



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, November 13, 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).

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 October 23, 2012.

- | | |
|--|---------------------------|
| Laney College | President Webb |
| • Bay Area Workforce Funding Collaborative (BAWFC) | |
| Manufacturing Grant Intent to Apply | |
| Merritt College | Interim President Stanley |

4. Board of Trustees' Reports (7:40 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 (8:00 P.M.)

6. Student Presentation from the Congressional Black Caucus Annual Legislative Conference (30 minutes)
7. AB 540 & Undocumented Students at PCCD: A Brief Overview **Presenter: Amy H. Lee, Ed.D., Director, TRiO Student Support Services** (20 minutes)

CONSENT CALENDAR (8:50 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 Board Policy 3505 Emergency Response Plan (Replaces Board Policy 2.45 Crime Awareness and Campus Security) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 3505 Emergency Response Plan (Replaces Board Policy 2.45 Crime Awareness and Campus Security). The Chancellor recommends approval.

9. Consider Approval of Board Policy 5300 Study Equity (New Policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5300 Study Equity (New Policy). The Chancellor recommends approval.

10. Consider Approval of Board Policy 5420 Associated Students Finance (New Policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5420 Associated Students Finance (New Policy). The Chancellor recommends approval.

11. Consider Approval of Board Policy 5500 Student Standards of Conduct (Replaces Board Policy 4.40 Student Code of Conduct, Discipline and Due Process and Board Policy 8.01 Due Process) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 5500 Student Standards of Conduct (Replaces Board Policy 4.40 Student Code of Conduct, Discipline and Due Process and Board Policy 8.01 Due Process). The Chancellor recommends approval.

12. Consider Approval of Board Policy 6330 Purchasing (Replaces Board Policies 6.30 and 6.31) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6330 Purchasing (Replaces Board Policies 6.30 and 6.31). The Chancellor recommends approval.

13. Consider Approval of Board Policy 6340 Contracts (Replaces Board Policies 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6340 Contracts (Replaces Board Policies 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91). The Chancellor recommends approval.

14. Consider Approval of Board Policy 6400 Audits (Replaces Board Policy 6.10 Annual External Audits, Board Policy 6.11 Internal Audits, and Board Policy 6.12 Internal Audit reports) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6400 Audits (Replaces Board Policy 6.10 Annual External Audits, Board Policy 6.11 Internal Audits, and Board Policy 6.12 Internal Audit reports). The Chancellor recommends approval.

15. Consider Approval of Board Policy 6500 Property Management (New Policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6500 Property Management (New Policy). The Chancellor recommends approval.

16. Consider Approval of Board Policy 6620 Naming of Buildings (Replaces Board Policy 6.87) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6620 Naming of Buildings (Replaces Board Policy 6.87). The Chancellor recommends approval.

17. Consider Approval of Board Policy 7130 Compensation (New Policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7130 Compensation (New Policy). The Chancellor recommends approval.

18. Consider Approval of Board Policy 7140 Collective Bargaining (New Policy) **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7140 Collective Bargaining (New Policy). The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

19. Consider Approval of a Contract Agreement Extension for Maeve K. Bergman for the Green Jobs Training Programs, Laney College **Presenter: Vice Chancellor Orkin**

Consider approval of a contract agreement extension for Maeve K. Bergman not to exceed \$64,188 for the Green Jobs Training Programs student services for Laney College's Employment Development Department (EDD) and Oakland Workforce Investment Board (OWIB) funded Green Jobs Programs through June 30, 2013.

Funding Source: California EDD Green Jobs Grant and Oakland Workforce Investment Board Grant. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

20. Consider Approval of a Contract Agreement Extension for Jonel C. Seon for the Green Jobs Training Programs, Laney College **Presenter: Vice Chancellor Orkin**

Consider approval of a contract agreement extension for Jonel C. Seon not to exceed \$27,309 for the Green Jobs Training Programs student services for Laney College's Employment Development Department (EDD) and Oakland Workforce Investment Board (OWIB) funded Green Jobs Programs through June 30, 2013. **Funding Source:**

California EDD Green Jobs Grant and Oakland Workforce Investment Board Grant. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

FINANCIAL SERVICES

21. 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*.

22. 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*.

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

Consider approval of budget transfer report. All budget transfers shall be made in accordance with California Code of Regulations Section 58307 and all applicable Board Policies and Administrative Procedures. The Chancellor recommends approval.

