



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
JANUARY 22, 2013

**CALL TO ORDER (6:00 p.m.)**

**CLOSED SESSION (6:01 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)), 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 (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.

\* Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.

\* Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.

\* Conference with Legal Counsel (54956.9(a)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.

\* Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA Case No. CV12-5943.

\* Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (8 cases).

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

\* Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.

\* Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.

\* Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

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

\* Consider Approval of Interim Director of Special Projects, Berkeley City College.

\* Consider Approval of Interim Associate Vice Chancellor for Finance, District Office.

\* Consider Approval of Director of Financial Aid, District Office.

\* Consider Approval of Director of Enterprise Services, District Office.

\* Consider Approval of Acting Vice President of Instruction, Berkeley City College.

**OPEN SESSION (7:00 P.M.)**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Trustees Brown, Pr\_Ab\_, González Yuen Pr\_Ab\_, Guillén Pr\_Ab\_, Handy Pr\_Ab\_, Riley Pr\_Ab\_, Withrow Pr\_Ab\_, and Gulassa Pr\_Ab\_, Student Trustees Clegg Pr\_Ab\_ and Cervantes Pr\_Ab\_.**

Present: Trustee Brown, Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Riley, Trustee Withrow, Student Trustee Brian Cervantes, and Student Trustee Sharon Clegg.

Absent: Trustee Handy.

Present: Trustee Brown, Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Riley, Trustee Withrow, Student Trustee Brian Cervantes, and Student Trustee Sharon Clegg.

Absent: Trustee Handy.

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

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor: Consider Ratification of the Chancellor's approval of the contract extension for Eva Denise Jennings, Interim Director, Special Projects, Berkeley City College, effective January 5, 2013 through April 30, 2013 at \$85,144.50/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Handy)

Consider Ratification of the Chancellor's approval of the contract extension for Sarah Schrader, Interim Associate Vice Chancellor for Finance, District Office, effective January 1, 2013 through June 30, 2013 at \$130,000/year.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Handy)

Consider approval of Gary Nicholes as Director of Financial Aid, District Office, effective January 23, 2013 through January 22, 2015 at \$115,000/year.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Handy)

Consider approval of Ranell Holmes as Director of Enterprise Services District Office, effective January 23, 2013 through January 22, 2015 at \$115,000/year. (The parties later negotiated the contract dates to be effective January 29, 2013 through January 28, 2015.)

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Handy)

Consider approve of Dr. Kerry Compton as the Acting Vice President of Instruction for Berkeley City College, effective January 28, 2013 through February 15, 2013, at \$145,000/year. (About \$8,365.)

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Handy)

**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 will move to the Action Calendar items with public speakers.**

#### Agenda

- 1) Item 58 has additional short-term hourlies, all at BCC, from 1/23/13 through 6/30/15, as Instructional Assistants in English:  
Cameron Attaran, Rachel Berger, Laura DeSaussure, Caitlin Fischer, Marcella Murphy, and George Pursley, and Natalia Fedorova as a Science Lab Tech/Bio, and Dmitry Ivanov, not to exceed 15 hours/week, pending HR approval.
- 2) Item 60, B-G Consulting, is pulled off of the agenda.
- 3) There is a public speaker on Item 56.
- 4) Trustee Yuen pulled for discussion Items 29, 32, 33, 34, 39, 40, and 55.
- 5) Trustee Withrow pulled for discussion Items 27, 31, 35, 37, 38, and 41.

MOTION: Motion by Trustee Riley, second by Trustee Guillén to approve.

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

The motion passed.

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

##### Retreat Minutes

##### 12-11-12 Minutes

MOTION: Motion by Trustee Riley, second by Trustee Withrow to approve.

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

The motion passed.

1. Consider Approval of the Regular Board meeting Minutes of December 11, 2012 and the Board Special Retreat meeting Minutes of October 26-27, 2012. Consider approval of the regular Board meeting minutes of December 11, 2012 and the Board special retreat meeting of October 26-27, 2012. 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 (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 (7:20 P.M.)**

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

All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.

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

None.

3. 

<u>Chancellor's Reports</u>	<u>Chancellor's Report</u>	<u>Dr. José M. Ortiz</u>
<u>Vice</u>	<u>Chancellor's</u>	<u>Reports</u>
<u>Budget Update</u>	<u>Vice Chancellor</u>	<u>Gerhard</u>
<u>Enrollment Update</u>	<u>Interim Vice Chancellor</u>	<u>Orkin</u>
<u>Student Services Update</u>	<u>Vice Chancellor</u>	<u>Ng</u>
<u>General Services Update</u>	<u>Vice Chancellor</u>	<u>Ikharo</u>
<u>Human Resources</u>	<u>Vice Chancellor</u>	<u>Largent</u>

Budget Update

Enrollment report

Fund 01

Fund 11

Fund 12

Fund 63

Fund 12

The Board welcomed President Ambriz-Galaviz to the meeting. The Chancellor also welcomed her and President Budd to their new positions, and welcomed everyone back, including our students back for spring semester. The Chancellor announced some of his recent activities, including Flex Day activities last week, where the Chancellor visited all the campuses. Vice Chancellor Gerhard offered a brief statement on the Governor's budget, presented in his written update. New State policy proposals could include a 90 unit cap, where the District wouldn't receive any student funding, and the student would be required to pay for the full cost of instruction. We're now funded on census date, 20% into our term, and there is a proposal to change the census date to the course completion date. Another proposal is to move adult education from K-12 institutions to community colleges with \$300 million as a block grant. Vice Chancellor Orkin provided an enrollment update, also presented in his written update. 18,500 is our target for the year. To date, we are 925 below this, presented in the spreadsheet on the yellow line, which is broken down by college. There will be late-start classes offered, allowing for plenty of time for us to meet our targets. There have been public information promotions announcing our added sections. Trustee Guillén asked why there a bump in the data for Merritt College. Merritt produced their schedule out sooner, and their enrollment goal was less than the other colleges. Students have until February 3rd to add classes. Laney College also has many CTE classes that have capped enrollment, and BCC and Laney have non-resident students which impacts productivity.

