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**PERALTA COMMUNITY COLLEGE DISTRICT**



A Closed Session is scheduled at 5:00 P.M., September 13, 2011, Chancellor's Conference Room, District Administrative Center, 333 East Eighth Street, Oakland, California.

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)), Flippin v. PCCD, Alameda County Small Claims Court Case No. BS10542521.
- 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)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases).

Conference with Real Property Negotiator (Government Code § 54956.8):

- Negotiator Ikhara, 2120 University Avenue, Berkeley, California, 94704.
- Negotiator Ikhara, 2025 Center St, Berkeley, California, 94704.

Public Employee Appointment – Employment, Performance, Evaluation, Discipline, Dismissal, Release – All Employees (Government Code § 54957 and BP 3.62 Temporary Assignments - Interim and Acting definitions).

**REGULAR MEETING AGENDA**

**Regular Meeting of September 13, 2011, 7:00 P.M.,**

**Board Room, District Administration Center  
333 East Eighth Street, Oakland, California**

**PLEASE NOTE**

Members of the public may address the Board on any item within the Board's jurisdiction. Cards which must be completed to request to address the Board, and a summary of Board rules concerning communications from the public, are available from the Board Clerk at the meetings. Persons addressing items included on the agenda will be heard at the time the item is considered. Persons requesting to address items or subjects which are not on this agenda will be heard under the agenda item "Communications from Members of the Public." 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 466-7203 [repstein@peralta.edu](mailto:repstein@peralta.edu)

**CALL TO ORDER:** Time: \_\_\_\_\_

**PLEDGE OF ALLEGIANCE 7:00 P.M.**

**ROLL CALL** Trustees González Yuen Pr\_ Ab\_ Gulassa Pr\_ Ab\_ Handy Pr\_ Ab\_ Hodge Pr\_ Ab\_ Guillén Riley Pr\_ Ab\_ Withrow Pr\_ Ab\_ and Riley Pr\_ Ab\_, Student Trustees Brumfield Pr\_ Ab\_ and Copenhagen Pr\_ Ab\_. **7:00 P.M.**

The Regular Meeting of the Board of Trustees will commence at **5:00 P.M.** in the **Boardroom, District Administrative Center**, 333 East Eighth Street, Oakland, at which time the Board Roll Call will be taken. Immediately following the Board Roll Call at **5:00 P.M.**, the Board will enter Closed Session. The Regular Meeting in Open Session will convene at **7:00 P.M.** The first item of business upon convening in open session after the Pledge of Allegiance will be to report on Closed Session actions, if any, or to announce that Closed Session is in recess. Listed agenda times are estimates.

**REPORT OF CLOSED SESSION ACTIONS 7:01 P.M.**

**APPROVAL OF THE AGENDA 7:02 P.M.**

(Please state the agenda item number and identify the issue.)

**MINUTES 7:03 P.M.**

1. Consider Minutes of the Board Meeting of July 19, 2011.  
Copies of the minutes of the Board of Trustees' Meetings are posted on Granicus. Please submit all minute corrections to the Board Clerk.

**IDENTIFICATION OF ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE 7:04 P.M.**

(Please state the agenda item number and identify the issue.)

**IDENTIFICATION OF ITEMS TO REMAIN ON THE CONSENT CALENDAR AND PULLED FOR DISCUSSION 7:05 P.M.**

(Please state the agenda item number and identify the issue.)

**IDENTIFICATION OF ITEMS WITH PUBLIC SPEAKERS 7:06 P.M.**

**ASSOCIATED STUDENT GOVERNMENT REPRESENTATIVES REPORT 7:07 P.M.**

At this time in the meeting, representatives of the associated student governments will be afforded an opportunity to address the Board. (Please provide your name and position, and line-up to speak.)

**COMMUNICATIONS FROM MEMBERS OF THE PUBLIC 7:15 P.M.** (Please line-up to speak when your name is called.) This portion of the agenda provides an opportunity for members of the public to address the Board on matters not included on this agenda. **A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda item.** Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Under the Brown Act, Trustees and District staff are not allowed to discuss and/or take formal action at today's meeting on items brought before them under this item. Trustees and District staff are only allowed to respond briefly. Persons submitting cards to address an item included on the agenda will be called upon at the time the agenda item is considered by the Board, 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 by the recording secretary. Written statements can be submitted to the Board Clerk for inclusion in the Board minutes.

**PRESENTATIONS 7:30 P.M.**

2. Board Study Session **Presenter: Jim Grivich** (15 minutes)  
The Board will conduct a study session on the Board Policy and Administrative Procedure Project.

Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption:

- BP 1100 The Peralta Community College District (new)
- BP 1200 Mission (replaces BP 1.24)
- BP 2010 Board Membership (replaces a portion of BP 1.01)
- BP 2015 Student Members (replaces BP 1.02)
- BP 2100 Board Elections (replaces a portion of BP 1.01)
- BP 2110 Vacancies on the Board (replaces a portion of BP 1.01)
- BP 2200 Board Duties and Responsibilities (replaces BP 1.05)
- BP 2210 Officers (replaces BP 1.04)
- BP 2220 Committee of the Whole (replaces BP 1.21)
- BP 2305 Annual Organizational Meeting (new)
- BP 2310 Regular Meetings of the Board (replaces a portion of BP 1.10)
- BP 2315 Closed Sessions (replaces a portion of BP 1.10)
- BP 2320 Special and Emergency Meetings (replaces a portion of BP 1.10)
- BP 2330 Quorum and Voting (replaces a portion of BP 1.10)
- BP 2340 Agendas (replaces a portion of BP 1.10)
- BP 6300 Fiscal Management (replaces BP 6.03)
- BP 7400 Travel (replaces BP 6.39)

3. Budget Overview **Presenter: Vice Chancellor Gerhard** (15 minutes)  
Vice Chancellor Gerhard will present an overview of the 2011 – 2012 Final Budget.

#### **INFORMATIONAL ITEMS AND WRITTEN REPORTS 8:00 P.M.**

##### ***CHANCELLOR***

4. Chancellor's Report **Presenter: Chancellor Allen**  
Vice Chancellors' Reports  
State Budget Update **Presenter: Vice Chancellor Gerhard**  
Enrollment Update **Presenter: Vice Chancellor Budd**  
EasyPass, Financial Aid, Student Health Fee, and Health Services Initiative Update  
**Presenter: Vice Chancellor Ng**  
General Services' Update **Presenter: Vice Chancellor Ikharo**  
College Reports  
Merritt College **Presenter: President Adams**  
Laney College **Presenter: President Webb**  
College of Alameda **Presenter: President Jackson**  
Berkeley City College **Presenter: President Inclan**

#### **BOARD OF TRUSTEES' ANNOUNCEMENTS**

**DAS PRESIDENT REPORT** **Presenter: DAS President van Putten**

#### **ACTION ITEMS**

As a matter of policy (Board Policy 1.10), no action shall be taken on any item not identified as an "action item."

**PUBLIC HEARING AND ACTION ITEMS 8:10 P.M.**

5. Public Hearing and Adoption of Resolution 11/12-11, 2011-2012 Final Budget

**Presenter: Vice Chancellor Gerhard**

The Peralta Community College District is required to hold a public hearing on the proposed 2011-2012 annual budget prior to its adoption. Included in Trustee materials is the final adopted budget for the Peralta Community College District for the fiscal year 2011-2012 which has been publically advertised and made available for public viewing at the District Budget and Finance office and is posted on the district's web site. After the public hearing, it is recommended that Resolution No. 11/12-11 be adopted, approving the Annual Budget. The Chancellor recommends approval.

6. Consider Approval of Resolution 11/12-8 to Reduce/Eliminate Certain Services and Related Layoff Notices

**Presenter: Vice Chancellor Largent** Under the Principles for Sound Fiscal Management adopted by the Community College Board of Governors, Title 5, California Code of Regulations, §58311, each District shall be responsible for the ongoing fiscal stability of the District through the responsible stewardship of available resources. Benefits costs continue to rise and the California Department of Education has proposed a 16.5% reduction to the Maximum reimbursement Rate for certain child care services. The State fiscal crisis has had a devastating impact on the District's financial condition. District-wide approaches to address the reduction of funding for Categorical-Funded positions require significant reductions and/or discontinuance/elimination of current services. The Governing Board complies with California Education Code §§88005, 88117, and 88127 in eliminating affected positions; and the District is required by California Education Code §88017 to notify affected classified incumbents no earlier than 45 calendar days prior to the effective date of lay-off. The following classified position allocations are hereby affected by lack of funds, effective October 31, 2011: Position Title Layoff FTE Site/Department Child Care Assistant II 2.0 FTE District - Children's Center. The Chancellor is directed to: 1. Immediately notify all affected employee organizations of the issues, directions and concerns set forth in this Resolution, in order to allow any affected organization to request to meet and negotiate any resulting effects of lay-off. 2. Comply with all applicable sections of the California Education Code in preparing any and all required lay-off and/or reassignment notices to classified incumbents so affected by lack of funding, and any and all notices as required by collective bargaining agreement. The Governing Board has determined, after public input, that layoff or reduction of work years of employees are the necessary and last fiscally viable response to the District's adverse budgetary situation. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**CONSENT CALENDAR (FOR ACTION) 8:40 P.M.**

All action items are to be considered to be a part of a consent calendar. Trustees are given the opportunity to pull specific items off of the consent calendar for discussion and action. All items that have not been pulled by a Trustee will be considered in a block for comments by the public and action by the Board. All Board approved contracts are subject to final negotiation and execution by the Chancellor. Items pulled for Debate by the Trustees will be addressed later in the meeting, at approximately 8:40 p.m. Meeting times are estimates.

7. Consider Approval of December Board Meeting Date **Presenter: Trustee Riley**

Consider approval of moving the December Board meeting date from December 13<sup>th</sup> to December 6<sup>th</sup> due to a Trustee scheduling conflict. The Chancellor recommends approval.

