



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
OCTOBER 21, 2014

CALL TO ORDER (7:00 p.m.)

CLOSED SESSION (5:00 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)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.**

*** Conference with Legal Counsel (54956.9(a)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396.**

*** 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)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733**

*** Conference with Legal Counsel (54956.9(a)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878.**

*** Conference with Legal Counsel (54956.9(a)), Nichols v. PCCD, Alameda County Superior Court, Case No. RG14739161.**

*** Conference with Legal Counsel (54956.9(a)), Adcock v. PCCD, Alameda County Superior Court, Case No. RG14733487.**

*** Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases)**

Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957).

*** Recommendation to appoint Acting Director of International Services and Student Support.**

*** Chancellor's Evaluation**

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL

Trustees Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Guillén Pr Ab_, Handy Pr_ Ab_, Riley Pr_ Ab_, Withrow Pr_ Ab , and Gulassa Pr_ Ab_, Student Trustees Oliver Pr_ Ab_ and Rolley Pr_ Ab_.

Present: Student Trustee Rolley, Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

Absent: Student Trustee Oliver.

REPORT OF ACTION TAKEN IN CLOSED SESSION (7:01 P.M.)

The Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor. Salaries are for informational purposes only, and are not voted by the Board:

Recommendation to approve the appointment of Drew Gephart as Acting Director of International Services and Student Support, effective August 21, 2014 through September 22, 2014, at \$113,300 annually (pro-rated).

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

(Any public employee contracts are subject to contractual agreement by the Chancellor, and provided salaries are for informational purposes only.)

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 may move to the Action Calendar items with public speakers.

[Agenda](#)

MOTION: Motion by Trustee Guillen, second by Trustee Riley to approve Agenda with the following amendments:

Under Agenda Item 12 (Out of State Travel), Carlos McLeon should read Carlos McLean.

Under Agenda Item 26 - it should read "Informational" and not approval.

Agenda Items 9, 16, and 27 being moved to the Action calendar.

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

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

1. Consider Approval of the Regular Board meeting Minutes of October 7, 2014. The minutes are posted on Granicus.

[Minutes](#)

MOTION: Motion by Trustee Brown, second by Trustee Gulassa to approve The Regular Board meeting Minutes of October 7, 2014. The minutes are posted on Granicus.

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

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 (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. 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 up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers 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.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

Speaker Blake addressed a report that came out on January 2013 called "The Student Report redefined" by the RP Group which brought to light that students need to be redirected, Nurture students and help them to succeed, engage, value student skills. Speaker Blake feels we need to align our goals with these concerns that have been identified in this report.

REPORTS (7:20 P.M.)

The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting. All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.

2. Associated Student Government Reports Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. (Please provide your Name, College, and Position, and line-up to speak.)

Speaker Kantrali, Associated Students of College of Alameda (ASCOA), spoke on events at the campus such as a film screening, art show and Dia de los muertos.

Speaker Aguilera, Associated Students of Berkeley City College (ASBCC), celebrated their 40th anniversary. BCC voice had their first issue this month. Next week, ASBCC holding a Halloween event, four students appointed to attend SSCCC.

Speaker Jackson, Associated Students of Merritt College (ASMC), spoke on events at the campus such as a student appreciation day where over 400 students were fed.

Speaker Aguilar, Associated Students of Laney College (ASLC), thanked Dr. Webb for supporting Team Laney and spoke on events at the campus such as Dia de los muertos on October 28th. There is still no word that funds will be moved to the district and ASLC would like to state for the record that they deserve to be respected and her regarding their input.

3. Chancellor's Reports Chancellor's Report Dr. José M. Ortiz Vice Chancellor's Reports Budget Update Interim Vice Chancellor Rinne Enrollment and Vice Chancellor Orkin Student Services Update General Services Vice Chancellor Ikharo Human Resources Vice Chancellor Largent College Reports

Chancellor Ortiz attended a CEO meeting with Helen Benjamin. Last week Chancellor Ortiz also participated at Berkeley City College's 40th celebration event.

Berkeley City College President Budd

* Proclamation presented to Tenzin Seldon

The Board of Trustees, Chancellor Ortiz, and President Deborah Budd presented a resolution to former Berkeley City College student Tenzin Seldon.

