



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
NOVEMBER 13, 2012

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.)

There was no report from 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.

Agenda

MOTION: Motion by Trustee Guillén, second by Trustee Riley to approve the agenda as amended.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, Trustee Riley, and Trustee Withrow.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Items 13, 16, and 29 are removed from the agenda, and will return to the Board at a future meeting. There will be discussion on Item 12, 21, 23, and 24.

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

Minutes 10-23-12

1. Consider Approval of the Regular Board meeting Minutes of October 23, 2012. Consider approval of the regular Board meeting minutes of October 23, 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.)

Speaker Goldstein thanked the voters for supporting Prop 30. He thanked Trustee Guillén for his campaign for the Assembly and Jurena Storm for her valiant campaign. They look forward to working with incoming Trustee Meredith Brown.

Speaker Wilson spoke about some financial aid problems. Some students are still waiting to get their financial aid despite following the procedure, even though we're almost at the end of the semester. Resolutions were introduced at BCC and at the Student General Assembly about Higher One fees. He shared that competing bank ATMs were removed and replaced with the Higher One ATM as the only available campus ATM with no notice, and they charge \$3 to make a withdrawal if the student doesn't have a card.

Trustee Gulassa asked the Chancellor to give the Board an on this matter.

Speaker Hubbard teaches Math at Laney College as an adjunct instructor. He has beat Nate Silver on election predictions, and he teaches the method he uses.

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.)

Speaker Bailey, ASBCC President, thanked those who attended the Student Senate General Assembly.

Speaker Flores, ASCOA President, shared there was a successful event where students are discussing matters they feel are important for the student body. They sent two delegates to the general assembly, which was a great learning experience for them. They hope to have a donation drive for Hurricane Sandy victims.

Speaker Anderson, ASMC, thanked everyone involved for helping them to send two students to the Student Senate General Assembly. They will try to feed as many students as possible with an upcoming food bank drive.

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	

The Chancellor shared that the Obama administration has committed \$3 billion to help with economic workforce recovery. Prop 30 passage will help us with some partial restoration of where we were in funding a few years ago. Incoming Trustee Meredith Brown was congratulated and will be sworn-in at the next meeting. We are happy to have Trustee Guillén remain on the Board. The Board held a retreat workshop on Board goals and objectives. The Chancellor reported on some of his recent activities. He participated in a College of Marin accreditation team visit. He attended a meeting at McClymond's High School pathways meeting, and Trustee Hodge was thanked for facilitating the meeting. He attended a meet and greet at Merritt College, and President Stanley and her team were thanked. He attended a U.C. Berkeley reception for outgoing President Birgenau, and we look forward to working with the new Chancellor.

An update was given as to what Prop 30 means for Peralta. \$5.5 M from Prop 30 will restore our unrestricted general fund. Also, about \$3M will be used in part to buy down the deferrals, and lowering the amount we

need to borrow to operate. About \$700,000 is earmarked to increase access districtwide. That equates to about 150 FTES. The caveat is that we're not expecting to receive these dollars until June 2013. This would give us 93% of what we were funded in 2010-2011, 3 fiscal years ago. The additional dollars will be incorporated later, but aren't yet reflected in this report. The Board will be provided with this information in the budget transfer report, listing reallocation of existing resources, and restoration dollars will be highlighted.

Trustee Guillén asked where the Board gets input in the budget conversation, such as with IT and financial aid issues. The Chancellor will report back to the Board what occurs in the budget and planning counsel. Trustee Yuen asked when the Board can give input into budget discussions, such as a suggested COLA increase for staff, as an example. There will be a revised budget discussion brought to the Board in the future.

College Reports

Berkeley City College Interim President Budd

College of Alameda President Jackson

Laney College President Webb

Bay Area Workforce Funding Collaborative (BAWFC) Manufacturing Grant Intent to Apply

[BAWFC Grant](#)

President Webb gave an update on this grant to the Board.

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.

