark	9/26/12	6/30/13	Instructional Assistant/Wood Technology	L
Thomas	Susan	9/26/12	6/30/13	Interpreter III	All

FACILITIES

18. Consider Approval of Resolution 12/13-9, Acceptance and Retention, District Administration Center HVAC Project, Chevron Energy Solutions Company
Presenter: Vice Chancellor Ikharo

On December 9, 2009, Peralta entered into a design-build contract with Chevron Energy Solutions Company for replacement of HVAC (heating, ventilation and air conditioning) units at the District Administration Center. **Funding Source: Bond Measure A.** Although the project was originally scheduled to be completed by September 30, 2010, several design, installation and mechanical problems were discovered with the system, including the malfunction of the building's main gas regulator, resulting in a failure to balance the air flow of the HVAC units. Replacement of the gas regulator, repositioning of various thermostats, installation of office door registers, replacement of air diffusers, and all punch list items associated with the work have now been completed. A Notice of Completion has been filed with Alameda County. The Board of Trustees previously approved Change Order No. 1 to the contract in the amount of \$98,282, which is 9.9% of the original contract amount (\$990,003). This resolution accepts the work as complete and provides for a retention payment of \$108,828, which is 10% of the contract price. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

19. Consider *Ratification* of Change Order No. 5 to the Design-Build Agreement with Gilbane Building Company for the Laney Athletic Complex **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 5 to the design-build agreement with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$18,078. **Funding Source: Bond Measure A.**

The Board of Trustees originally approved a negotiated design-build contract with Gilbane Building Company at the Board meeting of November 18, 2008, following a competitive Request for Proposal process. At previous meetings, the Board of Trustees approved Change Order Nos. 1, 2, 3 and 4 to the design-build agreement.

Change Order Nos. 1 and 2 established a lump sum contract price of \$17,540,000, based on owner requested additional scope changes beyond the original design-bid services agreement amount of \$12,000,000. Change Order No. 1 included the addition of 3,000 sq. ft. and other changes to the Field House, and added a photovoltaic collection system (funded from the District-wide solar budget). Including these changes, the estimated design-build cost was \$17,650,000. Change Order No. 2 formally accepted the lump sum design-build project cost of \$17,540,000. This was a reduction of \$110,000 from the Change Order No. 1 estimate and was based on the actual bids Gilbane received for the three project phases. Change Order No. 3 was approved by the Board of Trustees at the meeting of July 19, 2011, in the amount of \$263,367. This change order included owner requested additional scope changes, including a turnkey audiovisual package and other minor changes. The District had planned to undertake audiovisual deployment as a separate bid, but due to delays in the main project (field house), this turnkey project was incorporated as part of Gilbane's contract in an effort to save time. Change Order No. 4, in the amount of \$165,000, was the result of unforeseen conditions and college/owner requested scope of work items.

Board *ratification* of Change Order No. 5 is now requested. The Laney College Athletic Complex project is substantially complete. Change Order No. 5 will reimburse Gilbane Building Company for fees paid to PG&E for a new service connection. The fees were paid by Gilbane in order to maintain the project schedule. The cumulative total of Change Order Nos. 3, 4 and 5 is \$446,445, which is 2.5% of the final lump sum price established by Change Order No. 2. In accordance with Board Policy 6.83, approval was requested from the Chancellor for this change order item, and Change Order No. 5 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*.

20. Consider *Ratification* of Deductive Change Order No. 7, Laney Tower Modernization Project, AJF/BHM, A Joint Venture **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 7 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, a deduction in the amount of (\$36,501). Including the previously Board approved change orders, the cumulative total to date is \$333,567, which is 8.3% of the original contract amount of \$3,997,351. **Funding Source: Bond Measure A.**

Change Order No. 7 items are primarily due to the following reasons:

- Division of the State Architect (DSA) requested changes requiring additional supports to fire sprinkler risers
- The result of architect/engineer omissions requiring the installation of additional speaker/strobe fire alarm components
- Owner requested changes for:
 - The removal of existing murals to prepare walls for painting
 - Deletion of shades and blinds from the scope of work
- Unforeseen conditions requiring repairs to transoms at existing toilet doors and patching of existing drinking fountain openings to accommodate new drinking fountains

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and deductive Change Order No. 7 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*.