8. Consider Approval of the Governing Board Meeting Calendar 2012 **Presenter: Trustee Riley**

Consider approval of the Governing Board meeting calendar 2012. The Chancellor recommends approval.

9. Consider Approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20)

**Presenter: Trustee Gulassa**

Consider approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20). This revision and first, informational reading comes to the full Board upon the review and input from District Academic Senate, Peralta Federation of Teachers, Human Resources Department, Legal Department, and Board of Trustees. Classified Senates (including Confidential staff), SEIU Local 1021, Local 39, Associated Students, and Management are invited to provide feedback in September 2011. The policy is presented for review, and will return to a future Board meeting for adoption. The Chancellor recommends approval.

10. Item removed from the agenda.

**FINANCIAL SERVICES**

11. 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*.

12. 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*.

13. Consider Ratification of James (Jim) Grivich's Contract. **Presenter: Vice Chancellor Gerhard**

Consider *Ratification* of James (Jim) Grivich's contract of \$90,000 to assist the Peralta Community College District with addressing the Accrediting Commission for Community and Junior Colleges' (ACCJC) recommendations provided within their June 2011 report. **Funding Source: General Fund Unrestricted.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

14. Consider Approval of Vavrinek Trine Day & Co Contract. **Presenter: Vice Chancellor Gerhard**

Consider approval of contract with Vavrinek Trine Day & Co., LLP (VTD) in the amount of \$138,500 to perform the District's annual audit for the fiscal year ended June 30, 2011. **Funding Source: General Fund Unrestricted.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

15. Consider Approval of Official Payments Corporation Contract. **Presenter: Vice Chancellor Gerhard**

Consider approval of an open purchase order for Official Payments Corporation in the amount not

to exceed \$300,000. The contract is needed to pay for student credit card processing fees until the end of this Fiscal Year, June 30, 2012. **Funding Source: General Fund Unrestricted.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

16. Consider Ratification of the California Community Colleges Chancellor's Office, Quarterly Financial Status Report, CCFS 311Q **Presenter: Vice Chancellor Gerhard**

Consider *ratification* of the District's fiscal year 2010-11 4<sup>th</sup> quarter CCFS 311Q report. The Chancellor recommends *ratification*.

17. Consider Approval of the Bond and Disclosure Counsel, Stradling Yocca Carlson & Rauth **Presenter: Vice Chancellor Gerhard**

Award bid and authorize the Chancellor to negotiate contract between the Peralta Community College District and Stradling Yocca Carlson & Rauth for Bond and Disclosure Counsel Services specific to the District's Other Post Employment Benefit program (OPEB). **Funding Source: OPEB Trust.** This item proceeds to the Board with the approval of the Retirement Board and Advisory Members. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider Approval of the Chancellor's Office Tax Offset Program (COTOP) **Presenter: Vice Chancellor Gerhard**

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). Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### **EDUCATIONAL SERVICES**

19. Consider Approval to Amend the Department of Rehabilitation (DOR) Grant Funding **Presenter: Vice Chancellor Budd**

Consider approval to amend the Department of Rehabilitation Grant funding from \$664,581 to \$809,581. The Department of Rehabilitation and the College of Alameda are working together to provide vocational rehabilitation services to students under the Workability III program. The grant is from July 1, 2009 through June 30, 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

20. Consider Approval of an Independent Consulting Contract with Raubolt Consulting Services, Inc., with Robert "Bob" Barr **Presenter: Vice Chancellor Budd**

Consider approval of a contract with Raubolt Consulting Services, Inc. for consultation services for the Peralta Office of Educational Services and Laney College. **Funding Source: General Funds.** The amount to be approved shall not exceed \$84,500 through June 30, 2012. The scope of services is outlined in the background materials. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

21. Consider Approval of Independent Contract Agreement with Yvonne Morrow-Reid, College of Alameda **Presenter: Vice Chancellor Budd**

Consider approval of independent contract with Yvonne Morrow-Reid from September 1, 2011 through October 31, 2011, contract amount not to exceed \$23,584. **Funding Source: Department of Labor (DOL) Grant.** Renewing Ms. Reid's contract brings the total contract amount to \$48,400 for the time period of June 6, 2011 through Oct 31, 2011. Ms. Reid has

served College of Alameda in the capacity of Director for the ATLAS program. Ms. Reid has provided fiduciary and programmatic/student oversight to the ATLAS Program and related projects which include planning, organizing, staffing, grant management and timely reports, budget and general administration, and student orientations and one-on-one student mentorship. Ms. Reid is responsible for the assurance of student success, and she observes ATLAS students and faculty in the classroom setting, making programmatic decisions and adjustments to best serve students based upon anecdotal input, statistical data, and trend analysis. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Approval of the Economic and Workforce Development/Job Development Incentive Fund (JDIF) Grant, College of Alameda **Presenter: Vice Chancellor Budd**

Consider approval of the Economic and Workforce Development/Job Development Incentive Fund (JDIF) Grant made and entered into by and between BOG California Community Colleges Chancellor's Office and College of Alameda. **Funding Source: JDIR Grant, Community College Chancellor's Office.** The total grant funds requested shall not exceed \$300,000. The total match funds are \$481,597. The term of the grant shall be from March 8, 2011 to June 30, 2012.

