



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, November 15, 2011

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 meeting materials are available on Granicus:

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

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

AGENDA

CALL TO ORDER (5:00 p.m.)

CLOSED SESSION (5:01 p.m.)

Topics to be discussed include:

Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

- Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.
- Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.
- Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.

- Conference with Legal Counsel (54956.9(a)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- Conference with Legal Counsel (54956.9(a)), Block v. PCCD, Alameda County Superior Court, Case No. RG11570116.
- Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- Conference with Legal Counsel, 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.
- Negotiator Ikhara, 1950 Addison Street, 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).

- Consider Public Employment Appointment, Interim Purchasing Compliance Manager, District Office.
- Consider Public Employment Appointment, Director of Human Resources, District Office.

OPEN SESSION (7 p.m.)

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_.

REPORT OF ACTION TAKEN IN CLOSED SESSION

APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue)

APPROVAL OF THE MINUTES

1. Consider approval of minutes of the regular Board meeting of October 25, 2011.

IDENTIFY ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE OR DISCUSSION (Please make a separate motion to later discuss each removed item.)

IDENTIFY ITEMS WITH PUBLIC SPEAKERS

PUBLIC COMMUNICATION

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)

REPORTS

The Board requests that constituent group reports be brief and concise, and that electronic copies be provided for posting onto 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

Dr. Wise E. Allen

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment Update

Vice Chancellor Budd

Easy Pass, Financial Aid, Student Health Fees, and Health Services Initiative Updates

Vice Chancellor Ng

General Services Update

Vice Chancellor Ikharo

College Reports

Merritt College

President Adams

Laney College

President Webb

College of Alameda

President Jackson

Berkeley City College

President Inclan

BOARD COMMUNICATION

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.

4. District Academic Senate **Presenter: DAS President Karolyn van Putten**

5. (Item removed from the agenda)

6. Update on Information Technology **Presenter: Tony Tortorice** (30 minutes)

7. Study Session on Proposed Board Policies **Presenter Jim Grivich** (10 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:

- BOARD POLICY 2345 PUBLIC PARTICIPATION AT BOARD MEETINGS (REPLACES BPS 1.10 AND 1.11)
- BOARD POLICY 2350 SPEAKERS AND DECORUM (REPLACES BP 1.10)
- BOARD POLICY 2360 MINUTES AND RECORDING (REPLACES BP 1.10)
- BOARD POLICY 2410 BOARD POLICY AND ADMINISTRATIVE PROCEDURE (REPLACES BP 1.25)
- BOARD POLICY 2430 DELEGATION OF AUTHORITY TO THE CHANCELLOR (NEW)
- BOARD POLICY 2432 CHANCELLOR SUCCESSION (NEW)
- BOARD POLICY 3280 GRANTS (REPLACES BP 5.02)

Public Comments on Consent Calendar Items

CONSENT CALENDAR

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.

Vote on the Consent Calendar

BOARD RESOLUTIONS

8. Consider Approval of Resolution 11/12-22, Credit Union and Social Responsible Investing **Presenter: Trustees González Yuen and Guillén**

Consider approval of Resolution 11/12-22, Credit Union and Social Responsible Investing, to the administrative extent possible. The Chancellor recommends approval.

9. Consider Approval of Resolution 11/12-23 in Support of Senate Constitutional Amendment 5 **Presenter: Trustee Riley**

Consider Approval of Resolution 11/12-23 Senate Constitutional Amendment 5, which reduces the two-thirds vote requirement on parcel taxes. The Chancellor recommends approval.

10. Consider Approval of Resolution 11/12-24 in Support of Vocational Education and Opposing Carl D. Perkins Funding Cuts **Trustee Guillén**

Consider approval of Resolution 11/12-24 in support of vocational education and opposing Carl D. Perkins funding cuts. The Chancellor recommends approval.

11. (Item removed from the agenda.)

12. Board of Trustees' Self-Evaluation – Informational Item **Presenter: Trustee Riley**
The Board will discuss their annual self-evaluation at the December 6, 2011 Board meeting. The self-evaluation form is posted on Granicus as background material.

EDUCATIONAL AND STUDENT SERVICES

13. (Item removed from the Agenda.)

FINANCIAL SERVICES

14. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Gerhard**
Consider approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval.

15. Consider Approval of the Quarterly Financial Report. **Presenter: Vice Chancellor Gerhard**
Consider Approval of the Quarterly Financial Reports. Quarterly budget variance reports for all funds are being presented to the Board for review and approval. These reports present the 2011-12 adjusted budget and 2011-12 activities through September 30, 2011. The Chancellor recommends approval.

