PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 12/13-28 ACCEPTANCE AND RETENTION

DISTRICT-WIDE SECURITY AND SAFETY CAMERA PROJECT
Central Sierra Electric Company, Inc.

WHEREAS, Central Sierra Electric Company, Inc., a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the District-Wide Security and Safety Camera Project, has made application for acceptance of the work; and

WHEREA, the Project Manager employed by the Board to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project, and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of FIVE HUNDRED TWENTY TWO THOUSAND THIRTY FOUR AND 03/100 DOLLARS ($522,034.03), which is 9.88 percent (9.88%) of said contract price, shall be made thirty-five (35) calendar days calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 14th day of May, 2013. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District

PERALTA COMMUNITY COLLEGE DISTRICT

Resolution No. 12/13-29

APPROVING PURCHASE OF REAL PROPERTY; APPROVING RELATED AGREEMENTS AND DOCUMENTS AND AUTHORIZING RELATED ACTIONS

WHEREAS, pursuant to applicable laws, including but not limited to provisions of the Education Code, commencing with Section 81000, the Peralta Community College District ("District") is authorized to acquire real or personal property, including but not limited to offsite buildings and other improvements; and

WHEREAS, the District has previously authorized the Chancellor to negotiate the terms of a purchase and sale agreement with Alameda County (the "County"), the owner of the real property, building, improvements and certain fixtures and improvements located at 2015 Shattuck Avenue, Berkeley, California, identified by APN 057-2034-010 (the "Property"), and to conduct initial required due diligence in connection with said acquisition; and

WHEREAS, the Property consists of a seven story building with approximately 47,664 square feet of usable space; and

WHEREAS, pursuant to its facilities master plan and other reports, the District has previously determined that additional space is needed for instructional and support services for Berkeley City College; and

WHEREAS, the Property is located within the jurisdictional boundaries of the District and the District desires to purchase the Property for educational purposes, which include instructional and support services for Berkeley City College; and

WHEREAS, pursuant to the provisions of Government Code section 54222(c), prior to making a public disposition of the Property, the County offered to sell the Property to the District and to The Regents of the University of California ("Cal") for educational purposes and both the District and Cal expressed interest in acquiring the Property and initiating negotiations with the County for such purpose; and

WHEREAS, pursuant to Government Code section 54223, if the price or terms cannot be agreed upon after a good faith negotiation period, the County may make other disposition of the Property and the County has indicated that, if the District or Cal do not acquire the Property, bids for the Property submitted by the general public will be opened in September 2013; and

WHEREAS, the District and Cal agreed to explore options for the shared ownership and/or use of the Property while retaining the option to make the final determination to purchase the Property independently of each other; and

WHEREAS, the County has agreed, pursuant to the terms of a certain Amended and Restated Purchase and Sale Agreement (the "Purchase and Sale Agreement"), to sell the Property

to the District and/or Cal, upon satisfactory completion of due diligence investigation, for the total purchase price of Nine Million dollars ($9,000,000) (the "Purchase Price"); and

WHEREAS, the District has obtained an appraisal of the Property and determined that the agreed-upon Purchase Price is equal to or less than the fair market value identified in the appraisal; and

WHEREAS, preliminary due diligence and examination of the Property reflect that the Property would adequately meet certain expansion needs of the District and the District will continue to conduct required due diligence, with the understanding that the $100,000 good faith deposit, including the District's portion in the amount of $50,000, will become non-refundable on May 21, 2013; and

WHEREAS, the remainder of the Purchase Price will not be paid until the closing date, scheduled for June 28, 2013, if the District is satisfied that it will be able to utilize the Property in compliance with applicable requirements; and

WHEREAS, the District will not make a decision to proceed with any use of the Property prior to making any findings or determination required under the California Environmental Quality Act, commencing with Section 21000 of the Public Resources Code (CEQA), and its implementing regulations and guidelines, set forth under Title 14 of the California Code of Regulations, commencing with Section 15000; and

WHEREAS, the District desires to authorize the Chancellor (or a designee) to execute and deliver the Purchase and Sale Agreement on behalf of the District, to approve and ratify the deposit made and to authorize the payment of any incidental costs deemed adequate and necessary by the Chancellor (or a designee); and

WHEREAS, the District desires to authorize the Chancellor (or a designee) to continue negotiating the terms of purchase for the Property and to continue performing due diligence as deemed prudent or required by the Chancellor (or a designee) to ascertain the condition of the Property or as required to comply with applicable provisions of law, including but not limited to due diligence relating to the proposed use and occupancy of the Property, existing uses and tenants, and the requirements of the Field Act, commencing with Section 81130 of the Education Code, or any other applicable building standards or seismic requirements; and

WHEREAS, in connection with its investigation and assessment of the Property, the District has retained or will need to retain the services of structural engineers, architects, appraisers, environmental consultants, attorneys and other independent consultants and the Board of Trustees desires to authorize all such contracts and actions, provided that, to the extent required by applicable laws only, any reports or studies completed by such consultants shall be presented to this Board of Trustees for review and in support of required findings; and

WHEREAS, contingent on the satisfactory completion of due diligence and other applicable requirements, the District desires to acquire the Property for District purposes.