24. Consider Approval of the PeopleSoft Software License Update and Support with Oracle **Presenter: Vice Chancellor Gerhard**

Consider approval of the annual PeopleSoft Software License Update and Support required to maintain all PeopleSoft modules used by the District and the Colleges (Student Administration, Human Resources, Finance, General Ledger, Purchasing, Benefits, etc.). **Funding source: Measure E.** The total cost is \$242,272.64 (excluding applicable tax). This update is required in order to proceed with the PeopleSoft upgrade from version 8.9 to 9.1, as well as for the implementation of the Time & Labor and Financial Aid modules. Both of these projects are part of the District's IT Strategy Plan. The term of this agreement is from September 18, 2012 through September 17, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Approval of Contract with Dolinka Group for the Audit of Redevelopment Agreements and Contracts **Presenter: Vice Chancellor Gerhard**

Consider approval of contract with the Dolinka Group to audit all 24 redevelopment agreements the District has with the 5 former redevelopment agencies (Alameda, Albany, Berkeley, Emeryville, and Oakland). Property taxes are a significant source of revenue to community colleges. In fiscal year 2011-12, property taxes accounted for approximately 25% of Peralta's Unrestricted General Fund Revenue. A portion of this revenue comes from redevelopment agreements and designated projects. As part of the fiscal year 2011-12 State Budget Act, Assembly Billx1 26 (ABx1 26) was enacted which dissolved all of California's redevelopment agencies as of February 1, 2012. Part of the dissolution effort, cities and counties that had formed redevelopment agencies are required to work with other designated agencies, i.e. schools, community colleges, and other taxing agencies, to initiate the process described within ABx1 26 to unwind the affairs of the former redevelopment agencies, liquidate any remaining assets that may exist after the wind-down has occurred, and transfer any remaining assets to the

appropriate agencies (i.e. schools and colleges). Within Peralta's CCD's boundaries there were 5 redevelopment agencies. They included: Alameda, Albany, Berkeley, Emeryville, and Oakland. Within these 5 redevelopment agencies there were approximately 24 designated project areas with reported remaining obligations and assets in excess of \$2.2 billion. As the unwinding of the former redevelopment agencies occurs, it would be in the District's best interest to have an audit conducted to ensure that any past and future property tax amounts due to the District are identified and encumbered within the process so that the District's interests are secured. This audit engagement with the Dolinka group would extend through June 30, 2013 and would not exceed \$120,000. Funding source: Restricted General Fund – Fund61. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. Consider Approval the Purchase of EMC Data Storage Equipment **Presenter: Vice Chancellor Gerhard**

Consider approval for the purchase of EMC data storage equipment needed for the database environment storage related to the PeopleSoft version 9.1 upgrade. **Funding Source: Measure E.** The purchase amount shall not exceed \$99,000.00. This matter was previously presented in the IT Strategic Plan. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

27. Consider Approval of the Flexibility Provision **Presenter: Vice Chancellor Gerhard**

Request flexibility authorization, under the State Budget Act, to redirect the expenditures of certain categorically funded programs. **Funding Source: Not applicable.** This action relieves the District of all state statutory, regulatory, and provisional requirements associated with the twelve programs contained in the flexibility category: Academic Senate, Childcare Tax Bail Out, Equal Employment Opportunity, Economic Development, Apprenticeship, Part-time Faculty Office Hours, Part-time Faculty Health Insurance, Part-time Faculty Compensation, Transfer Education and Articulation, Matriculation-Credit, Matriculation-Non-credit. A public hearing would be required to exercise such flexibility. The Chancellor recommends approval.

28. Consider Approval of Fund 12, Resolution 12/13-19 **Presenter: Vice Chancellor Gerhard**

Consider Approval to establish Fund 12, Resolution 12/13-19, Peralta Measure B – Parcel Tax Fund, for the purpose of recording revenues, expenditures, and other financial transactions directly related to this special tax. **Funding Source: Not applicable.** Community college districts have the authority to levy special taxes upon approval by two-thirds of the votes cast on the special tax proposals pursuant to the provisions of Article XIII A, Section 4 and Article XIII C, section 2 of the California Constitution and Sections 50075-50077, 50079.1, and 53722 of the California Government Code. The establishment of this fund is consistent with Education Code 76355 and the California Community Colleges Budget and Accounting Manual. The

District's Governing Board placed on the June 5, 2012 election ballot a special tax to maintain and enhance quality education for the students of the Peralta Community College District. The District's Governing Board submitted Measure B – Parcel tax, a special tax which was approved by 73% of the electorate. The Chancellor recommends approval.

29. Consider Approval of Resolution 12/13-20 **Presenter: Vice Chancellor Gerhard**
Consider approval of Resolution 12/13-20 ordering the establishment of a Citizens' Oversight Committee for Oversight of Measure B Expenditures. The Chancellor recommends approval.

HUMAN RESOURCES

30. Consider Approval of the Salary Placement of Mr. Adan Rosillo, Environmental Control Technology Instructor, Beyond the Maximum Salary Placement of Column E, Step 10 of the Faculty Salary Schedule to Step 15 **Presenter: Vice Chancellor Largent**

Consider approval of the salary placement of Mr. Adan Rosillo, Environmental Control Technology Instructor, beyond the maximum salary placement of Column E, Step 10 of the Faculty Salary Schedule, to Step 15. In accordance with the collective bargaining agreement between the District and PFT, the maximum initial salary placement for faculty is at Step 10 of the Faculty Salary Schedule. However, a recommendation for an exception and placement at a higher salary step may be recommended by the College President, in consultation with the College Academic Senate President, recommendation and approval by the Vice Chancellor for Educational Services, and recommendation and approval of the Chancellor and the Board. The applicable provisions of the collective bargaining agreement between the District and PFT were completed, including verification by the Office of Human Resources and Employee Relations of the college credit and work experience of Mr. Rosillo in support of placement at Step 15. The Chancellor recommends approval.