College of Alameda Interim President Gravenberg

Laney College President Webb

Merritt College President Ambriz-Galaviz

4. Board of Trustees' Reports 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.

Trustee Withrow and Trustee Brown attended the AACC Legislative Summit and met with legislators and heard presentations by the administration.

Trustee Gonzalez Yuen spent time at Berkeley City College celebrating the 40th anniversary.

Trustee Gulassa congratulated President Debbie Budd for her fine stewardship of Berkeley City College. On October 22nd, he attended the public forum on the Deputy Chancellor candidates. Trustee Gulassa will also be attending the ACCT Conference later this week being held in Chicago.

Trustee Brown

Trustee Handy attended the celebration events at Berkeley City College.

Trustee Riley announced that civic pride will be hosting their annual program on October 25th at the Waterfront Hotel.

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

CONSENT CALENDAR (7:45 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: Motion by Trustee Withrow, second by Trustee Riley to approve Board Agenda Items 1 - 8, 10 - 15, 17 - 26.

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

BOARD MATTERS

6. Consider Approval of Board Policy 5020, Nonresident Tuition Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 5020, Nonresident Tuition. The Chancellor recommends approval.

[BP 5020](#)

7. Consider Approval of Board Policy 6200, Budget Preparation Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6200, Budget Preparation. The Chancellor recommends approval.

[BP 6200](#)

8. Consider Approval of Board Policy 6250, Budget Management Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6250, Budget Management. The Chancellor recommends approval.

[BP 6250](#)

9. Consider approval of the Board Meeting Calendar for 2015. Presenter: Assistant Brenda Martinez. Consider approval of the Board Meeting Calendar for 2015. The Chancellor recommends approval.

Trustee Withrow would like to see the board calendar expanded to a number of additional topics and suggested that the calendar be structured to have a business meeting for the first meeting of the month and the second meeting of the month should be a governance meeting. He would also like to see this as part of the agenda for the board workshop.

Trustee Gulassa would like to have a more active way of involving ourselves. There is software available that can help us monitor important functions such as enrollment, budget, etc. where it presents a clear way to receive the information and see it at once. This is a discussion that we can have at the board retreat.

Trustee Brown appreciates having a calendar that has topic items and notes and is looking forward to the Chancellor and the college president on getting statuses from the colleges.

Trustee Gonzalez Yuen appreciates that we are adding more meetings to the calendar and would like flexibility.

Student Trustee Oliver would also like to see an update on student equity reports in the next year.

Trustee Guillen thinks it is a good planning tool and wanted to clarify Trustee Withrow's comment is that the board represents the public. The reports come to the Board and is information for the Board. Reports are also available to the public.

MOTION: Motion by Trustee Withrow, second by Trustee Riley to approve 9. Consider approval of the Board Meeting Calendar for 2015 Presenter: Assistant Brenda Martinez Consider approval of the Board Meeting Calendar for 2015. The Chancellor recommends approval.

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

10. Consider approval of Resolution 14/15-14, Excusing Student Trustee Absence Presenter: Trustee Guillen It is recommended that Trustees approve Resolution 14/15-14 excusing Student Trustee Rolley from the October 7, 2014 Board meeting due to illness. The Chancellor recommends approval.

Resolution

11. Consider approval of Resolution 14/15-15, Excusing Trustee Absence Presenter: Trustee Guillen It is recommended that Trustees approve Resolution 14/15-15 excusing Trustee Guillen from the October 7, 2014 Board meeting due to illness. The Chancellor recommends approval.

Resolution

12. Consider Approval of Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty:

Name	Travel Location	Travel Dates
Alexis Alexander 2014	Portland, OR	November 18, 2014 - November 22, 2014
Carlos McLean 2014	Oak Brook, IL	November 5, 2014 - November 8, 2014
Kim Dinh 2014	Atlanta, GA	December 1, 2014 - December 5, 2014
Miriam Fernandez 2014	Atlanta, GA	December 1, 2014 - December 5, 2014
Hollie Hardy Peter Ha 2014	Minneapolis, MN Las Vegas, NV	April 8, 2014 - April 12, 2014 November 3, 2014 - November 5, 2014
Bill Andrews 2014	Las Vegas, NV	November 3, 2014 - November 5, 2014