(Independent contracts for this program are listed on this Board agenda.) The goal of this grant is to develop the first steps of a training infrastructure for Direct Support Professionals, who provide care for people with developmental disabilities. These workers support consumers in their own homes, in small residential setting and in integrated day programs. The Project Director will develop fast-track, direct support, professional skills training for new job entrants at College of Alameda, and implement skills upgrade training for incumbent workers at Las Positas College. The Project Director will also work with faculty teaching the courses to contextualize them, and, together with the Project Support consultant, provide outreach and recruitment, internships and job development to the working poor and CalWORKs recipients to participate in the cohort training programs. At College of Alameda, the 15 month program involves three cohorts of trainee DSPs (90 job entrants), who will receive a 14 unit certificate and be placed into employment (40 welfare recipients or working poor job seekers). At Las Positas College the program includes 40 incumbent workers. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider approval of Independent Contractor/Consultant Services for Richard Stein, Project Director, Direct Support Workers Career Ladder, College of Alameda (JDIF) **Presenter: Vice Chancellor Budd**

Consider approval of contract for Richard Stein, Project Director, Direct Support Workers Career Ladder, College of Alameda not to exceed \$73,400 from July 1, 2011 to June 30, 2012. **Funding Source: JDIR Grant, Community College Chancellor's Office.** The project Director for the Direct Support Workers Career Ladder Training and Employment Project is responsible for coordinating the implementation of a Job development Incentive funds grant from the Workforce Innovative Partnership for Economic Development. In addition, the project director is to plan, organize, and direct the activities of the Direct Support Workers Career Ladder Training and Employment Project including program management, staffing, budget, and general administration. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider approval of Independent Contractor/Consultant Services for Daraja Wagner, Project support, Direct Support Workers Career Ladder, College of Alameda (JDIF) **Presenter: Vice Chancellor Budd**

Consider approval of a contract for Daraja Wagner, Direct Support Workers Career Ladder, College of Alameda not to exceed \$31,000 from July 1, 2011 to June 30, 2012. **Funding Source: JDIR Grant, Community College Chancellor's Office.** Contractor will provide project and administrative assistant support to the Direct Support Professionals Career Ladder Training and

Employment Program, and by assisting with recruitment and job development. Contractor will provide office assistant support by answering the phone, receiving visitors and providing Project information, scheduling appointments, maintaining calendars and files, reproducing documents, arranging and coordinating meetings and events, taking notes at meetings and other duties as assigned. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Approval of an Independent Contract Agreement with Jennifer L. Kennedy, Laney College and Merritt College **Presenter: Vice Chancellor Budd**

Ms. Kennedy will be working with Laney College, Merritt College, and the Peralta Community College District on grants. The contract amount shall not exceed \$50,000, with services performed through June 30, 2012.

Ms. Kennedy will:

- Work with the Laney College and Merritt College grant team to plan and write grants applications for the National Science Foundation (NSF) Advanced Technological Education (ATE) programs.
- She will plan and prepare federal and state grants and renewals, as needed.
- Work with project directors of grant projects at the four Peralta Colleges to ensure timely and proper implementation of grant projects and meet compliance requirements of grant projects, as assigned.
- Prepare grant reports and other district planning documents as assigned.

All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. Consider Approval of Application for a National Science Foundation Advanced Technology Education (ATE) Initiative, Laney College **Presenter: Vice Chancellor Budd**

Consider approval of application for a National Science Foundation Advanced Technology Education (ATE) Initiative not to exceed \$5,000,000 over four years. **Funding Source: National Science Foundation.** Laney College proposes to submit a proposal to serve as a National Science Foundation Advanced Technology Education (ATE) Center. The mission of the proposed Building Efficiency for a Sustainable Tomorrow (BEST) Center at Laney College is to support the transition to high performance green buildings by creating a national forum on building efficiency issues and serving as a centralized resource on technician education, research, technology, and industry collaboration. Laney submitted a NSF Center grant proposal last year, was not funded, but strongly encouraged to reapply. Project team members at Laney include: Principal Investigator (PI - Peter Crabtree), project manager (team oversight, grant administration), outreach coordinator (manages national instructor network and professional development activities), curriculum coordinator/faculty on release (documents and compiles program model, curriculum, and lab resources), staff service specialist, web consultant, and communications consultant. Objectives are listed in the background materials. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

27. Consider Approval to Enter into the 2011-2012 Child Development Contact Agreement and Resolution 11/12-12 **Presenter: Vice Chancellor Ng**

Consider approval to enter into the 2011-2012 Child Development Contact Agreement and Resolution 11/12-12 with the State Department of Education, Child Development Division for Child Development Services at the Children Center of Laney College and Merritt College with a Maximum Reimbursable Amount (MRA) not to exceed \$760,716.00. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.