21. Consider Approval to Assign Architectural Agreement with VBN to STV
Presenter: Vice Chancellor Ikharo

VBN has one current agreement with the District to provide architectural services to produce a facilities master plan for Laney College. The firm STV recently acquired VBN, and Board approval is requested to assign the agreement for the Laney College Facilities Master Plan from VBN to STV. **Funding Source: This approval is an assignment of the agreement only. The terms of the agreement will not change, and there will be no additional expenditures involved.** The original agreement with VBN for the Laney Facilities Master Plan was approved at by the Board of Trustees at the meeting of May 10, 2011, and is in the amount of \$499,175. VBN was originally selected through a competitive RFP process.

STV recently purchased the firm of VBN from the owner. STV is currently celebrating its 100th anniversary and is a leading, award-winning professional firm offering engineering, architectural, planning, environmental and construction management services. STV's corporate headquarters are located in New York, NY and Douglasville, PA, with branch offices throughout the United States, including the local office in Oakland. The firm has consistently ranked among the country's top 25 firms offering professional services in education, corrections, highways, bridges, rail and mass transit. Throughout the United States and in Canada, STV provides planning, environmental, design, program and construction management, and specialty services for the transportation, design-build, institutional and commercial building, advanced technology,

industrial and defense markets. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Approval to Extend Lease with Mobile Modular for Portable Buildings for Interim Housing Needs at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested to extend the Board approved lease with Mobile Modular for four portable buildings at Laney College for an additional thirteen-month term (from August 26, 2012 through August 25, 2013) at a rate of \$3,465 per month, for a total of \$45,045. The portable buildings are required as interim housing during the modernization of the Administrative Tower Building at Laney College. The Tower Modernization project has been delayed due to electrical issues. All Board recommended contracts are subject to 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

23. Consider Approval to Establish a Pool of Small Local Community Banks and Institutions **Presenter: Vice Chancellor Gerhard**

Consider approval to establish a pool of small local community banks and institutions consisting of three small local community banks and institutions for the District to utilize. These new accounts will be used to assist the District in managing and consolidating its treasury and cash management functions as well as engaging and partnering with local community members. Funding Source: not applicable. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

MOTION Trustee Withrow, second Trustee González Yuen

Trustee Guillén thanked the administration for their due diligence to bring this matter forward to the Board. He feels it appropriately embodies the spirit of the Board to move our assets into small and local businesses with the selection of these 3 firms. He shared that the Cities of Oakland and Berkeley, U.C. Berkeley ASUC, and A.C. Transit have all taken similar action, patterned after this initiative started here at Peralta.

Trustee Gulassa is proud of this Board's accomplishments. He's proud of Trustees Guillén and Gonzalez Yuen for their initiative on a number of proposals, such as this one and the EasyPass program, with over 4.4 M rides taken. The student health clinics were also initially proposed by Board members.

PASSED unanimously

24. Consider Ratification of Agreements for District-Wide Security Services with Securitas Security Services USA, Inc. and American Guard Services **Presenter: Vice Chancellor Ikharo**

Ratification is requested for the District to enter into the following two agreements for District-wide security services:

- Agreement with Securitas Security Services USA, Inc. (Securitas) for Berkeley City College in a not-to-exceed amount of \$135,838.00 for the period from November 1, 2012 to June 30, 2013
- Agreement with American Guard Services for College of Alameda, Laney College, Merritt College and the District Administrative Center in a not-to-exceed amount of \$203,451.00 for the period from November 1, 2012 to June 30, 2013

Source of Funds: District General Funds. A formal request for proposals (RFP No. 11-12/16) for District-Wide Security Services was issued, and proposals were due June 20, 2012. Proposals were received from six vendors. Interviews were conducted between July 11 and July 17, 2012, by a committee of five representatives from the District Administrative Center (DAC) and other colleges, with the following results:

SUMMARY OF EVALUATORS SCORES
District-Wide Security Services

INTERVIEWS
Interviews Conducted on July 11 - July 17, 2012

	Evaluators					Total	Average
	SS	JP	AT	MM	CN		
American Security Management	55	50	51	60	51	267	53.40
Guard Enforcement	45	65	62	68	55	295	59.00
ABC Security Services, Inc.	90	90	90	77	74	421	84.20
ANI Security	85	90	90	87	86	438	87.60
American Guard Services	95	95	95	80	75	440	88.00
Securitas	95	93	95	81	81	445	89.00

The highest scores were received by Securitas Security Services USA, Inc. (Securitas) and American Guard Services. Securitas has performed security services at Berkeley City College since 2007. In November 2009, Securitas began providing security services on weekends and holidays at College of Alameda, Laney College, Merritt

College and the District Administrative Center. In an effort to safeguard life and property, the administration is augmenting Peralta's police services with trained security guards to minimize the cost of security.

A performance evaluation was done by staff regarding the contract for Securitas District-wide. The outcome is as follows:

The performance of Securitas at Berkeley City College has been outstanding. Securitas staff assigned to work at Berkeley City College also did very well in the evaluation. Based on the interview results and performance evaluation, it is recommended that the District enter into an agreement with Securitas for security services at Berkeley City College.

However, Securitas' performance at the other colleges was rated as deficient and less than ideal. As a result, the administration is recommending American Guard Services to provide security on weekends and holidays for College of Alameda, Laney College, Merritt College and the DAC.

The estimated costs for Securitas and American Guard Services are broken down as follows:

AMERICAN GUARD SERVICES (AGS)

BREAKDOWN FOR LANEY, MERRITT, COLLEGE OF ALAMEDA & DISTRICT ADMINISTRATIVE CENTER

	2013	2014	2015
	November 1, 2012 to June 30, 2013	July 1, 2013 to June 30, 2014	July 1, 2014 to June 30, 2015
Standard Coverage (PER MONTH)			
Security Officer	\$ 4,915.20	\$ 4,915.20	\$ 5,063.68
Security Officer (Annex)	\$ 5,529.60	\$ 5,529.60	\$ 5,696.64
Site Supervisor	\$ 7,522.44	\$ 7,522.44	\$ 7,747.52
Subtotal - Standard Coverage (MONTHLY)	\$ 17,967.24	\$ 17,967.24	\$ 18,507.84
Holiday Coverage (PER YEAR)			
Security Officer	\$ 3,686.40	\$ 3,686.40	\$ 3,796.48
Security Supervisor	\$ 4,096.00	\$ 4,096.00	\$ 4,226.56
Subtotal - Holiday Coverage (YEARLY)	\$ 7,782.40	\$ 7,782.40	\$ 8,023.04
AGS - Yearly Cost for Standard Coverage	\$ 143,737.92	\$ 215,606.88	\$ 222,094.08
AGS - Yearly Cost for Holiday Coverage	\$ 7,782.40	\$ 7,782.40	\$ 8,023.04
AGS - Yearly Cost for Graveyard (Laney Only)	\$ 51,930.00	\$ 77,894.00	\$ 77,894.00
AGS TOTAL	\$ 203,450.32	\$ 301,283.28	\$ 308,011.12

SECURITAS SECURITY SERVICES, INC (SSI)

BREAKDOWN FOR BERKELEY CITY COLLEGE ONLY

	2013	2014	2015
	November 1, 2012 to June 30, 2013	July 1, 2013 to June 30, 2014	July 1, 2014 to June 30, 2015
Standard Coverage (PER MONTH)			
Security Officer	\$ 9,525.00	\$ 9,811.20	\$ 10,103.20
Security Officer (Annex)	\$ 4,175.50	\$ 4,301.00	\$ 4,429.00
Site Supervisor	\$ 3,134.50	\$ 3,229.00	\$ 3,326.50
Subtotal - Standard Coverage (MONTHLY)	\$ 16,835.00	\$ 17,341.20	\$ 17,858.70
Holiday Coverage (PER YEAR)			
Security Officer	\$ 922.60	\$ 958.00	\$ 986.00
Security Supervisor	\$ 235.00	\$ 242.00	\$ 249.50
Subtotal - Holiday Coverage (YEARLY)	\$ 1,157.60	\$ 1,200.00	\$ 1,235.50
SSI - Yearly Cost for Standard Coverage	\$ 134,680.00	\$ 208,094.40	\$ 214,304.40
SSI - Yearly Cost for Holiday Coverage	\$ 1,157.60	\$ 1,200.00	\$ 1,235.50
SSI TOTAL	\$ 135,837.60	\$ 209,294.40	\$ 215,539.90