16. Consider Approval of the Flexibility Provision **Presenter: Vice Chancellor Gerhard**
Request authorization, under the State Budget Act, to redirect the expenditures of certain categorically funded programs. This action relieves the District of all state statutory, regulatory, and provisional requirements associated with the twelve programs contained in the flexibility category: Academic Senate, Childcare Tax Bail Out, Equal Employment Opportunity, Economic Development, Apprenticeship, Part-time Faculty Office Hours, Part-time Faculty Health Insurance, Part-time Faculty Compensation, Transfer Education and Articulation, Matriculation-Credit, Matriculation-Non-credit. The Chancellor recommends approval.

17. 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*.

18. 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*.

19. Consider *Ratification* of the Corrective Action Matrix. **Presenter: Vice Chancellor Gerhard**

Consider *Ratification* of the Peralta CCD - Corrective Action Matrix. The Corrective Action Matrix has been and continues to be used as a management tool to document progress made towards correcting previous year audit findings and recommendations from various agencies. The matrix has been updated to reflect the status of the findings and efforts made to date towards their resolution. The Chancellor recommends *ratification*.

20. 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 2011-12 1st quarter CCFS 311Q report. The Chancellor recommends *ratification*.

HUMAN RESOURCES

21. Request Board Authorization to Increase Independent Contractor's Agreement for Professional Services for Paschal & Associates **Presenter: Vice Chancellor Largent**

District administration requests Board authorization to increase an existing independent contractor's agreement for professional services performed by Mark Paschal of Paschal & Associates. The District is required by state and federal law to conduct fair and impartial investigations into complaints of alleged discrimination and sexual harassment filed by employees and students. Mr. Paschal is a neutral independent investigator who provides fact finding and written investigative reports for matters involving unlawful discrimination complaints which includes sexual harassment, as well as reports for other matters requiring investigation by the Office of Human Resources and Employee Relations. His current contract approaches its limit of \$25,000, therefore, the District requests an increase by an additional \$35,000 for a contract not to exceed \$60,000 limit for fiscal year ending June 30, 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Request Board Authorization to Increase Independent Contractor's Agreement for Professional Services for Renne, Sloan, Holtzman & Sakai, LLP
Presenter: Vice Chancellor Largent

District administration requests Board authorization to increase an existing professional services agreement with Renne Sloan Holtzman & Sakai, LLP for conducting administrative reviews and training involving confidential personnel matters for the Office of Human Resources and Employee Relations. Renne, Sloan, Holtzman & Sakai, LLP, provides the services for neutral administrative reviews, as well as reports for other confidential personnel matters required by the Office of Human Resources and Employee Relations. The current

contract approaches its limit of \$25,000, therefore, the District requests an increase by an additional \$50,000 for a contract not to exceed \$75,000 limit for fiscal year ending June 30, 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. 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.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Barrionuevo	Cristian	11/16/11	6/30/12	Clerical Assistant II	B
Bull	Marilyn	11/16/11	6/30/12	Senior Clerical Assistant	M
Cook	Shelby	11/16/11	6/30/12	Master Interpreter	All sites
Crawford	Shawna	11/16/11	12/16/11	Instructional Asst III/DSPS	L
Deetz	Nanette	11/16/11	2/29/12	Instructional Asst III/DSPS	L
Elliott	Gwendolyn	11/1/11	6/30/12	Coordinator/Children's Center	L
Fries	Ericka	11/16/11	6/30/12	Interpreter I	All sites
Greene	Allison	11/16/11	6/30/12	Library Tech I	B
Jones	McCabe	11/16/12	6/30/12	Instructional Asst/English	B
Pang-Sagara	Pauline	11/16/11	3/31/12	Senior Clerical Assistant	B
Phan	Vu	11/16/11	6/30/12	Computer Network Technician	L
Riley	Jesse	11/16/11	6/30/12	Instructional Asst/Accompanist	L
Riley	Tasha	11/16/11	6/30/12	Interpreter/Fully Certified	All sites
Shanahorn	Kellie	11/16/11	6/30/12	Master Interpreter	All sites

GENERAL SERVICES

24. Consider Approval to Accept Bid from Pacific Science for Laboratory Furniture and Equipment Package for Merritt College Swing Space at 860 Atlantic Avenue (Bid No. 11-12/07) **Presenter: Vice Chancellor Ikharo**

Approval is requested to accept a bid and issue a purchase order in the amount of \$262,611.90 to Pacific Science for laboratory furniture and equipment. **Funding Source: Bond Measure A.** The furniture and equipment will be utilized by the Genomics Program, which is the Merritt College portion of the 860 Atlantic Avenue swing space project. It is anticipated that the Genomics Program will ultimately be relocated to the new Merritt Allied Health and Science Building. The equipment and furniture procured will be reused in the new Allied Health and Science Building when completed. A formal bid was conducted for the Equipment and Furniture Package for Merritt College (Bid No. 11-12/07), and a bid opening was held on October 4, 2011. Two bids were received, as follows:

VENDOR	LOCATION	BID AMOUNT
Pacific Science	Torrance, CA	\$262,611.90
Johnson Scientific	Williamstown, NJ	\$178,825.00

The lowest bid was submitted by Johnson Scientific. However, Johnson Scientific substituted a number of items that did not meet the quality, standard and sizes of items specified in the bid request. Therefore, Johnson Scientific's bid was deemed non-responsive, and the lowest responsible and responsive bid was submitted by Pacific Science, in the amount of \$ 262,611.90. It is recommended that the bid of Pacific Science be accepted and a purchase order be issued to them in the amount of \$262,611.90. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Approval of Resolution 11/12-21, Accept Bid and Award Contract, District-Wide Security Surveillance Project, Increment 2 (Bid No. 11-12/09), Central Sierra Electric Company Inc.

Approval is requested to accept the bid and award a contract to Central Sierra Electric Company Inc., in the amount of \$5,282,849, for the District-Wide Security Surveillance Project, Increment 2 (surveillance cameras and IT infrastructure) (Bid No. 11-12/09). **Funding Source: Bond Measures E (30%) and A (70%).** A total of 461 new digital cameras and 102 existing analog and digital units will be integrated in this project. The scope of work for this project includes, but is not limited to:

- Installation of a total of 461 surveillance cameras to be located at each campus and District Administrative Complex exterior locations
- Interior surveillance cameras in smart classrooms and other interior areas at each campus
- Associated cabling and electrical installation
- Integration of existing analog and digital cameras (102 existing cameras)
- Installation and configuration of a new IT infrastructure including wireless access points
- Signage at designated areas
- Coordination and integration of Increment 2 with Increment 1 at the District Sheriff's Office Command Center for monitoring 24/7

A formal bid was conducted for this project (Bid No. 11-12/09), and a bid opening was held on November 3, 2011. Three bids were received, as follows:

CONTRACTOR	LOCATION	TOTAL BID
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Central Sierra Electric Company Inc.	Jackson, CA	\$5,282,849
G4S Technology LLC	Omaha, NE	\$5,696,781
Rosendin Electric, Inc.	San Jose, CA	\$5,881,269

The lowest responsible and responsive bid was submitted by Central Sierra Electric Company Inc., in the amount of \$5,282,849. This resolution formally accepts the bid and authorizes the contract award to Central Sierra Electric Company Inc. for the District-Wide Security Surveillance Project, Increment 2 (Bid No. 11-12/09). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. 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 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 the Budget Transfer #31:

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
31 (Measure A)	To: Project # 2328 – Security Projects	\$5,509,548.00	\$6,069,398.00	\$559,850.00
	From: Project #2432 - Unallocated Funds	\$2,663,958.00	\$2,104,108.00	(\$559,850.00)
Description: Budget Transfer to accommodate IT scope changes, and bid results for the Security Project.				

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

27. Consider Ratification of Change Order No. 5, Improvements to 860 Atlantic Avenue, Alameda, Cal-Pacific Construction Inc. **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 5 to the contract with Cal-Pacific Construction Inc. for the Improvements to the 860 Atlantic Avenue project in Alameda, in the amount of \$104,986.73. **Funding Source: Bond Measure A.** Including the previously Board ratified change orders, the cumulative total to date is \$390,042.80, which is 9.2% of the original contract amount (\$4,260,000.00).

The change order items for the 860 Atlantic Avenue Improvements project are primarily due to the following reasons:

- Provision of support hanger frames for the new ceiling projector mounts
- Modification of curb mount frames to accommodate the change in manufacturer of mechanical equipment requested by the District
- Installation of new Schlage locksets and closers to replace the existing units, which are incompatible with the new District standard Lenel security system now being implemented
- Installation of concrete equipment pad for District's requested upgrades to the laboratory vacuum and compressed air systems
- Installation of new access controller with backup battery to comply with the District's new security requirements
- Modifications to the parking lot to provide a bus stop, pad, ADA-accessible ramp, and ADA compliant path-of-travel improvements to accommodate the new COA shuttle bus services for students and faculty
- Installation of five analog telephone lines to provide telephone communications for safety and security prior to the installation of the permanent system, required due to an equipment shipping delay
- Installation of fiber optic cabling and conduits in the building to provide communication technology upgrades as requested by the District's IT Department

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 5 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 recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

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