



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, October 6, 2015

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street

Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus:

Link on the Peralta Board Website: <http://web.peralta.edu/trustees/meetings-votelog/>

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

AGENDA

CALL TO ORDER (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)), 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)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878.

- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (1 cases)

Public Employee Appointment (Government Code Section 54957)

- Recommendation to appoint Dean of Student Success and Equity, District Office.
- Recommendation to appoint Acting Vice President of Instruction, Merritt College.
- Recommendation to appoint Director of Workforce Systems, College of Alameda.

Public Employee Evaluation (The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.)

Public Employee Discipline/Dismissal/Release (The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.)

Consider Student Discipline Matter

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL Trustees Bonilla Pr_ Ab_, Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Handy Pr_ Ab_, Riley Pr_ Ab_, Withrow Pr_ Ab_, and Gulassa Pr_ Ab_, Student Trustees Abuyen Pr_ Ab_ and Hyche Pr_ Ab_.

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

(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.

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

1. Consider Approval of the regular Board meeting Minutes of September 8, 2015 and Board workshop Minutes of September 22, 2015.

Consider approval of the regular Board meeting Minutes of September 8, 2015 and Board workshop Minutes of September 22, 2015. 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 (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/>

REPORTS (7:15 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.)

3. Chancellor’s Reports

Chancellor’s Report	Dr. Jowel C. Laguerre
Interim Deputy Chancellor	Dr. Eric Gravenberg
Vice Chancellor’s Reports	
Budget Update	Vice Chancellor Little
Enrollment and	Vice Chancellor Orkin
Student Services Update	
General Services	Vice Chancellor Ikharo
Human Resources	Vice Chancellor Largent

College Reports

Berkeley City College	President Budd
• Intent to Apply – CIRM Grant	
College of Alameda	President Blake
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.

5. District Academic Senate Report **Presenter: DAS President Cleavon Smith**

PUBLIC HEARING and ACTION ITEM: (7:45 P.M.)

6. Sunshining of the following Article for negotiations for the District to the Peralta Federation of Teachers (PFT). Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon the District's notice to PFT. This item was received at the September 8, 2015 Board meeting for the purpose of public notice. All Board-recommended contracts are subject to negotiations and execution by the Chancellor.

a. Article 30H: Part-time Faculty Rehire Preference Pool

7. Sunshining of the following Articles for negotiations for the District to the Service Employees International Union (SEIU) Local 1021. Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon the District's notice to SEIU Local 1021. This item was received at the September 8, 2015 Board meeting for the purpose of public notice. All Board-recommended contracts are subject to negotiations and execution by the Chancellor.

- Article 10.8: Desk Audits/Classification Studies
- Article 5: Employee Evaluation Procedures

8. Sunshining of the following Articles for negotiations for the District to the International Union of Operating Engineers (IUOE) Local 39. Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon the District's notice to IUOE Local 39. This item was received at the September 8, 2015 Board meeting for the purpose of public notice. All Board-recommended contracts are subject to negotiations and execution by the Chancellor.

- Article 15: Position Audits/Classification Studies
- Article 19: Employee Evaluations.

PRESENTATIONS (7:50 P.M.)

9. Clery Act Disclosure of Campus Security Presentation (15 minutes)
 Presenter: Vice Chancellor Ikharo and Lieutenant Craft

In pursuant to the Clery Act, a federal statute, the District’s annual security report, crime log, timely warning requirements, and crime statistics will be reported to the Governing Board of Trustees. All colleges and universities, participating in the federal financial aid programs are required to disclose information about crime incidents on and near their respective campuses. The United States Department of Education monitors this compliance. If, the District does not comply with the statute, the agency can impose civil penalties, up to \$35,000 per violation and can suspend the District from participating in the federal student financial aid programs.

CONSENT CALENDAR (8:05 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.

BOARD MATTERS

10. Consider Approval of Out of State Travel pursuant to Board Policy 7400
 Presenter: **Chancellor Laguerre**

Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty:

Name	Travel Location	Travel Dates
Howard Jordan	Chicago, IL	October 23, 2015 – October 28, 2015

11. Consider approval of the Board Meeting Calendar for 2016 **Presenter: Assistant Brenda Martinez**

Consider approval of the Board Meeting Calendar for 2016. The Chancellor recommends approval.

12. Consider approval of resolution 15/16-13 recognizing October as “Transfer Student Awareness and Recognition Month” **Presenter: Board President Brown**

Consider approval of resolution 15/16-13 recognizing October as “Transfer Student Awareness and Recognition Month”.

13. Consider approval of Resolution 15/16-14 recognizing October as United Nations Month and Noting the United Nations 70th Anniversary Flag Raising Ceremony **Presenter: Board President Brown**

Consider approval of resolution 15/16-14 recognizing October as United Nations Month and Noting the United Nations 70th Anniversary Flag Raising Ceremony In the City of Oakland on October 19, 2015.