Student Trustee Clegg thanked the College Presidents for sending students to the Student Senate General Assembly. Trustee Handy attended an event on November 1st for clergy supporting Prop 39. She thanked Laney College for hosting the event and for their graciousness. Trustee Guillén thanked Trustee Yuen for supporting Measure D, and he thanked voters for supporting our measure. Trustee Riley thanked the public for supporting Prop 30, and he thanked Trustee Yuen for mobilizing people in that effort. Trustee Yuen thanked organized labor for their hard work to help to support many of the state measures that support our students. He thanked our youth for coming out to vote which was 28% of the electorate. In the last days of the election, he supervised 10 union interns and 30 student volunteers who made 9,000 phone calls about Prop 30, 32, and Measure D. Measure D raised the minimum wage up \$2/hour in the South Bay, and ties it to the cost of inflation. He is excited to bring this campaign to the east bay. He commended Trustee Guillén who ran on class issues to fight against Wall Street and class inequities. Student Trustee Cervantes thanked everyone for passing Prop 30. He attended the General Assembly and thanked the Chancellor for renting a van to bring all the students there. The Districtwide student counsel will start planning soon for the March in March and organizing buses. Trustee Gulassa thanked the Chancellor for planning the Board retreat to allow for a fruitful exchange of ideas.

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

[DAS President Report](#)

6. Student Presentation from the Congressional Black Caucus Annual Legislative Conference (30 minutes)

Trustee Handy shared that any DC legislators would love to have our students as interns. She thanked everyone for helping to support our students to attend. She thanked Yvonne Thompson and the students for attending. She hopes that we can attend future cultural caucuses in the future, as well. The Chancellor thanked the students and Trustee Handy for assisting with the trip. He hopes to get as many diverse students to attend in the future as possible.

[Background Material](#)

7. AB 540 & Undocumented Students at PCCD: A Brief Overview Presenter: Amy H. Lee, Ed.D., Director, TRiO Student Support Services (20 minutes)

[Background Material](#)

The Chancellor thanked the task force for all their hard work, and Amy Lee for leading the efforts. The Chancellor has identified key personnel in A&R and Financial Aid as contact staff for AB 540 or undocumented students on all our colleges. Trustee Guillén hopes that the reported efforts are expanded to other campuses and become more institutionalized. He is concerned, because there are many unidentified AB 540 students. Many students come to him seeking guidance. He feels that peer-to-peer communication is the best, and he suggested San Jose City College as a resource. There is a level of discomfort amongst this student group, which is the reason why no students are present tonight. Guillén shared that there are past students who could assist our students here, too. Trustee Yuen feels it's important for the head of Financial Aid to be a part of this process, as well as the Chancellor and College Presidents. He wants us to do better outreach to the high schools, especially for those who have just found out their status, and he wants it known that undocumented students are welcome at Peralta. He'd welcome another report in six months. Trustee Gulassa congratulated the team for their website, and he followed all the links which are very well thought out.

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.

Present: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, Trustee Riley, Trustee Withrow, Student Trustee Brian Cervantes, and Student Trustee Sharon Clegg.

Absent: None.

MOTION: Motion by Trustee Guillén, second by Trustee Riley to approve the Consent Calendar, including Agenda Items 8-11, 12 as amended, 14, 15, 17 - 28, 30 - 34.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, Trustee Riley, and Trustee Withrow.

NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

Trustee Withrow abstained on Item 31, and voted No on Items 21, 22, 23, and 32.

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.

[BP 2.45](#)

[BP 3505](#)

9. Consider Approval of Board Policy 5300 Student Equity (New Policy) Presenter: Chancellor Ortiz Consider approval of Board Policy 5300 Student Equity (New Policy). The Chancellor recommends approval.

[BP 5300](#)

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.

[BP 5420](#)

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.

[BP 4.40](#)

[BP 8.01](#)

[BP 5500](#)

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.

[BP 6.30](#)

[BP 6.31](#)

[BP 6330](#)

MOTION: Motion by Trustee Guillén, second by Trustee González Yuen to approve as amended.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, and Trustee Withrow.

NOES: and Trustee Riley.

ABSTAIN: and Trustee Hodge.

ABSENT: None

The motion passed.

Trustee González Yuen added this amendment:

All District purchasing and relevant administrative procedures shall comply with applicable Board Policy 3910 (replaces BP 2.40) on Environmental Sustainability.

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.

[BP 6.82](#)

[BP 6.84](#)

[BP 6.85](#)

[BP 6.88](#)

[BP 6.90](#)

[BP 6.91](#)

[BP 6340](#)

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.

[BP 6.10](#)

[BP 6.11](#)

[BP 6.12](#)

[BP 6400](#)

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.

[BP 6500](#)

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.

[BP 6.87](#)

[BP 6620](#)

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.

[BP 7130](#)

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.