## **College Reports**

### **Berkeley City College President Budd**

#### [BCC President Report](#)

Intent to Apply Grant Announcement

BCC will be applying for a NEH, National Endowment for Humanities, Challenge Grant. It is due on February 20th in the amount of \$150,000 in the fall, and will be written by Drs. Roberto and McAllister.

### **College of Alameda President Jackson**

#### **Laney College President Webb**

#### **Merritt College President Ambriz-Galaviz**

4. [Board of Trustees' Reports](#)  
At this time, the Board of Trustees will report on matters related to attendance at conferences, professional affiliations, and community involvement directly related to their functions as Board members.

Trustee Brown met with County supervisor Miley, and she hopes to support the work he's doing with the elderly and youth. She'll be attending the upcoming CCLC conference on governance and new trustee training.

Student Trustee Clegg attended the International student orientation. She reiterated the student please to provide college student advisors for the student government groups.

Trustee Guillén welcomed Trustee Brown onto the Board. He welcomed our new and returning students back to school. He hopes we can restore the student advisor positions in the future, and provide training to our student leaders. He hopes we can look at Prop 39 funding to renovate and insulate our facilities, as well as train students in this field. He hopes to partner with our new Assemblymember Ron Bonta on these matters.

Trustee González Yuen attended the APASS -Asian Pacific Student Success task force at Laney College, where our staff, faculty, and administrators are partnering with students to provide support. The "Raise the Wage" campaign is coming to the East Bay, with student organizers on all of the campuses to raise the minimum wage up from \$8, and to build coalitions. He's excited to serve in this District where the parcel tax passed, while there are cuts in his working District. The State hasn't given COLA the last few years, and he's hoping we can do something to address this here with our resources.

Student Trustee Cervantes will be a RAP (Wellness Recovery Action Plan) facilitator. He thanked the Chancellor and Calvin Madlock for attending their student council meeting to discuss IT and Financial Aid concerns. He thanked exiting student Michael Bailey for his service to BCC student government, and asked the BCC administration for help to transitions their new student body President. He doesn't think any of our schools will participate in the "March in March" this year. He would like for students to know about Flex Day in the future. He also stressed the importance of advisors for our students for added student support. He feels that the student counsel leadership positions are low since there aren't student advisors, which impacts the continuity of student leadership moving forward.

Trustee Gulassa feels this is an excellent beginning for us all on all levels. He thanked the Chancellor for his Flex Day comments, as well as for reporting out on his survey results.

5. [District Academic Senate Report Presenter: DAS President Karolyn van Putten](#)
6. [Check Presentation to the Peralta Colleges' Foundation from the San Francisco Foundation Presenters: Romeo Garcia, Foundation Executive Director and Ruben Orduna, S.F. Foundation](#)

#### **CONSENT CALENDAR (7:50 P.M.)**

**All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.**

MOTION: Motion by Trustee Guillén, second by Trustee Riley to approve Items 7-26, 28, 30, 36, 42-54, 56-59, 61-64.

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

The motion passed.

#### **Executed resolutions**

Trustee Withrow abstained on Item 58.

#### **Public Comments on the Consent Calendar**

Speaker Gamble commented on Item 56 on the TRANs resolution. Given the passage of Measure B and the Proposition 30, he asked that the Board maximize the local participation related to this item, to provide community jobs, with possible opportunities for our past students.

7. Consider Approval of Resolution 12/13-24, Excusing Trustee Absence Presenter: Trustee Gulassa It is recommended that Trustees approve Resolution 12/13-24, excusing Student Trustee Cervantes from the December 11, 2012 Board meeting due to illness. The Chancellor recommends approval.

Background Material

8. Consider Approval of the List of Policies to Be Removed Presenter: Chancellor Ortiz  
 Consider approval of the list of policies to be removed. The list includes the following Board Policies:
  - 1.09 Parliamentary Procedure
  - 1.15 The Community and the Board of Trustees
  - 1.16 Community Services
  - 1.18 Management Hiring Policy for Academic and Non-Academic Administrators
  - 1.18b Management Hiring Policy for Interim Academic and Non-Academic Administrators
  - 3.10 District Job Announcements
  - 3.20 Outside Employment (1997)
  - 3.21 Classification Policy
  - 3.23 Tutoring (no date; speaks to remuneration)
  - 3.24 Exchange Teachers (no date)
  - 3.30 Tenure Track Faculty Evaluation Policy
  - 3.30b Evaluation of Tenured Faculty
  - 3.31 Evaluation Procedures
  - 4.01 Definition and Purpose (1965)
  - 4.02 Organization (1965)
  - 4.03 Policy Prohibiting Discrimination including Sexual and Racial Harassment and Discrimination Harassment Toward Students
  - 4.16 Attendance (no date)
  - 4.18 Attendance Accounting (1983)
  - 4.37 Testing Services (no date)
  - 4.38 Placement Services (no date)
  - 4.39 Counselor Interns (no date)
  - 4.46 Job Referrals (1977)
  - 4.80 International Education Program
  - 5.40 Off-Campus Classes (no date)
  - 5.60 Joint Apprenticeship Committees (no date)
  - 5.61 Educational Advisory Committees (no date)
  - 5.62 Apprenticeship Programs – Instructional Position (no date)
  - 5.63 Apprenticeship Program (1983)
  - 6.04 District Reserve
  - 6.13 Financial Reports
  - 6.15 Quarterly Financial Statements
  - 6.62 Hazardous Material Management
  - 6.63 Reporting Accidents Involving District Vehicles