EDUCATIONAL AND STUDENT SERVICES

14. Consider approval of Contract between PCCD and Governet/Curricunet. The total price will not exceed \$112,000. **Presenter: Vice Chancellor Orkin**

Consider approval of Contract between PCCD and Governet/Curricunet. Governet/Curricunet will implement the Curricunet Meta with modules to be used for data management of Academic courses and Programs, along with Modules for program review and outcome assessments. The total price will not exceed \$112,000. The Chancellor recommends approval. **Funding Source: General Fund.**

15. Consider Board ratification of a contract addendum to extend Independent Contractor Agreement number 16935 for Owen Hershey in the amount of \$60,060 to continue to provide workforce development services for the Alameda and North Cities One Stop Career Centers. **Presenter: President Blake**

Consider Board ratification of a contract addendum to extend Independent Contractor Agreement number 16935 for Owen Hershey in the amount of \$60,060 to continue to provide workforce development services for the Alameda and North Cities One Stop Career Centers. Funding is through contract with Alameda County Workforce Investment Board. The initial contract amount was for \$20,020 through Sept. 30 utilizing special project funding. The President is requesting an increase in the amount by \$ 60,060 to bring the total amount for contractor to \$80,080 for services through June 30, 2016. Owen Hershey will continue to provide mandated career services to individuals enrolled in the Workforce Innovation and Opportunities Act (WIOA) program including orientation and intake; case management; and workshop facilitation. The Chancellor recommends approval. **Funding Source: Alameda County Workforce Investment Board.**

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

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD Sept 14, 2015" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

17. Independent Contractor Agreement for Georgia Piedmont Technical College, Co-PI for Laney's National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) **Presenter: President Webb**

Consider approval of a Sub-award for Georgia Piedmont Technical College (GPTC), in an amount not to exceed \$118,325, funded by the National Science Foundation Advanced Technological Education (ATE) program, to carry out activities in fulfillment of project objectives for Laney College's National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). GPTC is a sub-awardee of the BEST Center for their Building Automation Systems (BAS) program. On behalf of BEST Center, GPTC will conduct a Summer 2016 Instructor's Workshop on *Building Automation Systems (BAS) Technology* and a Fall BAS Workshop; in addition, GPTC will provide technical assistance to selected colleges across the country and participate in BEST Center's 2016 Winter Workshop, BEST sponsored webinars, and BEST Center meetings and activities. The Chancellor recommends approval.

18. 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 a contract for Milwaukee Area Technical College, in an amount not to exceed \$66,550 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, assist with BEST Center professional development workshops; in addition, MATC will follow-up and report on workshop participants who are developing their own curricula in Sustainable Facilities Operations. Promotion of the Center and participation in conferences, webinars and NSF National Visiting Committee meetings are also part of MATC's scope.

19. Consider approval of an independent contractor/consultant services for Stephanie Green in the amount of \$41,500 for workforce and professional development services for Berkeley City College's Public Health and Services Learning Community. **Presenter: President Budd**

Consider approval of an independent contractor/consultant services for Stephanie Green in the amount of \$41,500 for workforce and professional development services for Berkeley City College's Public Health and Services Learning Community in fulfillment of the project objectives of the Career Advancement Academy (CAA) and Office of Statewide Health Planning and Development (OSHPD) Peer Personnel Education and Experience Pathway grant funding. The Chancellor recommends approval. **Funding Source: CAA and OSHPD grants, no impact on General Fund.**

20. Consider approval of an Independent Contractor/Consultant Services Contract in the amount of \$80,000 with Dr. Robert "Bob" Barr for Berkeley City College, College of Alameda, Laney College, and Merritt College to conduct institutional research. **Presenter: President Ambriz-Galaviz, President Blake, President Budd and President Webb**

Consider approval of Independent Contractor/Consultant Services Contract with Dr. Robert "Bob" Barr for Berkeley City College, College of Alameda, Laney College, and Merritt College. (\$20,000 for each college, totaling \$80,000.) The objective of Dr. Barr's services is to provide the colleges with additional support for closing the Equity Gap by analyzing and assisting with reports for: The Equity Plan, SSSP, Special Programs and Grants and the Ed Master Plan. His analysis will help deepen the conversation at the colleges for creating successful pathways of study for all groups. The contractor will perform this work on an hourly basis at a rate of \$120/hour. The duration of the contract shall begin with Board of Trustees' approval through June 30, 2016.

Dr. Robert "Bob" Barr shall conduct institutional research on student metrics and institutional decision-making in general and within selected grant projects of the District and its four colleges. Most research and data reporting is expected to be such that a report developed for one of the colleges can easily be replicated for the other three colleges using the Hyperion query and reporting tool. The Chancellor recommends approval. **Funding Source: Unrestricted General Fund.**

FINANCIAL SERVICES

21. Consider *Ratification* of the AP, Travel, and Consulting Contract Warrant Register
Presenter: Vice Chancellor Little

Consider *ratification* of the AP, Travel, and Consulting Contract Warrant Register from July 11, 2015 through September 18, 2015. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

22. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Little**

Consider approval of budget transfer report covering the period from July 1, 2015 through September 18, 2015. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 8, 2015. The Chancellor recommends approval.