TOTAL ESTIMATED COSTS FOR SECURITY GUARD SERVICES, DISTRICT-WIDE

	2013	2014	2015
	November 1, 2012 to June 30, 2013	July 1, 2013 to June 30, 2014	July 1, 2014 to June 30, 2015
College of Alameda, Laney, Merritt & District Admin Ctr:	\$ 203,450.32	\$ 301,283.28	\$ 308,011.12
Berkeley City College Only	\$ 135,837.60	\$ 209,294.40	\$ 215,539.90
GRAND TOTAL	\$ 339,287.92	\$ 510,577.68	\$ 523,551.02

Following is a comparison of the actual District-wide security services expenditures for 2011-2012 and the estimated 2012-2013 expenditures:

Security Services, District-wide Breakdown of Expenditures

Securitas 2011-2012 Fiscal Year Expenditures

Location	Work Schedule	Contract Amount
COA, Laney, Merritt & DAC	Weekends & Holidays (Day & Swing-Shift)	\$ 162,328.00
COA, Laney & Merritt Temporary (Dec/2012 - May/2012)	Weekdays, Weekends & Holidays (Graveyard Shift)	\$ 103,721.00
BCC	Weekdays, Weekends & Holidays (Day & Swing-Shift)	\$ 247,354.00
Grand Total:		\$ 513,403.00

Securitas & American Guard 2012-2013 Fiscal Year Estimated Expenditures

Location	Work Schedule	Estimated Contract
Securitas Month-to-Month Contract for COA, Laney, Merritt & DAC	July 1, 2012 - October 31, 2012 Weekends & Holidays (Day & Swing-Shift)	\$ 54,110.00
Securitas Month-to-Month Contract for BCC	July 1, 2012 - October 31, 2012 Weekdays, Weekends & Holidays (Day & Swing-Shift)	\$ 82,452.00
Securitas Proposed Contract BCC only	November 1, 2012 - June 30, 2013 Weekdays, Weekends & Holidays (Day & Swing Shifts)	\$ 135,838.00
American Guard Proposed Contract COA, Laney, Merritt & DAC	November, 2012 - June 30, 2013 Weekends & Holidays (Day & Swings Shifts)	\$ 151,521.00
American Guard Proposed Contract Laney only	November 1, 2012 - June 30, 2013 Monday - Sunday (Graveyard Shift)	\$ 51,930.00
Grand Total:		\$ 475,851.00

COMPARISONS OF 2012 & 2013 EXPENDITURES

2011-2012 Expenditures *	\$	513,403.00
2012-2013 Estimated Expenditures	\$	475,851.00
Difference:	\$	37,552.00

*All Colleges were served for graveyard shift for Fiscal Year 2012, whereas only Laney College will have graveyard shift for Fiscal Year 2013.

Each initial agreement will be effective for the period of November 1, 2012 to June 30, 2013, with a provision for two additional annual renewals at the discretion of the District. The renewals will be contingent upon favorable performance evaluations. This will give the District the opportunity to terminate services if the vendors are not performing satisfactorily. The District may also choose to conduct a new Request for Proposals on or before the expiration of the existing contract. Staff has done its due diligence in checking the background of American Guard Services, and there is nothing that will preclude them from implementing securing services for the District.

The agreement with Securitas for District-Wide security services ended June 30, 2012, and Securitas has been performing security services on a month-to-month basis since July 1, 2012. The Chancellor's approval, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), to negotiate the new agreements during the Board recess was requested to allow the administration to send the required thirty-day notification to the existing vendor, Securitas, by October 1, 2012. Board *ratification* of the agreements is now requested. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

MOTION Trustee Riley, second Trustee González Yuen to approve

Speaker Stone, from American Guard, isn't aware of any pending lawsuit against them. They are here to provide outstanding service to Peralta. They could be interested in hiring some of the existing workers. They will work with the criminal justice program at Merritt to see if Peralta students could also be hired.