This matter did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

[Background Material](#)

9. Consider Approval of Board Policy 2510 Participation in Local Decision Making Presenter: Chancellor Ortiz Consider approval of Board Policy 2510 Participation in Local Decision Making (Replaces Board Policies 2.23, 2.25). The Chancellor recommends approval.

[Background Material](#)

10. Consider Approval of Board Policy 2710 Conflict of Interest Presenter: Chancellor Ortiz Consider approval of Board Policy 2710 Conflict of Interest (Replaces Board Policy 6.86). The Chancellor recommends approval.

[Background Material](#)

11. Consider Approval of Board Policy 3510 Workplace Violence Presenter: Chancellor Ortiz Consider approval of Board Policy 3510 Workplace Violence (new policy). The Chancellor recommends approval.

[Background Material](#)

12. Consider Approval of Board Policy 3540 Sexual and Other Assaults on Campus Presenter: Chancellor Ortiz Consider approval of Board Policy 3540 Sexual and Other Assaults on Campus (Replaces Board Policies 2.45, 6.66). The Chancellor recommends approval.

[Background Material](#)

13. Consider Approval of Board Policy 3600 Auxiliary Organizations Presenter: Chancellor Ortiz Consider approval of Board Policy 3600 Auxiliary Organizations (Replaces Board Policy 6.05). The Chancellor recommends approval.

[Background Material](#)

14. Consider Approval of Board Policy 3720 Information Technology Use Presenter: Chancellor Ortiz Consider approval of Board Policy 3720 Information Technology Use (Replaces Board Policies 4.60, 4.65, 6.93). The Chancellor recommends approval.

[Background Material](#)

15. Consider Approval of Board Policy 3810 Liability Claims against the District Presenter: Chancellor Ortiz Consider approval of Board Policy 3810 Liability Claims against the District (Replaces Board Policies 2.35, 6.38). The Chancellor recommends approval.

[Background Material](#)

16. Consider Approval of Board Policy 3820 Gifts Presenter: Chancellor Ortiz Consider approval of Board Policy 3820 Gifts (Replaces Board Policies 6.35, 6.37). The Chancellor recommends approval.

[Background Material](#)

17. Consider Approval of Board Policy 4210 Student Learning Outcomes Presenter: Chancellor Ortiz Consider approval of Board Policy 4210 Student Learning Outcomes (new policy). The Chancellor recommends approval.



[Background Material](#)

18. Consider Approval of Board Policy 5020 Nonresident Tuition Presenter: Chancellor Ortiz Consider approval of Board Policy 5020 Nonresident Tuition (Replaces Board Policy 4.80). The Chancellor recommends approval.

[Background Material](#)

19. Consider Approval of Board Policy 5150 Extended Opportunity Programs and Services Presenter: Chancellor Ortiz Consider approval of Board Policy 5150 Extended Opportunity Programs and Services (new policy). The Chancellor recommends approval.

[Background Material](#)

20. Consider Approval of Board Policy 5200 Student Health Services Presenter: Chancellor Ortiz Consider approval of Board Policy 5200 Student Health Services (Replaces Board Policy 4.36). This policy did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

[Background Material](#)

21. Consider Approval of Board Policy 5400 Associated Students Organization Presenter: Chancellor Ortiz Consider approval of Board Policy 5400 Associated Students Organization (Replaces Board Policy 4.45). The Chancellor recommends approval.

[Background Material](#)

22. Consider Approval of Board Policy 5410 Associated Students Elections Presenter: Chancellor Ortiz Consider approval of Board Policy 5410 Associated Students Elections (new policy). The Chancellor recommends approval.

[Background Material](#)

23. Consider Approval of Board Policy 5700 Athletics Presenter: Chancellor Ortiz Consider approval of Board Policy 5700 Athletics (Replaces Board Policies 4.50, 4.55). The Chancellor recommends approval.

[Background Material](#)

24. Consider Approval of Board Policy 6100 Delegation of Authority for Business Presenter: Chancellor Ortiz Consider approval of Board Policy 6100 Delegation of Authority for Business (Replaces Board Policy 6.57). The Chancellor recommends approval.

[Background Material](#)

25. Consider Approval of Board Policy 6150 Designation of Authorized Signatures Presenter: Chancellor Ortiz Consider approval of Board Policy 6150 Designation of Authorized Signatures (new policy). The Chancellor recommends approval.

### Background Material

26. Consider Approval of Board Policy 6550 Disposal of Property Presenter: Chancellor Ortiz Consider approval of Board Policy 6550 Disposal of Property (Replaces Board Policy 6.33). The Chancellor recommends approval.

### Background Material

27. Consider Approval of Board Policy 6750 Parking Presenter: Chancellor Ortiz Consider approval of Board Policy 6750 Parking (new policy). The Chancellor recommends approval.