[Background Material](#)

EDUCATIONAL AND STUDENT SERVICES

13. Consider Approval of a Contract with Life Long Medical Care - Mental Health Services at BCC (not to exceed \$65,000) Presenter: Vice Chancellor Orkin Consider approval of a contract between PCCD and Lifelong Medical Care (LMC). LMC will be providing a mental health counselor three days a week at the Berkeley City College Campus. PCCD is reimbursing them at a rate of (not to exceed) \$65,000 per year for staff and expenses. The Manager at Life Long Medical Care in charge of this service is Brenda Goldstein. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Student Health Fee Monies.

[Background Material](#)

14. Consider Approval of a Contract with Healthy Communities Inc. - Health Services at Merritt College (not to exceed \$65,320) Presenter: Vice Chancellor Orkin Consider Approval of a Contract with Healthy Communities Inc. Healthy Communities will be providing health services three days a week to students at Merritt College. We are recommending that the District move away from having a centralized clinic at Laney College. The main reason for this recommendation is the need to improve quality of health services at the District. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Student Health Fee Monies.

[Background Material](#)

15. Consider approval of a contract with Oakland Community Acupuncture for FY 2014-15, not to exceed \$32,130 for PCCD. Presenter: Vice Chancellor Orkin Consider approval of a contract with Oakland Community Acupuncture for FY 2014-15, not to exceed \$32,130 for PCCD. Oakland Community Acupuncture has been providing acupuncture and massage since November 2011 for our students with excellent utilization and satisfaction data. Last year, we expanded to Merritt and Berkeley City College and this year we will be expanding to College of Alameda. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Student Health Fees

[Background Material](#)

16. Consider approval to increase the amount of an ICC for Timothy Gibbon from \$20,000 to \$55,000 for Moodle/Online Support for the District. Presenter: Vice Chancellor Orkin Consider approval to increase the amount of an ICC for Timothy Gibbon from \$20,000 to \$55,000 for Moodle/Online Support for the District. This contractor is responsible for developing technical aspects of the Moodle Learning Management System (LMS) related to course instruction and enrollment. He addresses problems of system integration to the district's Passport online system, compatibility and multiple platform integration. This contractor troubleshoots the LMS for students and instructors. For example, when students cannot log into their Moodle account, or instructors need help creating a Moodle shell for their class, this contractor will assist in those duties. This contractor also addresses all online support emails sent to online@peralta.edu from faculty and students. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: General Fund.

Background Material

Trustee Handy questioned the \$35,000 increase with the contract. When you get into contracts that are \$55,000, she feels it should be an open bidding process.

Vice Chancellor Orkin clarified that Mr. Gibbons has been working at the District for the last three years at \$55,000. The reason he started at \$20,000 was because it was in the summer so he really has been receiving \$55,000 for the last few years. Unfortunately, his position is unique and can only be handled by a contractor because he provides support for Moodle students and faculty 24/7.

Trustee Handy added that if the board item was written differently, this would have been clarified to her. She asked Vice Chancellor Orkin if he looked into how other colleges handle this?

Vice Chancellor Orkin said that Peralta's moodle support is smaller than other districts however, Tim provides support that other colleges are not able to provide.

Trustee Gonzalez Yuen asked if we just have one staff person for Moodle?

Vice Chancellor Orkin said we have a technical support person as well but we only have one part time person.

MOTION: Motion by Trustee Gulassa, second by Trustee Handy to approve 16. Consider approval to increase the amount of an ICC for Timothy Gibbon from \$20,000 to \$55,000 for Moodle/Online Support for the District.

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

17. Consider approval of an Independent Contractor Agreement for Milwaukee Area Technical College, co-PI for Laney's National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) Presenter: President Webb Consider approval of an Independent Contractor Agreement for Milwaukee Area Technical College (MATC), in an amount of \$47,000 funded by the National Science Foundation Advanced Technological Education (ATE) grant, to carry out activities in fulfillment of project objectives for Laney College's National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). MATC is a sub-awardee of the BEST Center, and BEST Center Co-PI Ted Wilinski is the lead developer of MATC's Sustainable Facilities Operations program. On behalf of BEST Center, MATC will provide curriculum development and documentation in Sustainable Facilities Operations; in addition, MATC will provide technical assistance, follow-up analysis, and reportage on community college workshop participants who are developing their own curricula in Sustainable Facilities Operations. Promotion of the Center at national HVAC faculty events and participation in BEST Center strategic planning are also part of MATC's scope. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: National Science Foundation Funding (Advanced Technological Education), categorical funds, with no fiscal impact on Peralta general fund.