31. 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
Ganding	Exequiel	11/14/12	12/14/12	Instructional Asst/English	B
Guevara	Alexander	11/14/12	6/30/13	Instructional Asst/Biotech	B
Harding	June	11/14/12	6/30/13	Principal Accounting Tech	M

Lai	Nghia	11/14/12	12/14/12	Instructional Asst/Radiological Science	M
Levy	Tracy	11/14/12	5/24/13	Instructional Asst/Child Development	M
Sharp	Louis	11/16/12	6/30/13	Instructional Asst/Biotech	B
Summers	Jystiinn	11/14/12	3/18/13	Secretary	M
Wright	Michael	11/14/12	5/24/13	Library Technician I	L

FACILITIES

32. Consider Approval to Enter into an Agreement with Consolidated CM for Construction Management Services for the Rooftop Solar Photovoltaic Project at Laney College and Berkeley City College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Consolidated CM to provide construction management services for the Rooftop Solar Photovoltaic Project at Laney College and Berkeley City College, in the not-to-exceed amount of \$51,554. **Funding Source: Bond Measure A.** At the meeting of July 17, 2012, the Board of Trustees approved negotiation of a design-build contract for this project. The construction documents are complete and are currently under review by DSA before construction begins. Construction management services are anticipated for a period of seven months and will be billed on an hourly basis as needed and approved by the Department of General Services. An informal request for proposals for construction management services was conducted for this project. Four firms were invited to submit proposals: Consolidated CM, Anthonio, Inc., AMG Management and SGI Construction Management. These four firms were selected from the short list of construction management firms. (The short list resulted from a formal Request for Proposals (RFP) and was approved by the Board of Trustees at the meeting of October 25, 2011.) Two firms, AMG Management and SGI Construction Management, did not submit proposals. Qualifications for the two firms submitting proposals were reviewed and scored by the screening committee, with rankings from 1 to 100, using the following criteria:

EVALUATION CRITERIA	SCORE
Letter of Interest, Resources	
Personnel	15
Knowledge and Experience	20
Plan and Approach	25
Proposed Costs	30
Environmental Sustainability	5
SLBE/SELBE	5

Following are the total scores:

CONSTRUCTION MANAGEMENT FIRM	EVALUATION AVERAGE SCORE
Consolidated C M	86
Anthonio, Inc.	76
AMG Management	N/A
SGI Construction Management	N/A

Consolidated CM received the highest score, and approval is recommended to enter into an agreement with Consolidated CM to provide construction management services for the project in the not-to-exceed amount of \$51,554. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

33. Consider Approval of Amendment No. 1 to the Agreement with Consolidated CM for Construction Management Services for the Administrative Tower Phase II Modernization Project at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the agreement with Consolidated CM for construction management services for the Administrative Tower Phase II Modernization project at Laney College, in the not-to-exceed amount of \$117,968. The Administrative Tower Modernization project is now entering Phase II. Construction management services are anticipated for an additional maximum period of nine months, which will be billed on an hourly basis as needed and approved by the Department of General Services. Consolidated CM is a local Oakland business and has handled the project through the completion of Phase I under the original agreement. There were no change orders for the Phase I project implementation. Because of Consolidated CM's specific knowledge of the project, the Department of General Services recommends Consolidated CM's continued work on the project as a logical and fiscally prudent action. Consolidated CM's original price quote for Phase II services was \$157,000 and was negotiated to \$117,968, for a net price savings of \$39,032. **Funding Source: Bond Measure A.** The original agreement with Consolidated CM, in the amount of \$379,704, was approved by the Board of Trustees at the meeting of June 14, 2011. Including Amendment No. 1, the total amount of the agreement with Consolidated CM will be \$497,672. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

34. Consider Approval of an Independent Contractor/Consultant Services Contract with American Air Conditioning, Plumbing & Heating **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an Independent Contractor/Consultant Services Contract (ICC #12180) in the amount of \$14,548 with American Air Conditioning, Plumbing & Heating (American Air). Board approval is necessary because the vendor's fiscal year work to-date totals \$22,172, and this ICC pushes their total above the

\$25,000 annual threshold for General Funds maintenance work. **Funding Source: District Maintenance General Funds.** This ICC involves the replacement of the failed, obsolete ventilation unit serving the entire upper level of Merritt Building Q, including the administrative staff and President's offices. Presently no forced ventilation occurs on the entire floor due to the failed unit. This urgent replacement is necessitated due to the health concerns of stagnant air on the entire upper floor of Building Q at Merritt College. With winter approaching, proper heating will not occur there without this air handler replacement. Approval of ICC #12180 will bring American Air's total this fiscal year to \$36,720. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

ACTION CALENDAR ITEMS (9:00 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.