### Background Material

MOTION: Motion by Trustee Guillén, second by Trustee Gulassa to have Items 27, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, and 41 return to the Board, and for the Board to provide any edits to the Chancellor.

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

NOES: None

ABSTAIN: None

ABSENT: and Trustee Handy.

The motion passed.

These comments refer to language in many of the presented Board policies, including, in part, Items 27, 29, 31 - 35, 37 - 41, "In the event the provisions of this policy and/or the applicable administrative procedure and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence." There is suggested language for some of these policies, as well.

Trustee Withrow doesn't feel that the added sentence make sense, and would like it changed or removed. He suggested substitute language, "This policy is to be in agreement with any and all Collective Bargaining Agreements (CBAs)." Trustee González Yuen has a similar concern, sharing that we have negotiated contracts that are legally binding, and we will stand by any legal obligations we have. He offered the language that, "Any future contracts shall be consistent with Board policy." Board policies can't supercede any contractual language. Vice Chancellor Largent shared that the intent is that Board policies (BPs) don't conflict with the CBA. The Board intent is to try to move towards consistency. Trustee Gulassa doesn't want Board policy to be compromised with other contracts. Trustee Withrow feels the Chancellor would inform the Board if there were any conflicts. Trustee Gulassa feels that policy making are very serious matters and the highest Board function, and that CBAs shouldn't conflict with BPs. Trustee González Yuen suggested that the word "operative" be changed to the word "existing", and that..."Any future CBAs should be consistent with Board policy." The Chancellor suggested that after the word "conflict" that, "The language in the CBA or the BP shall be reconciled." Trustee Guillén and Withrow concur. Trustee González Yuen asked for clarification of which might take precedence in court, our CBAs or our BPs. Trustee Brown feels that a CBA issue could be interpreted to differ with a BP, but that it could also be reconciled. Trustee Gulassa asked why we're writing BPs that are in conflict with CBAs. Trustee González Yuen doesn't know that we are, but that an added phrase removes all doubt. In the past, every little word was evaluated by the union in BPs and APs, planning for a future possible instance where it might hurt them. The added language would allow the policies to proceed, so that any issues can later be addressed. Trustee Gulassa has studied national policies, and he's never seen a phrase. He'd like to pull the policies from the agenda so that the language can be revised. Trustee Withrow feels that policies are living documents that can be modified at anytime, and that the Board also has within its authority the review of CBAs.

28. Consider Approval of Board Policy 7240 Confidential Employees Presenter: Chancellor Ortiz Consider approval of Board Policy 7240 Confidential Employees (Replaces Board Policies 3.15, 3.53, 3.54, 3.55, 3.56, 3.57, 3.63). The Chancellor recommends approval.

[Background Material](#)

29. [Consider Approval of Board Policy 7250 Academic Administrators Presenter: Chancellor Ortiz Consider approval of Board Policy 7250 Academic Administrators \(Replaces Board Policies 3.59, 3.60, 3.61, 3.62, 3.63, 3.65, 3.66, 3.68, 3.70, 3.71, 3.72, 3.73, 3.74, 3.76, 3.82, 3.85, 3.86, 3.90\). The Chancellor recommends approval.](#)

[Background Material](#)

MOTION: Motion by Trustee Withrow, second by Trustee Riley have this return to the Board for further consideration.

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

NOES: None

ABSTAIN: None

ABSENT: and Trustee Handy.

The motion passed.

There is a typo of the word "developed" that will be corrected. Trustee González Yuen had suggestions related to this language, "An academic administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his/her administrative assignment expires or is terminated, if the following criteria are met." He suggested that the policy address some of these areas: 1. When there is no position available or program offering in the faculty member's Faculty service area (FSA) ; 2. When an administrator's position is categorically funded, there should be an exclusion and no retreat rights; 3. If there is a minimum period of time the person has to hold the administrative position in order for the retreat right to vest; 4. He doesn't want the policy to exceed state law requirements. He doesn't think all administrators should automatically be assumed to be good educators; 5. How medical and retirement benefits and vesting issues impacted by the assignment. Trustee Gulassa suggested that Trustee González Yuen and any others should meet to work together to work out policy concerns. The Chancellor suggested that Trustees can meet with him to reconcile the issues. Trustee Riley asked that Trustees provide their suggestions to the Chancellor instead of meeting as a group.

30. Consider Approval of Board Policy 7260 Classified Managers Presenter: Chancellor Ortiz Consider approval of Board Policy 7260 Classified Managers (Replaces Board Policies 3.59, 3.60, 3.61, 3.62, 3.63, 3.65, 3.66, 3.68, 3.70, 3.71, 3.72, 3.73, 3.74, 3.76, 3.82, 3.85, 3.86, 3.90). The Chancellor recommends approval.

[Background Material](#)

31. Consider Approval of Board Policy 7280 Volunteers Presenter: Chancellor Ortiz Consider approval of Board Policy 7280 Volunteers (Replaces Board Policy 3.02). The Chancellor recommends approval.

[Background Material](#)

32. Consider Approval of Board Policy 7310 Nepotism Presenter: Chancellor Ortiz Consider approval of Board Policy 7310 Nepotism (Replaces Board Policy 3.05). The Chancellor recommends approval.

[Background Material](#)

33. Consider Approval of Board Policy 7330 Communicable Disease Presenter: Chancellor Ortiz Consider approval of Board Policy 7330 Communicable Disease (Replaces Board Policies 3.17, 3.19, 3.63). The Chancellor recommends approval.