28. Consider Approval of Childcare Contract with BANANAS for Berkeley City College  
**Presenter: Vice Chancellor Ng**

Consider approval of BANANAS childcare contract for Berkeley City College to administer the College voucher program, funding not to exceed \$40,000. **Funding Source: CalWORKS.** This contract has no impact on the BCC budget, as the Funding Source is categorical funding provided by the State for this purpose. BCC does not operate a childcare center. There is a high demand for uninterrupted childcare services, especially from CalWORK's students. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

**PERSONNEL**

29. Consider Approval of an Independent Contract Agreement for Legal Services for Larry Frierson, Attorney at Law **Presenter: Vice Chancellor Largent**

The District Office of Human Resources and Employee Relations requests approval of an independent contractor with Larry Frierson, Attorney at Law, not to exceed \$280,000 through June 30, 2012. **Funding Source: General Funds.** Mr. Frierson will be providing advice to the District for personnel and employee relations matters. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

30. Consider Approval of Designating Academic Manager Positions **Presenter: Vice Chancellor Largent**

Pursuant to Education Code Section 87002(B), "Educational administrator" means an administrator who is employed in an academic position designated by the District Governing Board as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, Chancellors, presidents, and other supervisory or management employees designated by the Governing Board as educational administrators. It is recommended that the Board approve the designation of the following academic manager positions:  
The Chancellor recommends approval.

**Academic Administrator Positions**

- Chief Administrative Officer, Technology & Information Systems
- Dean of Academic Pathways and Student Success, (grant funded)
- Dean of Enrollment Services, (grant funded)
- Dean of Special Programs and Grants, (grant funded)
- Dean of Workforce Development and Applied Sciences, (grant funded)
- Dean of Disabled Student Programs & Services (DSPS) and Trio Student Success, (grant funded)

31. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees on an Emergency Basis **Presenter: Vice Chancellor Largent**

Pursuant to AB500, attached is a report that contains the name, classification, and date of hire, assignment end date, hourly rate, classification, position title, location, background and experience department, and fund source of candidates recommended for short-term assignments in non-academic classified positions. Below are the names, and classifications of these candidates. Each candidate's assignment will not exceed the category in which hired. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Barnett	Janet	9/14/11	6/30/12	Duplicating Technician II	A
Cain	Cynthia	9/15/11	6/30/12	Sr. Clerical Assistant	L
Carroll	Linda	9/20/11	6/19/12	Instructional Asst I/DSPS	M
Cole	Richard	9/14/11	6/30/12	Clerical Assistant	B
Cusick	Colin	9/14/11	6/30/12	Instructional Asst/Biology	B
Diaz	Margarita	9/14/11	5/25/12	Instructional Asst/Child Development	M
Doner	Kristin	9/14/11	6/30/12	Instructional Asst/Multi-Media	B
Elliott	Martina	9/20/11	6/19/12	Clerical Assistant II	M
Fong	Jonathan	9/14/11	6/30/12	Instructional Asst/Multi-Media	B
Harding	June	9/14/11	6/30/12	Principal Accounting Tech	M
Harper	Joolia	9/14/11	6/30/12	Instructional Asst/Multi-Media	B
Harshaw	Dolores	9/14/11	12/16/11	Clerical Assistant II	B
Hernandez	Alegria	9/14/11	12/16/11	Instructional Asst/ADN Program	M
Ho	Lisa	9/14/11	6/30/12	Instructional Asst/Biology	B
Howells	Jack	9/14/11	6/30/12	Instructional Asst/English	B
Hutchin	Christian	9/14/11	6/30/12	Instructional Asst/English	B
Ingle	Harris	9/14/11	6/30/12	Instructional Asst/Biotechnology	M
Jacks-Young	Alena	9/14/11	12/17/11	Staff Assistant/Admin (Instruction)	L
Louie	Joanna	9/14/11	12/17/11	Staff Assistant/Admin (Instruction)	L
Lyons	Laura	9/19/11	12/23/11	Student Personnel Services Spec.	B
Martin-Ribitch	Samuel	9/14/11	6/30/12	Instructional Asst/Multi-Media	B
Pasley-Strysko	Michele	9/14/11	6/30/12	Instructional Asst/English	B
Perez	Minerva	9/14/11	6/30/12	Staff Assistant/Admin	B
Pharr	Phasasha	9/15/11	6/30/12	Sr. Clerical Assistant	L
Rehman	Uzma	9/14/11	12/16/11	Instructional Asst III/DSPS	B

Rumjahn	Theresa	9/14/11	6/30/12	Instructional Asst/Unspecified	B
Shaposhnikov	Nikolay	9/14/11	12/17/11	Instructional Asst/Mathematics	L
Sims	Delane	9/14/11	6/30/12	Instructional Asst/Basic Skills	B
Solomon	Felix	9/14/11	12/30/11	Instructional Asst/Journalism	L
Taylor	Socorro	9/15/11	6/30/12	Executive Assistant/Student Services	D
Thomas	Paula	9/14/11	6/30/12	Instructional Asst/Basic Skills	B
Tikker	Kevin	9/14/11	6/30/12	Instructional Asst/Multimedia	B
Tran	Kevin	9/14/11	6/30/12	Clerical Asst II/Typing	A
Yang	Yong	9/15/11	6/30/12	Fin. Aid & Placement Asst.	L
Yee	Christian	9/14/11	6/30/12	Instructional Asst I/DSPS	A
Young	Yolanda	9/14/11	12/31/11	Account Clerk I	B