Background Material

18. Consider Approval of an Independent Contractor Agreement with Danny Beesley (dba EcoVision Consulting) to provide project management services for the development of the Advanced Manufacturing Fabrication Lab (FabLab) at Laney College in the amount of \$50,000 (cumulative total of contracts at \$62,520). Presenter: President Webb Consider approval of an independent contractor agreement for Danny Beesley (dba EcoVision Consulting) in an amount not to exceed \$50,000 to provide project management support for the development of the Advanced Manufacturing Fabrication Lab (FabLab) at Laney College. The contract will run from October 15, 2014 to June 30, 2015.

[Background Material](#)

Laney College has been awarded funding from the US Department of Labor to develop and provide education and training in advanced manufacturing.

Mr. Beesley will provide project management support services to Laney in developing the Advanced Manufacturing Fabrication Lab (FabLab) which includes; research on equipment specification, equipment installation, lab layout, working with faculty to incorporate the use of the FabLab into their departments, coordination and other support services. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: United States Department of Labor TAACCT grant for Advanced Manufacturing Education.

19. Consider Approval of annual PeopleSoft Software License Update and Support with Oracle for FY 2014-15 Presenter: Associate Vice Chancellor Madlock 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.). The total cost is \$257,027.10 (excluding applicable tax). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Unrestricted General Fund and Measure E.

[Background Material](#)

20. Consider Approval of Contract with United Information Consultants, LLC to provide an IT assessment in the amount of \$44,000. Presenter: Chancellor Ortiz Consultant will provide an IT Assessment using processed and methodology outlined in the scope of work. Specific Emphasis will be placed on the ERP Functions used by the District. The Scope of Work will assess and summarize those ERP modules that have been purchased (53 modules) and implemented to date (27 modules), as well as those that the District owns, but has not yet scheduled for rollout support the technology and processes, and present options to further bridge any gap that may exist between the delivery of technology and the opportunity to maximize the return on investment through more complete operational integration. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: \$44,000 from General Fund

[Background Material](#)

FINANCIAL SERVICES

21. Consider Approval of the Annual CCFS 311A. Presenter: Interim Vice Chancellor Rinne Consider approval of the Annual CCFS-311A: Community College Annual Financial (Fiscal Year 2013-14 and Budget (Fiscal Year 2014-15) Report, in accordance with the California Code of Regulations Section 58300. This report is due to the State Chancellor's Office on or before October 10, 2014. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

HUMAN RESOURCES

22. 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 |
|-----------|------------|--------------|----------|------------------------------|------|
| Collins | Ariane | 10/22/14 | 12/12/14 | Inst Asst/English | B |
| Ghosh | Rudrani | 10/23/14 | 6/30/15 | Clerical Assistant II/Typing | D |
| Hill | Corey | 10/23/14 | 2/5/15 | Staff Asst/Admin (General) | B |
| Hunt | David | 10/22/14 | 6/30/15 | Inst Asst/Multimedia | B |
| James | Kenya | 10/22/14 | 5/22/15 | Inst Asst I/DSPS | L |
| Wolins | Etai | 10/22/14 | 6/30/15 | Inst Asst/Social Sciences | B |