[Background Material](#)

34. Consider Approval of Board Policy 7335 Health Examinations Presenter: Chancellor Ortiz Consider approval of Board Policy 7335 Health Examinations (Replaces Board Policy 3.63). The Chancellor recommends approval.

[Background Material](#)

35. Consider Approval of Board Policy 7340 Leaves Presenter: Chancellor Ortiz Consider approval of Board Policy 7340 Leaves (Replaces Board Policies 3.25, 3.68, 3.70, 3.71, 3.72, 3.73, 3.74, 3.76, 3.82, 3.85, 3.92). The Chancellor recommends approval.

[Background Material](#)

36. Consider Approval of Board Policy 7350 Resignations Presenter: Chancellor Ortiz Consider approval of Board Policy 7350 Resignations (Replaces Board Policies 1.07, 3.01, 3.90, 3.91). The Chancellor recommends approval.

[Background Material](#)

37. Consider Approval of Board Policy 7360 Discipline and Dismissal - Academic Employees Presenter: Chancellor Ortiz Consider approval of Board Policy 7360 Discipline and Dismissal - Academic Employees (Replaces Board Policies 1.07, 3.01, 3.90, 3.91). The Chancellor recommends approval.

[Background Material](#)

38. Consider Approval of Board Policy 7365 Discipline and Dismissal - Classified Employees Presenter: Chancellor Ortiz Consider approval of Board Policy 7365 Discipline and Dismissal - Classified Employees (Replaces Board Policies 1.07, 3.01, 3.90, 3.91). The Chancellor recommends approval.

[Background Material](#)

39. Consider Approval of Board Policy 7370 Political Activity Presenter: Chancellor Ortiz Consider approval of Board Policy 7370 Political Activity (Replaces Board Policies 3.07, 3.08). The Chancellor recommends approval.

[Background Material](#)

40. Consider Approval of Board Policy 7380 Ethics, Civility and Mutual Respect Presenter: Chancellor Ortiz Consider approval of Board Policy 7380 Ethics, Civility and Mutual Respect (Replaces Board Policies 3.12, 3.16). The Chancellor recommends approval.

[Background Material](#)

41. Consider Approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits Option Presenter: Chancellor Ortiz Consider approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits

Option (Replaces Board Policy 3.13). The Chancellor recommends approval.

[Background Material](#)

**EDUCATIONAL AND STUDENT SERVICES**

42. Consider Approval of a Trade Adjustment Assistance (TAA) Grant MOU between Contra Costa Community College District and Peralta Community College District Presenter: Vice Chancellor Orkin Consider approval of a Trade Adjustment Assistance (TAA) Grant Memorandum of Understanding between Contra Costa Community College District and Peralta Community College District, and to accept a \$3.6 million grant from Contra Costa Community College District. Funding Source: Trade Adjustment Assistance (TAA) Grant. Peralta Community College District is a co-grantee. Design it -Build it - Ship it (DBS) is a regional workforce that represents an unprecedented opportunity for the San Francisco East Bay Area to build accelerated, intensive, and regionally articulated programs of study so that TAA eligible, dislocated workers or unemployed adults can earn degrees or credentials of value to enable them to enter the workforce in industries with growing occupational demand and opportunities for career and wage advancement. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[MOU](#)

[Background Material](#)

43. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Interim Vice Chancellor Orkin Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations - December 2012" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

[Background Material](#)

44. Consider Approval of the Local Initiative Support Corporation (LISC) Grant Extension at Merritt College Presenter: President Ambriz-Galaviz Consider approval of the local initiative support corporation grant extension at Merritt College for an additional \$100,000. Merritt College was initially funded \$150,000 in 2010 to establish a financial opportunity center to provide an array of integrated services to low-income families and students. Funding Source: Local Initiative Support Corporation. The new requested contract period is from February 2, 2013 through June 30, 2013. Local initiative support corporation will provide services to aid students in securing employment and other financial support. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

45. Consider Approval of the Local Initiative Support Corporation (LISC) Grant Independent Contractor Addendum for Chad Thompson at Merritt College Presenter: President Ambriz-Galaviz Consider approval of the local initiative support corporation Grant independent contractor addendum for Chad Thompson, Program Director of the Financial Opportunity Center (FOC), at Merritt College, not to exceed \$24,999. The original contract amount was for \$24,000, for a total contract amount not to exceed \$49,998. Funding Source: Local Initiative Support Corporation. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends

approval.

[Background Material](#)

46. Consider Approval of Services with Bay Area Communication Access (BACA) for Interpreting Services for Deaf Students at BCC Presenter: President Budd Consider approval of services with Bay Area Communication Access (BACA) for \$10,032 including finance charges for interpreting services provided for deaf students at BCC in 2009. Funding Source: Deaf and Hard of Hearing Funds and DSP&S Budget. Previous Board approval for that fiscal year was \$190,631, so these added funds would bring the fiscal total to \$200,663. The services have already been rendered, and this invoice was left unpaid due to administrative oversight. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

47. Consider Approval of Services with Daraja Wagner for the ATLAS and TAACCT Grants at College of Alameda Presenter: President Jackson Consider approval of services with Daraja Wagner from February 1, 2013 through June 30, 2013, in the amount of \$17,848.00 for the ATLAS and TAACCT Grants at College of Alameda. Ms. Wagner will provide assistance for planning, assessment, case management, reporting, and monitoring of student data for the ATLAS program under the current contract and the TAACCT grant (Design it, Build it, Ship it- DBS). Funding Source: CAA Grant, as approved by the Career Advancement Academy, and ATLAS/TAA. Ms. Wagner's previous service contract was with Direct Support Professionals, Career Ladder Training and Employment Program, in the amount of \$22,456 from July 1, 2012 through January 31, 2013. Ms. Wagner's contract with ATLAS would bring the total contract amount to \$40,304.00 for the fiscal year. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