32. Consider Approval of an Independent Contractor Extension with The ELS Group, LCC for Professional Consultation Services of George Kozitza in the Laney College Business Office  
**Presenter: Vice Chancellor Largent**

Consider approval for services with the ELS Groups LLC consultant, George Kozitza, from July 1, 2011 through December 30, 2011 not to exceed \$11,500 per month. **Funding Source: General Funds.** Contract services includes:

1. Identifying practices and work tasks that can be eliminated to improve efficiency and overload issues in the newly restructured administrative structure, which consists of one less vice president, two less deans and over fifty staff vacancies within the integrated instruction and student services design—academic and student affairs;
2. Carrying out the steps necessary to allow the college to build its program development fund and endowment campaign fund;
3. Drafting the text for the collateral materials on Laney’s signature initiatives for use in fundraising campaigns;
4. Developing special revenue generating memorandums of understanding;
5. Rolling out the new Laney College standard operating procedures; and
6. Other duties as assigned.

All Board approved contract are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

**FACILITIES**

33. Consider Approval of Resolution 11/12-14, Acceptance and Retention, Berkeley City College ADA Project, Eternal Construction, Inc. **Presenter: Vice Chancellor Ikharo**

On January 18, 2011, this Board ratified a contract award to Eternal Construction, Inc. for the Berkeley City College ADA Project. **Funding Source: Bond Measure A.** The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Berkeley

City College President and Business Manager have signed the Project College Acceptance Form. The work was performed to comply with a court ordered corrective action. Board approval is requested of Resolution 11/12-14, which formally accepts the work as complete and provides for a retention payment of \$3,106, which is 10% of the contract price (\$31,060). There have been no change orders to this contract. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

34. Consider Approval of Resolution 11/12-15, Acceptance and Retention, College of Alameda Landscape Entry Renovations, ValleyCrest Landscape Development, Inc. **Presenter: Vice Chancellor Ikharo**

On September 28, 2010, this Board awarded a contract to ValleyCrest Landscape Development, Inc. for the College of Alameda Landscape Entry Renovations. **Funding Source: Bond Measure A.** The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the College of Alameda President and Business Manager have signed the Project College Acceptance Form. Board approval is requested of Resolution 11/12-15, which formally accepts the work as complete and provides for a retention payment of \$28,699.85, which is 5% of the contract price. The Board previously approved one change order to this contract in the amount of \$8,797.00, which is 1.6% of the base contract amount (\$565,200.00). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

35. Consider Approval to Rescind Previous Bid Award and Re-Bid Project, District-Wide Security Surveillance Project, Increment 2 (Bid No. 10-11/31) **Presenter: Vice Chancellor Ikharo**

At the meeting of July 19, 2011, the Board of Trustees approved Resolution 11/12-2, which accepted the bid (in the amount of \$4,850,553.32) and authorized the Chancellor to enter into a contract with ADT Security Services for the District-Wide Security Surveillance Project, Increment 2 (Bid No. 10-11/31). ADT requested modifications to the contract language, which the District would not consider under a public bidding process. On August 25, 2011, ADT submitted a written request to withdraw their bid because they could not accept the District's contract terms. The District has agreed to allow ADT to withdraw their bid. Because the next lowest bid was over \$100,000 higher, staff recommends re-bidding this project. Board approval is requested to rescind the previous bid award to ADT Security Services and to re-bid the project. **Funding Source: Bond Measure A** (for minor costs to re-bid project). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

36. Consider Ratification of Change Order No. 1, PCCD Smart Classroom Systems, Merritt College, One Workplace L. Ferrari LLC **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 1 to the contract with One Workplace L. Ferrari LLC for the PCCD Smart Classroom Systems at Merritt College, in the amount of \$34,399.00, which is 1.7% of the original contract amount (\$1,977,110.54). There is a contingency in the project available to pay for this change order. **Funding Source: Bond Measure A.**

This change order includes:

- Costs to provide equipment that allows for closed captioning to all Merritt smart classrooms
- A change from the Bretford to Winsted desks, as requested by the College to enhance security of the new equipment
- A change in the equipment installation in P307, as requested by the College, due to existing field conditions that could not accommodate the specified equipment

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 1 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

37. Consider Ratification of Change Order No. 2, Learning Center/Library Renovation at Merritt College, Alten Construction, Inc. **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 2 to the contract with Alten Construction, Inc. for the Learning Center/Library Renovation at Merritt College, in the amount of \$156,707. Including the previously Board ratified Change Order No. 1, the cumulative change order total to date is \$230,374, which is 6.6% of the original contract amount (\$3,497,000). **Funding Source: Bond Measure A.** These change order items are primarily due to the following reasons:

- At the request of the District, various upgrades were incorporated into the project. Some of those upgrades were not approved in time to be added into the contract documents. These upgrades include:
  - An expanded lighting scope for the 2<sup>nd</sup> and 3<sup>rd</sup> floors, which will also now be tied into the District energy management system (EMS)
  - Incorporation of existing mechanical systems into the EMS that were not a part of the original contract to provide better functionality and energy efficiency for the occupied building
- A few items that were added are a result of hidden locations or unforeseen issues, which could not have been verified or investigated in the previously occupied space. These include:
  - Code required fireproofing
  - Necessary structural repairs to a sagging steel deck
  - Continuous operation of existing exterior lights for pedestrian safety

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 2 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

38. Consider Approval of Amendment No. 3 to the Agreement for Architectural Services with NBBJ for 860 Atlantic Avenue Tenant Improvements **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 3 to the agreement for architectural services with NBBJ for the tenant improvements at 860 Atlantic Avenue, Alameda, in the amount of \$109,000. **Funding Source: Bond Measure A.** The amendment will provide the following additional design services:

- Revision to documents for structural changes required by the Division of the State Architect (DSA)
- Increased structural changes for new glue-lam roof beams to support new mechanical equipment included in Amendment No. 2 (new chiller for the facility)
- Added scope for hazardous materials consultant

- Added scope resulting from the decision made that the facility would also provide interim housing for the Merritt College Genomics Program during the programming and construction of the new science building at Merritt College. This added scope will enable a joint use of the 860 Atlantic Avenue facility by both College of Alameda and Merritt College.

Historical Background: The 860 Atlantic Avenue facility was originally intended to serve as temporary swing space for the College of Alameda Science Program during the construction of Buildings C and D. NBBJ (formerly Fisher Friedman Associates) was selected from the Board approved short list of architects to work on the 860 Atlantic Avenue Tenant Improvement project. On November 18, 2008, the Board approved entering into an agreement in the amount of \$106,000 with NBBJ for the following services:

- Prepare a property condition report for 860 Atlantic Avenue as part of the District's due diligence during the acquisition process
- Conduct basic schematic architectural services

The resulting property condition report indicated building deficiencies in areas such as building code compliance, structural/seismic, mechanical, plumbing, security, fire suppression, and other visually deficient requirements. During the basic architectural schematic services, NBBJ created space planning and interior layouts and worked with the College to determine how the facility would accommodate the instructional needs of the Science Program at College of Alameda. As programming continued and discussions were held with stakeholders, further needs for the interim laboratories were identified to maintain the College of Alameda's science programs to the current standards. Further developments increasing project scope necessitated an increase of architectural fees in the not-to-exceed amount of \$284,000. Amendment No. 1 in that amount was approved at the Board meeting of May 12, 2009.

Amendment No. 2 provided design services for a new rooftop chiller for the facility. Revisions to the architectural, mechanical and structural drawings were made to show the installation details and energy calculations for the new chiller, as required by the Division of the State Architect (DSA). Amendment No. 2 in the amount of \$21,000 was approved at the Board meeting of April 13, 2010. Including this Amendment No. 3 in the not-to-exceed amount of \$109,000, the total agreement amount will be \$520,000. A more comprehensive "global" approach to contracting is now being implemented by the Department of General Services to mitigate scope changes. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

39. Consider Ratification of Amendment to the Contract with Ascent Elevator Services for District-Wide Elevator Inspection and Maintenance Program **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for an amendment to the contract with Ascent Elevator Services for the District-wide Elevator Inspection and Maintenance Program. This amendment extends services for a one-year period from April 1, 2011 through March 31, 2012, at a fee of \$51,570. Funding Source: District General Funds. On January 15, 2007, the Board of Trustees approved a contract award to Ascent Elevator Services (Ascent) for the District-wide Elevator Inspection and Maintenance Program. Ascent was selected through a competitive Request for Proposal process (RFP 06-07/24). In the RFP response, service prices were quoted for five years. Ascent has provided services according to the prices quoted in their proposal since the initial one-year contract. The last optional year under the proposal is for the period from April 1, 2011 through March 31, 2012. Ascent has been very responsive since the initiation of the contract, and the District has been satisfied with the services they have performed. Staff recommended approval of an amendment extending Ascent's

contract for a final year at the cost specified in their original proposal (2.987%/year escalation), resulting in a total Elevator Inspection and Maintenance Program fee of \$51,570 for this period ending March 31, 2012. A new RFP will be conducted prior to the end of this renewal term. It was necessary to approve the amendment during the Board recess so that the elevator services could continue and the vendor could be paid. The Chancellor approved this amendment, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), and ratification by the Board of Trustees is now requested. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

40. Consider Approval to Increase the Approved Lease Expenditure Amount for 2070 Allston Way, Berkeley, California **Presenter: Vice Chancellor Ikharo**