FACILITIES

23. Consider Approval of Resolution No. 14/15-10, Acceptance of Completed Work and Release of Retention for the Merritt College Chilled Water Infrastructure Project (Bid No. 12-13/03), Taber Construction, Inc. Presenter: Vice Chancellor Ikharo Approval is requested for Resolution No. 14/15-10 for completed work and release of retention for the Merritt College Chilled Water Infrastructure Project (Bid No. 12-13/03). The Governing Board of Trustees approved a contract award (Bid No. 12-13/03) to Taber Construction, Inc., Inc. for the Merritt College Chilled Water Infrastructure Project at the October 23, 2012 meeting, in the amount of \$4,076,000. A notice to proceed (NTP) was issued with a start date of April 8, 2013 with the project duration of 334 calendar days for Substantial Completion. The Certificate for Substantial Completion was issued on June 09, 2014 for the entire project. A Notice of Completion (NOC) was filed with the County of Alameda, and project acceptance is recommended. There were five (5) change orders for the project for a total of \$401,022 or 9.839% of the original contract amount. Including these change orders, the cumulative contract amount was \$4,477,020. This resolution accepts the project as complete and staff is requesting final acceptance of the project and release of the remaining 5% retention of the cumulative contract amount, in the amount of \$223,851. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A.

[Background Material](#)

24. Consider Approval of Resolution 14/15-13, Acceptance of Completed Work and Release of Retention for the Breezeways Pavement Rehabilitation Project at Laney College (Bid No. 13-14/19), Valentine Corporation. Presenter: Vice Chancellor Ikharo Approval is requested for Acceptance of Completed Work and Release of Retention to Valentine Corporation for the Breezeways Pavement Rehabilitation Project at Laney College (Bid No. 13-14/19). The Governing Board of Trustees approved a contract award (Bid No. 13-14/19) to Valentine Corporation on March 25, 2014, in the amount of \$1,069,369. A notice to proceed (NTP) was issued with a start date of May 27, 2014 and the Certificate for Substantial Completion was issued on September 12, 2014 for the entire project. A Notice of Completion (NOC) will be filed with the County of Alameda with an increase in contract time of fifty-three (53) calendar days to September 26, 2014, and project acceptance is recommended. This resolution accepts the project as complete and staff is requesting final acceptance

of the project and release of the remaining 5% retention, in the amount of \$53,468.45. There were no change orders on this project. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. Approval to accept this project as completed and release of retention are recommended by the Chancellor. Funding Source: Measure A.

[Background Material](#)

25. Consider approval of Measure A Bond Budget Transfers and Appropriations for the District-wide Blue Phones (No. 70). Presenter: Vice Chancellor Ikharo. Approval is requested for one (1) budget transfer and appropriation. Staff will obtain signatures from the Administrations (Vice Chancellor of Finance and Administration, Vice Chancellor of General Services and the Chancellor) for this budget transfer and appropriation for the October 23, 2014 Board meeting. On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projections and budget transfer procedures. Budget Transfer No. 70 (\$300,000) is from Measure A bond fund, this allocation will help pay for the District-wide Blue Phones. This Measure A fund will pay for the initial survey assessment, the replacement of poles and phones for freestanding equipment and construction administration. Whereas, the replacement of phones for equipment attached to the interior or exterior buildings will be funded by deferred maintenance funding (\$540,000). The transferred budget (\$300,000) will come from the District Office HVAC project account (#2349) and placed into the new District-Wide Emergency Blue Phones Project account (#2429). The estimated project cost is \$840,000.

[Background Material](#)

INFORMATIONAL ITEMS

26. Consider approval of the expenditure of the Prop 39 Program Improvement Funds with nine participating Bay Region community colleges. Presenter: President Webb Consider approval of the expenditure of the Prop 39 Program Improvement Funds with nine participating Bay Region community colleges. Peralta is the fiscal agent for a regional Prop 39 grant to the Bay Region community colleges enabled by SB 73 to support clean energy job creation. Allocation of program improvement funding was based upon 2013-2014 certificates awarded to students enrolled in participating energy related programs and listed in the Chancellor's Office MIS system or documentation of third party certification provided to the regional project director and approved by the Chancellor's office. Peralta Community College District as the financial agent for this grant has been approved the expenditure of up to \$741,554 (less 4% indirect) for program improvement funding which will be allocated among the nine participating Bay Region colleges. Allocation of program improvement funding to each college was based upon 2013-2014 certificates awarded to students enrolled in participating energy related programs and listed in the Chancellor's Office MIS system or documentation of third party certification provided to the regional project director and approved by the Chancellor's office.