48. Consider Approval to Accept a Fulbright-Hays Projects Abroad Program Grant (GPA) at Merritt College Presenter: President Ambriz-Galaviz Consider approval to accept a Fulbright-Hays projects abroad program grant award of \$84,940 at Merritt College. Funding Source: US Department of Education. The Fulbright-Hays Group Projects Abroad (GPA) grant program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States with training opportunities for faculty, teachers, and upperclassmen and/or graduate students in foreign course countries where the United States has diplomatic representation. Awards are made under the program to conduct overseas group projects in research, training, and curriculum development. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

49. Consider Approval of an MOU and Independent Contractor Agreement Extension with The Workforce Collaborative (IWC) for the College of Alameda Presenter: President Jackson Consider approval of an MOU and independent contractor agreement extension with The Workforce Collaborative (IWC) for the College of Alameda from July 1, 2012 through February 14, 2013. The service contract shall not exceed \$39,000. The grant funding amount remains the same. Funding Source: The Department of Labor Employment and Training Services. The Workforce Collaborative will provide recruiting, training, and job placement services for participants into the Alameda Transportation and Logistics Academic Service (ATLAS) program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

[Scope of work](#)

**FINANCIAL SERVICES**

50. Review of Purchase Order Report Presenter: Vice Chancellor Gerhard The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from November 24, 2012 through January 4, 2013, which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

[Background Material](#)

51. 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 from November 24, 2012 through January 4, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Material](#)

52. Consider Approval of Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider approval of budget transfer report covering the period from November 24, 2012 through January 4, 2013. 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 11, 2012. The Chancellor recommends approval.

[Background Material](#)

[Budget transfer report](#)

53. Consider Approval of the Nonresident Tuition Fee Increase, Resolution 12/13-21 Presenter: Vice Chancellor Gerhard Consider approval of Resolution 12/13-21 for the 2013-14 Nonresident Tuition Fee. Education Code Section 76140 requires the Board of Trustees to annually adopt the nonresident tuition fee for the next year by February 1st. Determination of this fee is based on the District's 2011-12 expense of education as prescribed under the Education code. It is recommended that the Board of Trustees approve the 2013-14 Nonresident Tuition Fee of \$213.00 per semester unit. The current fee has been \$190. The worksheet used to arrive at the nonresident fee is attached. A statement noting that this fee will not be waived is included in the resolution. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

54. Consider Approval of the Nonresident Capital Outlay Fee, Resolution 12/13-22 Presenter: Vice Chancellor Gerhard Consider approval of Resolution 12/13-22 for the 2013-14 Nonresident Capital Outlay Fee. In addition to the nonresident student tuition fee, it is recommended that an additional \$6.00 per semester unit for capital outlay as allowed by Education Code 76141 (A). The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

55. [Consider Approval of the Fiscal Year 2013-14 Budget Development Calendar Presenter: Vice Chancellor Gerhard Consider Approval of the Fiscal Year 2013-14 Budget Development Calendar. The proposed budget development calendar has been created in accordance with Board Policy 6200 and Administrative Procedure 6200 and is now being presented to the Board of Trustees for review and approval. The Chancellor recommends approval.](#)

[Calendar](#)

[Background Material](#)

MOTION: Motion by Trustee González Yuen , second by Trustee Withrow to approve

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

The motion passed.

Trustee González Yuen appreciates the calendar. He also wants some clarity about the process at the Colleges. He doesn't think it's clear to stakeholders and the Board how meetings occur on the campuses, including contact information and meeting dates. Trustee Withrow thanked all those involved in this process, and he's proud of our finance department.

56. Consider Approval of Tax & Revenue Anticipation Notes, Resolution 12/13-23 Presenter: Vice Chancellor Gerhard Consider approval of Resolution 12/13-23 authorizing and approving the issuance and sale of 2012-13 Mid-Year Tax and Revenue Anticipation Notes (TRANs) through the use of the Community College League of California TRANs program. The issuance of these TRANs will address temporary cash flow shortfalls arising from fluctuations in month apportionment payments from the State during the fiscal year. It is anticipated that the total cash deferrals from the State during Fiscal Year 2012-13 will be approximately \$15 million. To ensure fiscal stability and appropriate cash flow, this authorization is needed to support projected cash flow needs through December 2013. The Chancellor recommends approval.

[Executed resolution](#)

[Background Material](#)



[Resolution](#)

57. Receive and File 2011-12 Annual Measure A Financial and Performance Audit Presenter: Vice Chancellor Gerhard Receive and file Peralta Community College District's June 30, 2012 Measure A Financial and Performance Audit. The June 30, 2012 Annual Measure A Financial and Performance Audit is being presented to the Board of Trustees to review and file. This annual financial and performance audit is required under Proposition 39 and the resolution approved by the Board of Trustees authorizing Measure A. The Chancellor recommends approval.