23. Consider Approval of the Chancellor's Office Tax Offset Program (COTOP)
Presenter: Vice Chancellor Little

Consider approval of contract between the Peralta Community College District and the Chancellor of the California Community College for the District to participate in the Chancellor's Office Tax Offset Program (COTOP). This program is made available to California Community College Districts through the State Chancellor's Office. Through the use of this program, the District is able to collect amounts owed from students past due longer than 365 days. Using this program in the prior year, the District was able to collect thousands of dollars of past due balances going back to fiscal year 2005-06. Funding Source: Unrestricted General Fund. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

HUMAN RESOURCES

24. Consider Approval of Short-Term Assignments - Hiring of Non-Academic 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.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Brazinskaite	Ruta	10/7/15	6/30/16	Staff Asst/ Admin (Grants)	B
Jones	Myeisha	6/1/16	6/30/16	Staff Asst/Admin (Instruction)	M
Lane	Hope	10/7/15	6/30/16	Clerical Assistant II	L
Ortiz de Coots	Hilda	10/7/15	12/31/15	Staff Asst/VP Office	L
Padilla Porras	Luis	10/7/15	6/30/16	Prog Specialist/Student Activ	A
Tumba-Longo	Alain	10/7/15	2/1/16	Staff Asst/Dean's Office	L
Zepel	Janet	11/1/15	6/30/16	Staff Asst/Admin (Instruction)	M

"The District has complied with the applicable provisions of the Education Code"

25. Sunshining of the following Article for negotiations for the Peralta Federation of Teachers (PFT) to the District. Pursuant to Government Code 3547 (a), PFT hereby gives public notice of its contract negotiations to the District for the purpose of public notice (sunshining). **Presenter: Vice Chancellor Largent**

- Article 21: Salary – Overloading of part-time faculty

Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Governing Board meeting of October 20, 2015.

26. Sunshining of the following Article for negotiations for the District to the Peralta Federation of Teachers (PFT). Pursuant to Government Code 3547 (a), the District hereby gives public notice of its contract negotiations to PFT for the purpose of public notice (sunshining). **Presenter: Vice Chancellor Largent**

- Article 11: Faculty Evaluations

Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Governing Board meeting of October 20, 2015.

FACILITIES

27. Consider Approval of Resolution 15/16-07 to Accept the Bid and Award a Contract to W.E. Lyons Construction Company for the Laney College BEST Center (Bid No. 14-15/11). **Presenter: Vice Chancellor Ikharo.**

Approval is requested to Accept the Bid and Award a Contract to W.E. Lyons Construction Company for the Laney College BEST Center (Bid No. 14-15/11), in the amount not-to-exceed \$4,899,430.00. W.E. Lyons Construction Company will construct two (2) Test Houses each of approximately 1250 gross square feet and a Classroom about 2500 gross square feet. All structures are single story and are connected by a raised deck, accessed by ramps and stairs. In contrast, the Classroom will be constructed to meet “**Passivhaus**”, Leadership in Energy & Environmental Design (LEED Platinum), and Zero Net Energy standards. This system requires ultra-low energy performance, achieved by a highly insulated perimeter, minimal thermal bridging, and an excellent level of air-tightness.

In compliance with the Public Contract Codes, Section 20651, a formal request for bid was conducted for this project. A bid opening was held on July 29, 2015. A total of three (3) bids were received, as follows:

CONTRACTOR	LOCATION	TOTAL BID
W.E. Lyons Construction	Walnut Creek, CA	\$4,899,430.00
Cal-Pacific Construction, Inc.	Pacifica, CA	\$4,995,000.00
Gonsalves & Stronck	San Carlos, CA	\$5,448,125.00

The lowest responsible and responsive bid was submitted by W.E. Lyons Construction, in the amount of \$4,899,430. This project requires the contractor to sign a Letter of Assent (LOA), agreeing to work under the terms of the District’s Construction Project Labor Agreement (PLA). Additionally, the contractor will comply with California prevailing wage laws applicable to the project.

W.E. Lyons Construction has been in business since 1926 and has been owned and managed by the Lyons family for three generations. Greg Lyons is the President of the company. The firm is registered with the California Department of Consumer Affairs – Contractors State License Board (no. 180607 A.B1). All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A.**

28. Consider Approval of Change Order No. 1 for the Laney College Reroofing Project (Bid No. 14-15/35), Joseph Murphy Construction Inc. **Presenter: Vice Chancellor Ikharo.**

Approval is requested for Change Order No. 1 to the contract with Joseph Murphy Construction Inc., in the amount not-to-exceed \$5,363. Due to unforeseen conditions, the District requested for the contractor to complete the following:

- 1) Furnish and install tapered insulation adjacent to the gutters on the roof to prevent water accumulation; and
- 2) Remove and replace 160 square feet of rotted plywood substrate per the unit pricing included in the contract.

Change Order No. 1 (\$5362.07) is 2.1% of the original contract amount (\$243,953). Due to inclement weather, long lead submittal items and repair of the substrate of the Child Care roof, the administration is requesting for twenty-two (22) calendar days extension so the contractor can complete the project. The administration requests to extend the contract by twenty-two (22) calendar days to October 2, 2015.

All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: General Fund.**

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

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.