[BP 7140](#)

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. **The initial contract amount was for \$24,960. Increasing the contract amount by \$64,188 brings the total contract amount for this fiscal year to \$89,148.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

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. **The initial contract amount was for \$24,995. Increasing the contract amount by \$27,309 brings the total contract amount for this fiscal year to \$52,264.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

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.

Background Material

MOTION: Motion by Trustee González Yuen, second by Trustee Hodge to approve.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, and Trustee Riley.
NOES: and Trustee Withrow.
ABSTAIN: None
ABSENT: None

The motion passed.

Trustee Withrow discussed the term "ratification." He feels the item should be for informational purposes only. He feels that ratification is the same thing as formal approval. He suggests that we change the language to be, "The Board is hereby put on notice of the following" for Items 21, 22. He suggests that the word ratify be removed. General Counsel Nguyen provided her opinion that Board ratification is required for fiduciary matters. Trustee Withrow asked what occurs if the Board refuses to ratify the issues. Trustee Gulassa shared that the Board could decide not to take action if there were something egregious occurring. The Chancellor feels we could open ourselves up to contract challenges if the Board didn't ratify contracts. Trustee Gulassa feels the current language used is appropriate.

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.

Background Material

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.

Background Material

Trustee Withrow requested that a statement be added that various accumulated transactions haven't made a significant impact on the budget approved by the Board. Trustee Gulassa suggested that the appropriate manager verify the transaction and its impact, and, if it is significant, then the Board should be publically notified. The Chancellor was asked to address these concerns in future agenda descriptions. Our budget practices are guided by the State Chancellor's budget manual, and we are constrained by the 50% law and our budget codes. The Board will also see a revised budget with any significant changes.

MOTION: Motion by Trustee Riley, second by Trustee Guillén to approve.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, and Trustee Riley.
NOES: and Trustee Withrow.
ABSTAIN: None

ABSENT: None

The motion passed.

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: Unrestricted General Fund and 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.

Background Material

MOTION: Motion by Trustee Handy, second by Trustee Riley to approve.

AYES: Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Hodge, Trustee Riley, and Trustee Withrow.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Calvin Madlock gave background information on these items. He shared it is part of the District's IT strategy and plan. He feels these are returns on our past investments to have a PeopleSoft upgrade, with the annual renewal fee, to support all of our departments. If we don't pay it, everything will come to a halt, with no updates and future fixes. The requested storage increase will double our current storage to then be able to accommodate the upgrade. We haven't upgraded in awhile, which can also be risky. These items are critically needed. He met with his team today, and they are committed to the IT strategy.

Trustee González Yuen asked for more explicit reference to the IT master plan in the future, as to where it fits in, how it refers to the IT master plan, and if the plan is on target. He asked for an update on the IT master plan. He suggested a color-coded gant chart, with red for the out-of-date items, and for budget items to be numbered within sections on the gant chart. Trustee Handy is glad this is finally happening. She wants to know that Mr. Madlock has looked at the IT strategic plan, to ensure that it's workable, is aligned with the college strategic plans, and that staff are being efficiently implemented. She wants assurance that he has control of the IT department, with the necessary resources available, on target to meet our goals.

Mr. Madlock shared that these items had input from all areas with a focus on the Districtwide goals through the Districtwide technology committee. He is in charge of implementing the IT plan which he fully embraces. We've hired four new staff members, and he feels we'll be on a good track in the future. Trustee Gulassa shared that the Board has confidence in him and the Chancellor, and that the Board looks forward to getting the requested information. The current IT plan was written by a consultant, and Mr. Madlock is asked to ensure it's on target and to make any necessary suggestions, with the Chancellor's direction.

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.

[Background Material](#)

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.

[Background Material](#)

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.

[Background Material](#)

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.

[Background Material](#)

[Executed resolution](#)

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.

[Background Material](#)

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.

[Background Material](#)

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/Radio-M logical Science Levy Tracy 11/14/12 5/24/13 Instructional Asst/Child M Development 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 CM 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.

[Background Materials 1](#)

[Background Materials 2](#)

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.

[Background Materials 1](#)

[Background Materials 2](#)

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.

[Background Materials 1](#)

[Background Materials 2](#)

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.

Announcements

Adjournment

Jose' M. Ortiz, Chancellor
Secretary to the Board of Trustees
PERALTA COMMUNITY COLLEGE DISTRICT