[Audit letter](#)

[Audit Report](#)

[Background Material](#)

**HUMAN RESOURCES**

58. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees Presenter: Vice Chancellor Largent Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Blackwelder	Eryn	1/23/13	6/30/13	Inst Asst/EMT	M
Chan	Cynthia	1/23/13	2/28/13	Inst Asst I/DSPS	L
Cheng	Willard	1/23/13	5/24/13	Inst Asst/Biotechnology	B
Crawford	Shawna	1/23/13	2/28/13	Inst Asst III/DSPS	L
Ferreira	Richard	1/23/13	6/30/13	Financial Aid Specialist	L
Guevara	Alexander	1/23/13	5/24/13	Inst Asst/Biotechnology	B
Harsahw	Dolores	1/23/13	6/28/13	Inst Asst I/DSPS	B
Hayes	Neshawn	1/23/13	3/12/13	Staff Asst/Admin (Grants)	M
Higginbotham	Erin	1/23/13	5/31/13	Inst Asst/Psychology	L
Ly	Mai	1/23/13	6/30/13	Staff Assistant/EOPS	L
Lyons	Laura	2/1/13	5/2/13	Student Personnel Svc	Spe B
Rehman	Uzma	1/23/13	6/28/13	Inst Asst III/DSPS	B
Richardson	Denise	1/23/12	6/30/13	Inst Asst II/DSPS	A
Rippberger	Bonnie	1/23/13	5/24/13	Inst Asst/Child Development	M
Smith	Brian	1/23/13	6/30/13	Inst Asst/EMT	M
Tran	Kevin	1/23/13	2/28/13	Senior Clerical Asst/Typing	A
Whisenton	Ericka	1/23/13	6/30/13	Clerical Assistant I	L
Woodward	Denise	1/23/13	4/19/13	Staff Asst/Admin (Grants)	M

Additional names were read into the agenda: All at BCC, from 1/23/13 through 6/30/15, as Instructional Assistants in English: Cameron Attaran, Rachel Berger, Laura DeSaussure, Caitlin Fischer, Marcella Murphy, and George Pursley; Natalia Fedorova as a Science Lab Tech/Bio; and Dmitry Ivanov, not to exceed 15 hours/week, pending HR approval.

59. Consider Approval of a Contract Extension with the Association of Community College Trustees (ACCT) for the Services of Dr. Patricia Stanley, Merritt College Presenter: Vice Chancellor Largent Consider ratification of the Chancellor's approval of a contract between the Association of

Community College Trustees (ACCT) and the District to extend the services of Dr. Patricia Stanley as the Interim President for Merritt College from January 1, 2013 through January 18, 2013. The cost of the contract extension is \$10,690.60 (\$9,315.60 for Dr. Stanley's salary and \$1,375, 10% fee, for ACCT.) Funding Source: General Funds. Dr. Norma Ambriz-Galaviz will assume her role as the President of Merritt College on January 15, 2013. Dr. Stanley is collaborating with Dr. Ambriz-Galaviz during the presidential transition period. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Contract](#)

[Background Material](#)

## **FACILITIES**

60. Consider Approval of Amendment No. 1 to the Agreement for Consulting Services with B-G Consulting Company for Bond Program Construction Oversight for Capital Projects Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the Agreement with B-G Consulting Company for Claudette Breo-Gow to continue additional Bond Program Construction Oversight for Capital Projects, in the amount of \$41,216.00. Funding Source: Bond Measure A. Under the current contract, B-G Consulting Company is providing consulting services on Measure A and Measure E bond funded capital projects. During the course of the contract, B-G Consulting Company was requested to provide additional services while the Director of Capital Projects position was vacant. The position has now been filled, and for the period of January 1, 2013 through June 30, 2013, the scope of consultant services will include, but is not limited to:
- Coordination of individual project budgets and budget transfers
  - Assist with the mitigation of claims and conflicts during the course of construction
  - Assistance as needed with bond projects
  - Assist with strategic planning as requested
  - Transition activities to new permanent Director of Capital Projects
  - Participate in the negotiations and contracts creation
  - Attend College and District meetings, as directed
  - Other work as assigned by the Vice Chancellor of General Services
- B-G Consulting Company has been providing consulting services under an independent contract in the amount of \$80,700 during this fiscal year. Including this Amendment No. 1, the total not-to-exceed contract amount will be \$121,916. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (This item was removed from the agenda.)

[Background Material](#)

61. Consider Approval to Enter into an Agreement with Quantum Energy Services & Technologies, Inc. (Quest) for Commissioning Services for the New Science and Allied Health Center Project at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested to enter into an agreement with Quantum Energy Services & Technologies, Inc. (Quest) for Commissioning Services for the New Science and Allied Health Center Project, not-to-exceed \$105,450.00. Funding Source: Bond Measure A. This project involves the comprehensive Fundamental Commissioning, Enhanced Commissioning, Advanced Fume Hood Commissioning, and associated submittals to meet the Leadership in Energy and Environmental Design (LEED) for New Construction criteria required to support the New Science and Allied Health Center Project. The anticipated project completion date for this project is June 2015. The scope of the work includes: Comprehensive third-party commissioning services to support 2009 LEED for New Construction criteria for the following credits: EA Prerequisite 1:

Fundamental Commissioning of Building Energy Systems EA Credit 3: Enhanced Commissioning ID Credit: Advanced Fume Hood Commissioning per ASHREA 100 Startup Enhanced Commissioning activities required at the start of the construction documents stage required to attain EA Credit 3