Speaker Thrower, from ABC security service, questioned how the vendors were weighted and which company was invited for an interview.

Speaker Oringer, SEIU representative, shared that they have worked with the security agencies in the area to move the industry up from low-wage, minimum wage, no benefit positions to now providing better wages and benefits. He feels it's in keeping with Peralta's value system to provide job security to the existing workforce. He feels that the new company isn't required to maintain the same officers or the same wage, and that they would be "at will" employees subject to termination for any reason.

Speaker Washington, SEIU researcher, feels the selection process used wasn't clear, with very little communication from the Department of General Services (DGS) during this process. They are looking for transparency in this process. He feels that Securitas scored the highest. He feels the RFP process wasn't clear concerning splitting the services provided. He feels a case can be made that the contract should be awarded to Securitas.

Speaker Cruz, SEIU representative, was surprised that this contract was up to bid. She felt that the officers were providing good service. She feels that the union struggled to build the industry using responsible contractors who provide health benefits and fair wages. She feels that Securitas is already on the site and that it will take more funds to train new workers. Many of the current guards attend school and work more than one job.

Trustee Gulassa shared this is a controversial item. The Board is concerned that the selection process is fair, and that reasonable wages and benefits are provided to the workers.

VC Ikhara reviewed the process taken on this matter. BCC has been using Securitas, while the District and other colleges were using the Sheriff's contract. Due to rising costs, Securitas helped with swing shifts. He's enjoyed working with Securitas at BCC, but there have been complaints at the other sites. The bidders knew that the contract could be bid with BCC separately, as a possibility. The rating factors were reviewed. American Guard has agreed to hire anyone displaced during this transition, and to work with the Merritt College justice program graduates. They will pay the union wage and health benefits. The contract is for 9 months, at which time it will be rebid. 93% of our security budget is with union companies and union employees, and only 7% is with a non-union company. The District protocols were all strictly followed. Chancellor Ortiz shared this is a request for contract ratification that was approved over the summer, and he asked the Board to honor this for 9 months.

Trustee Guillén asked about the interview process. He asked if all the companies were interviewed, how the evaluation was done, and who the evaluators were. Interviews were given to the top two vendors, Securitas and American Guard attended. The others weren't interviewed in the second round.

Trustee Guillén sees irregularities in this process, so he can't support it.

Trustee González Yuen shared that we were in an administrative transition over the summer, with the new Chancellor starting in this position. He's concerned about the interview process, because the scores were so close. He feels there should be a policy to clarify what vendors receive future follow-up interviews. He wanted to confirm that American Guard will hire those displaced workers, at the union wage provided, and that the contract is only for 9 months. He wants to clarify that this will end after 9 months, even if the work is satisfactory. Regardless of performance, there will be a new RFP in 9 months. VC Ikharo shared that we needed a new contract by July 1, 2012, when the prior contract expired. American Guard has assured the District that those issues will be honored. The final contract will reflect this issues. It was suggested that a future RFP can include a prevailing wage provision, as a suggestion.

Trustee Withrow recommended that Trustee González Yuen make a substitute motion.

MOTION substitute Trustee González Yuen, second Trustee Riley

To approve ratification, and to remove the contract sentences, "The renewals will be contingent upon favorable performance evaluations. This will give the District the opportunity to terminate services if the vendors are not performing satisfactorily."

PASSED

Naye: Trustee Guillén

ANNOUNCEMENTS

1. The next regular Board meeting will be held on October 9th in the District Boardroom. Thank you to the City of Berkeley and Himalayan Restaurant for hosting us tonight.
2. The Board is planning a special retreat for the weekend of October 26 – 27 with further details to follow.
3. The October 23rd Board meeting will be held on the road in the City of Piedmont at their City Hall.

Secretary, Board of Trustees
PERALTA COMMUNITY COLLEGE DISTRICT