[Background Materials 1](#)

[Background Materials 2](#)

[Background Material 3](#)

[Background Material 4](#)

[Background Material 5](#)

[Background Material 6](#)

[Background Material 7](#)

27. Side Letter to the Approved Project Labor Agreement (PLA) between the District and Alameda County Building and Construction Trade Council AFL-CIO and Related Signatory Unions. (First Reading for Discussion) Presenter: Vice Chancellor Ikharo The administration is requesting to include the Side Letter to an approved Project Labor Agreement (PLA). The Governing Board of Trustees authorized the Chancellor to negotiate an extension of the Project Labor Agreement Terms on June 24, 2014 (Resolution 13/14-70). On July 15, 2014, the Governing Board of Trustees approved Resolution 14/15-06 to adopt an extension of the Project Labor Agreement (PLA), effective July 16, 2014 to June 30, 2019. After this Board approval, both parties can sign the Side Letter to be included in the approved PLA. This Side Letter modifies certain language in the previous PLA, to include four areas of mutual agreement: local hiring, committee structure, jurisdictional dispute and arbitration. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A.

[Background Material](#)

This item will return for for approval at the next meeting board meeting. This item is on the agenda for informational purposes only.

Trustee Gonzalez Yuen would like a comparison from other districts across the countries. How do other PLA's look like in terms of integration. What are the enforcement mechanisms? What is our recourse? What does the main contract say? Under representation?

Trustee Handy understands this process is difficult. Our first PLA was rushed.

Trustee Brown would like to hear from President Webb who has construction projects at her campus.

Chancellor Ortiz reiterated this was a first reading and opportunity to get feedback from the Board. Coming back on November 18th meeting for approval. Would like President Webb to take a look at it so she can provide feedback.

Mr. Sloan - local hiring, construction related programs, unions will take grads and place them in an apprenticeship and this is the way it will work. Unions are in agreement with concept. Believes this can be done by next meeting.

Trustee Guillen asked how we deal with the competition. What's different than what we had agree to years ago.

Trustee Brown asked if President Webb can give a brief background in apprenticeship of students being hired from Laney.

President Webb said the PLA can be enhanced significantly in two key areas, level of training that students receive, lead to higher skilled individuals. Have significant number of individuals prepared.

Mr. Sloan welcomed any language that President Webb provides.

Trustee Gonzalez Yuen is glad to hear the discussions are being made and asked what the best practices are and would like to hear about the underprivileged.

Trustee Guillen would be interested to see other PLA's from other districts. He would like a proposal brought back to the board.

Trustee Riley asked how questions or inquiries about the PLA's should be directed and what is the timeline? Trustee Guillen said that all inquiries and questions should be directed to the Chancellor by the end of the month.

Trustee Handy clarified that a report is not needed and is more interested in tightening up the pieces rather than reinventing the wheel.

Trustee Guillen reiterated that the purpose of this agenda item is to give feedback so it comes back to the November 18th Board meeting for approval.

Trustee Gonzalez Yuen expressed concern around enforcement. He wasn't asking for a report but had concerns about not seeing specific language that expresses concerns.

MOTION: Motion by Trustee Withrow, second by Trustee Gulassa to approve First Reading of Agenda Item 27. Side Letter to the Approved Project Labor Agreement (PLA) between the District and Alameda County Building and Construction Trade Council AFL-CIO and Related Signatory Unions. (First Reading for Discussion)

AYES: Trustee Handy, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Riley, Trustee Withrow, Trustee Brown, and Trustee Guillen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

ACTION CALENDAR ITEMS

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 may 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 (9:22 P.M.)

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, bmartinez@peralta.edu at least 48 hours prior to the meeting.

Peralta Community College District Governing Board Agenda: October 21, 2014

ANNOUNCEMENTS

1. The next regularly scheduled Board meeting & retreat will be held on November 18th at a location to be determined.
2. The Board reminds the community to vote on November 4th.
3. The Board sends sympathy to the family and friends of longtime College of Alameda custodian Angel Olan upon his passing.

4. The Board wishes the community a Happy and Safe Halloween, and salutes our Veterans on Veteran's Day. Peralta will be closed on November 11th in observance of that day.

5. We encourage all to attend the 50th Anniversary Grand Reception and Dedication of the Barbara Lee Science & Allied Health Center on Thursday, October 30th at 6:00 p.m. For more information and tickets, please contact the Peralta Foundation.

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