#### [Background Material](#)

62. Consider Ratification of Amendment No. 1 to Agreement for Architectural Services with YHLA Architects for the Laney College Administration Tower Renovation - Phase 2 Presenter: Vice Chancellor Ikharo Ratification is requested for Amendment No. 1 to the agreement with YHLA Architects for the Laney College Administration Tower Renovation - Phase 2, not-to-exceed \$45,290. Funding Source: Bond Measure A. The District has requested that YHLA Architects modify the construction documents to include additional mechanical, electrical, data, plumbing, and additional architectural scope of this project to fully address the campus needs. Architectural services are required to comply with the fire life safety and switchgear upgrades as required to run the building in a safe and efficient manner. Additionally, architectural services are required to cover the contract administration required for the construction phase of the Laney Tower Renovation Phase II project. These services are necessary to ensure oversight of the ongoing construction and compliance with the plans and specifications developed for the project. An important part of the construction administration is the project closeout phase that involves coordination and compliance with all the requirements of DSA. The Chancellor's approval, as permitted under Resolution 99/00-5, was received for the amendment to the contract with YHLA Architects so that the work could commence during the Board recess period. This work is necessary to allow the Laney faculty and administrative staff to move from their interim location in the modular portable buildings to the Tower Building in a timely manner. While the interim housing is practical, the extended duration is not conducive to faculty and student moral and motivation. This work will shorten that duration of the faculty and student stay in the modular buildings and will allow the project construction to begin on schedule and be completed in a timely manner. Board ratification of Amendment No. 1 is requested. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

#### [Background Material 1](#)

#### [Background Material 2](#)

#### [Background Material 3](#)

63. Consider Ratification of Contract Award for the Building "A" Heating Upgrade Improvements Project at Merritt College (Bid No. 12-13/07), Environmental Systems Inc. Presenter: Vice Chancellor Ikharo Ratification is requested of the contract award to Environmental Systems Inc. for the Building 'A' Heating Upgrade Improvements Project at Merritt College (Bid No. 12-13/07), for \$195,000.00. Funding Source: Bond Measures E. All work will be performed per contract documents prepared by Salas O'Brien, Engineering Company. This project consists of improving the heating at Merritt Building "A". The scope of work includes: Demolition of nine gas fired infrared radiant heaters, one unit heater, one fan coil unit, and two baseboard heaters, including associated supports and connections Installation of nine new gas fired tubular infrared radiant heaters and three cabinet unit heaters, which shall be installed complete with all necessary piping valves wiring thermostats supports to provide complete installation Start-up, programming and commissioning A formal Request for Bids (Bid No. 12-13/07) was conducted for this project, and a bid opening was held on November 21, 2012. Three (3) bids were received, as follows:

CONTRACTOR LOCATION TOTAL				BID
Environmental Systems Inc. Santa Clara,				CA \$195,000
N.S. Construction Danville,				CA \$333,600
H.M. Construction Hercules, CA				\$280,000

The lowest responsible and responsive bid was submitted by Environmental Systems Inc., for \$195,000. The contract award was approved by the Chancellor during the Board recess, permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This was necessary so that the work could commence during the Board recess period. This will allow the project construction to begin on schedule and avoid delays due to inclement weather conditions. Additionally the project will expedite a resolution to the concerns of habitability of some sections of Building "A" due to the lack of heat causing discomfort to the students and faculty on the Merritt Campus. Board ratification of the contract award is now requested. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Material 1](#)

[Background Material 2](#)

64. Consider Ratification of Contract Award for the Awning Project at Laney College (Bid No. 12-13/10), Bay Construction Co. Presenter: Vice Chancellor Ikharo

Ratification is requested of the contract award to Bay Construction Co., in the amount of \$59,900, for the Awning Project at Laney College (Bid No. 12-13/10). Funding Source: Bond Measure A. All work will be performed per contract documents prepared by the architectural firm of WLC. The project includes awning fabrication and installation and associated work. The scope of work includes:

Awning		fabrication
Awning	frame	fabrication
Structural attachments		

A formal Request for Bids (Bid No. 12-13/10) was conducted for this project, and a bid opening was held on January 10, 2013. Two (2) bids were received, as follows:

CONTRACTOR LOCATION TOTAL			BID
TC Awning Inc. Orangevale,			CA Non-Responsive
Bay Construction Co. Oakland, CA			\$59,900

The lowest bid was submitted by TC Awning Inc., in the amount of \$52,000. However, it was determined that the bid was non-responsive, because TC Awning failed to provide the information required by the bid documents. Therefore, the lowest responsible and responsive bid was submitted by Bay Construction Co., in the amount of \$59,900. The contract award to Bay Construction Co. was approved by the Chancellor during the Board recess, permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This was necessary so that the work could commence during the Board recess period. The awnings will provide protection to students during inclement weather while waiting outside the building to receive student services. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

## **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 will 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.

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

65. Consider CCCT Board Nomination Consider Board Nominations for CCCT Board. From January 1 through February 15, nominations for membership for the CCCT board will be accepted in the Community College League of California office. Nominations are to be made by member District Board of Trustees, and each District may nominate only members of its Board.

### [Background Material](#)

MOTION: Motion by Trustee Withrow, second by Trustee González Yuen to approve the nomination of Trustee Cy Gulassa.

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

NOES: None

ABSTAIN: None

ABSENT: and Trustee Handy.

The motion passed.

Trustee Gulassa shared that he's been a member of this Board for the last 3 years, and that he'd like to run for another term.

### **Announcements**

- 1. The next regular Board meeting will be held on February 12th at the District Offices.**
- 2. Congratulations to Merritt College's Margaret Dixon who is being honored by Allstate Insurance Company as one of the 2013 Class of "Give Back Day Heroes".**
- 3. The Board wishes our students a wonderful semester that started today, and a Happy New Year 2013 to all.**

### **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.

---

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