NOW, THEREFORE, THE BOARD OF TRUSTEES DOES HEREBY DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The facts and conclusions above, and the findings made by the Board of Trustees of the District ("Board") herein, are supported by substantial evidence.

Section 2. The Board finds that contingent on due diligence being completed in satisfaction of applicable requirements and otherwise to the satisfaction of the Chancellor (or a designee), the acquisition of the Property jointly with Cal or independently, would be in the District's best interest in advancing its educational mission. Furthermore, negotiating with Cal for the joint acquisition of the Property is in compliance with the spirit of cooperation among local agencies and educational institutions in furtherance of their educational goals. The Chancellor (or a designee) is authorized to continue negotiations with the County and Cal concerning the purchase and use of the Property. The terms and provisions of any agreements for joint purchase and occupancy of the Property shall be presented to this Board for consideration prior to the execution and delivery of any such agreements.

Section 3. The Purchase and Sale Agreement, as executed, is hereby approved and ratified, and all prior actions taken by the Chancellor (or a designee) with respect thereof, including the payment of the District's $50,000 portion of the deposit on or about May 1, 2013 (and the payment of an additional $50,000 if the District proceeds with the acquisition independently of Cal), as therein contemplated, and any commitments for expenditures in connection with due diligence and approvals contemplated or required in connection with the Purchase and Sale Agreement, are hereby ratified, approved and confirmed. The Chancellor is authorized to complete the transactions herein and therein contemplated, including but not limited to reasonable, prudent expenditure of funds as required to perform or causing to be performed investigations as to the environmental condition of the Property (Phase I and, if needed, Phase II reports), mechanical inspections, compliance with the Field Act or other applicable building or seismic standards and compliance matters, investigations concerning the condition of title to the Property and any encumbrances on the Property (such as commercial tenants), and any matters affecting zoning, governmental or regulatory approvals or land use. The Chancellor is authorized and directed to cause a copy of this Resolution to be forwarded to the escrow agent, as described in the Purchase and Sale Agreement.

Section 4. The Board further authorizes the Chancellor (or a designee) to retain engineers, architects, surveyors, appraisers, environmental consultants, attorneys and other consultants and to direct the preparation of reports, studies or surveys or such other services in connection with the due diligence and investigation of the Property as deemed necessary or desirable by the Chancellor (or a designee), provided that information concerning the results of such reports, studies or surveys and information concerning the progress of the due diligence and negotiations relating to the Property shall be presented to this Board for information or in support of any findings required by law to be made by this Board in connection with the acquisition of the Property or in connection with the uses thereof. To the extent determinations concerning the acquisition or suitability of the Property are not required by law to be made by this Board, the Chancellor is specifically authorized to make such determinations, particularly but not limited to those required in connection with any governmental applications, permits or approvals required.

Section 5. The Board hereby authorizes and directs the Chancellor (or a designee) to conduct any required due diligence or investigations, including but not limited to retaining consultants, and to expend funds in connection with such due diligence and to obtain any studies

or reports deemed necessary or desirable by the Chancellor (or a designee) in connection with CEQA.

Section 6. The Chancellor (or a designee) is hereby authorized and directed to continue negotiations for the acquisition of the Property and, in the District's name and or on its behalf, execute and deliver such notices, requests, demands, directions, consents, approvals, waivers, acceptances, appointments, applications, certificates, agreements, supplements, amendments, further assurances, or other instruments or communications as the Chancellor may deem necessary or advisable in order to carry into effect the intent of the foregoing resolutions or to comply with the requirements of the instruments approved or authorized by the foregoing resolutions.

Section 7. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 14th day of May, 2013 by the following Board vote:

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

José M. Ortiz
Chancellor and Secretary, Board of Trustees
Peralta Community College District

PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 12/13-30 ACCEPTANCE AND RETENTION

LANEY COLLEGE AWNING PROJECT
Bay Construction Co.

WHEREAS, **Bay Construction Co.,** a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Laney College Awning Project, has made application for acceptance of the work; and

WHEREA, the Project Manager employed by the Board to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project, and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of TWO THOUSAND NINE HUNDRED NINETY FIVE AND 00/100 DOLLARS ($2,995), which is 5 percent (5%) of said contract price, shall be made thirty-five (35) calendar days calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 14th day of May, 2013. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District

PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 12/13-31

AUTHORIZATION TO SUBMIT FINAL PROJECT PROPOSALS

WHEREAS, under provisions of Education Code Section 81800, et al., of the California Community College Construction Act of 1980, Peralta Community College District is required to submit a Final Project Proposal , as requested, for the 2015-2016 fiscal year funding; and

WHEREAS, the requested project is part of the District's 2014-2018 Five-Year Construction Plan;

NOW, THEREFORE, BE IT RESOLVED that the President and Secretary of the Board be, and they are hereby, authorized to submit the proposed project, as directed by the Chancellor's Office, California Community Colleges, under said Act, and to execute the necessary Project Terms and Conditions for the following project:

- Modernization to Building B (Auto Technologies) at College of Alameda
- New Math and Science Center at Laney College
- Horticulture Building Modernization at Merritt College

PASSED AND ADOPTED by the following called vote this 14th day of May, 2013:

AYES: Trustees Brown, Handy, González Yuen, Guillén, Gulassa, Riley, and Withrow.

NOES: None.

ABSTAIN: None.

ABSENT: None.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District