Board approval is requested to increase the approved expenditure amount for the lease of 2070 Allston Way by \$76,739.00, to pay for the proportionate operating costs and Alameda County property tax (which is reimbursed by the County). **Funding Source: Bond Measure A.** At the Board meeting of December 15, 2009, the Board of Trustees approved entering into a 25-month lease of space at 2070 Allston Way, Berkeley, to be used for swing space for Berkeley City College, in the amount of \$332,760.60. Berkeley City College is leasing this property for swing space during the construction of tenant improvement projects at the main campus. The lease term commenced on December 18, 2009 and will end on January 17, 2012. According to the terms of the lease, the District is responsible for paying a proportionate share of the building operating costs. The operating costs already paid have averaged \$638.00 per month. The total for the entire lease term will be approximately \$15,312.00. The District must also pay a proportionate share of the Alameda County property taxes (which are later refunded to the District by the County). The estimate for two years is \$61,427.00. The total of these additional charges is \$76,739.00. Because the original Board approval amount of \$332,760.60 included only the actual lease cost, Board approval is requested to increase the approved lease expenditure (purchase order) amount by \$76,739.00. The property tax amount of \$61,427.00 will be reimbursed by the County, so the actual expenditure above the monthly rental will be approximately \$15,312.00. Funding is currently available in the Measure A budget for this expenditure. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

41. Consider *Ratification* of Amendment No. 1 to Lease for 2070 Allston Way, Berkeley, California **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Amendment No. 1 to the lease for 2070 Allston Way in Berkeley. Amendment No. 1 extends the term of the lease for 25 months, from January 18, 2012 through January 17, 2014, in the amount of \$392,624.00. Funding Source: Bond Measure A. This space will continue to be used as swing space during the last phase of the Berkeley City College facility build-out (fifth floor). The original lease was for a 25-month term beginning December 15, 2009. The rental fees for the extension period have been reduced from the original lease costs.

The amendment includes:

- Free rent for the first month
- Negotiated 5% reduction for months 2-13 from \$13,663.90 to \$12,960.75 (\$703.15/month savings)
- Negotiated 5% reduction for months 14-25 from \$14,066.15 to \$13,363.00 (\$703.15/month savings)
- A clause that allows the District to terminate the lease on or after July 18, 2013 (with a three-month advance written notice) without incurring any early termination payments

In addition to the monthly lease payments totaling \$315,885.00, the District is required to pay a proportionate share of the building operating costs. Based on actual charges during the original lease period, this cost is estimated at \$638.00 per month, or \$15,312.00 for 24 months. The District is also required to pay a proportionate share of Alameda County property taxes, estimated at \$61,427.00 for the extension period. (The property taxes are refunded at the end of each fiscal year by the County,

as the District is a tax-exempt public agency.) The total budget for the lease extension (actual rent plus estimated operating costs and property tax) will be \$392,624.00, although \$61,427.00 will be reimbursed by the County. The Chancellor approved this amendment during the Board recess, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), and ratification by the Board of Trustees is now requested. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

42. Consider Approval of Bond Measure Budget Transfer and Appropriation **Presenter: Vice Chancellor Ikharo**

Approval is requested for a bond measure budget transfer and appropriation. The budget action has been approved by the Merritt College President, Vice Chancellor for General Services, Vice Chancellor for Finance & Administration, and the Chancellor. With the intent of full disclosure, it is now presented to the Board of Trustees for approval. **Funding Source: Bond Measures A.** 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. The Measure A budget included all current and future projects totaling the \$390 million bond amount. At that time the Board also approved the process for future budget transfers from one project to another, which included District and College approvals and subsequent approval by the Board of Trustees. Since that time, project scopes have been refined, and some new projects have been created. In accordance with the Board approved Bond Measure Spending Plan, a budget transfer form has been prepared for this budget transaction. This transaction indicate the current budget, revised or new budget and the transfer amount, for both the budget that is being increased (credit) and the budget that is being decreased (debit). Following is Budget Transfer #27 (#26 will be approved at a later meeting):

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
27 (Measure A)	<b>To:</b> Merritt Utility Infrastructure	\$ 4,000,000	\$7,678,000	<b>\$3,678,000</b>
	<b>From:</b> Merritt Renovations	\$12,429,000	\$ 9,429,000	(\$3,000,000)
	Merritt Swing Space	\$ 700,000	\$ 462,000	(\$ 238,000)
	Merritt Horticulture	\$ 440,000	0	(\$ 440,000)
	<b>Total:</b>			<b>(\$3,678,000)</b>
	<b>Description:</b> Increase Utility Infrastructure budget to accommodate chillers for Buildings L, Q and the new Allied Sciences Building. The increase also includes some major electrical upgrades. The Swing Space and Horticulture projects were completed under the Merritt Renovations budget. The Exterior Lighting project was completed under the Merritt Utility Infrastructure budget.			

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**Announcements**

**ADJOURNMENT OF THE REGULAR BOARD MEETING**

*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 466-7203 [repstein@peralta.edu](mailto:repstein@peralta.edu)*