



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
FEBRUARY 14, 2012

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)), 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 (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, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases). Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957 and BP 3.62 Temporary Assignments - Interim and Acting definitions).**

*** Public Employment Appointment Interim Executive Vice President, Student Learning, Laney College.**

OPEN SESSION (7:00 P.M.)

[PLEDGE OF ALLEGIANCE \(7:00 P.M.\)](#)

[ROLL CALL](#)

[Trustees González Yuen Pr Ab , Guillén Pr Ab , Handy Pr Ab , Hodge Pr Ab , Riley Pr Ab , Withrow Pr Ab , and Gulassa Pr Ab , Student Trustees Brumfield Pr Ab and Copenhagen](#)

Pr Ab .

Trustee Hodge was absent from the meeting. Trustee Riley left the meeting at 8 p.m.

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 contract, which is subject to contractual agreement by the Chancellor: Dr. Eileen White as Interim Executive Vice President, Student Learning, Laney College with a retroactive annual salary of \$145,000 from November 1, 2011 through June 30, 2012, or until the position is filled, whichever occurs first.

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Trustee Hodge)

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.

Agenda

Item 28 was removed from the agenda. Items 13, 18, and 22 were removed from the consent calendar to the action calendar. There are public speakers on agenda items 7, 11, and 12. Trustee González Yuen will provide some procedural suggestions to the Chancellor.

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

1. Consider Approval of the Regular Board meeting of January 24, 2012. Consider approval of the regular Board meeting of January 24, 2012. The minutes are posted on Granicus.

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

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen.
NOES: None
ABSTAIN: None
ABSENT: and Trustee Marcie Hodge.

The motion passed.

Minutes: 1-24-12

PUBLIC COMMUNICATION (7:04 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.)

Speaker Young feels he's been working in a hostile environment and is being bullied at work. He's been here 27 years as a part-timer. He's been repeatedly denied a full-time position. Trustee Handy asked the Chancellor to investigate Mr. Young's concerns.

Speaker Casenza presented reception invitations to Bill Patterson's party, and gave an update on Peralta Foundation events.

Speaker Goldstein gave an update on PFT matters. He applauds the Board for acting on a Millionaire's tax resolution.

Speaker Ross, a Laney College student, feels that the Morgan Stanley issue rests with the Peralta Board. He feels that cut classes directly impact student lives. He asked the Board to stand as advocates with student activists, and asked that the Morgan Stanley SWAP rates be placed on the Board agenda for action.

Speaker Heller shared "valentine sheets" from students asking that the SWAPs be renegotiated. The student group also held a protest at the Morgan Stanley offices in Oakland today. They are trying to get bankers to open their hearts and to care about the people.

Trustee Gulassa shared that while the Board can't comment on public statements, that he appreciates the students for their activism. He shared that confidential meetings with Morgan Stanley and the District are continuing.

Speaker Phelps shared that street food vendors are being asked to move from around Laney College, which is putting undue economic pressure on innocent vendors. He also presented student petitions supporting the food vendors, which are attached to the minutes.

Speaker Harmage spoke on behalf of one food service vendor who has worked around the streets of Laney College for the last 20 years. He has helped many students during this time and served the community well. The Chancellor will note the concerns, and will investigate the matter.

Speaker Doyle attended the Morgan Stanley protest. He's horrified at how the state budget situation is impacting our students. He feels that students are giving up and quitting their education, overwhelmed with the current budget situation. He feels that community colleges should be a doorway to education for the poor.

Speaker Hampton asked that the SWAP issue be placed onto the next Board meeting agenda, to provide a common set of knowledge on that information. She recited a poem which is attached to the minutes.

Speaker Franeta shared a resolution from the Laney faculty senate in support of President Webb which is attached to the minutes.

Speaker Blake supports the faculty resolution in support of President Webb. He also feels that she should receive commensurate compensation for her work.

Speaker Reed, Districtwide classified senate President, summarized the groups's accomplishments and goals, which is also attached to the minutes.

Speaker Brown spoke on agenda Items 11 and 12, and asked the Board for financial support for the buses to the Sacramento March in March.

Speaker Kanniki is no longer a student at Peralta, but feels he should still be allowed to purchase a campus parking permit. He also preferred the permits when they were different colors.

[Speaker Hampton Poem](#)

[Speaker Reed comments](#)

[Speaker Franeta comments](#)

[Vendor petitions](#)

REPORTS

The Board requests that constituent group reports be brief and concise, and that only 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. \(Please provide your Name, College, and Position, and line-up to speak.\)](#)

Speaker Alvarez, ASLC, feels that not having a student advisor puts added stress on students, and she asked the District to hire student advisors. She is also concerned about the long waiting time to process financial aid, with some students waiting 6 months before they hear if they qualify for financial aid or not.

Speaker Anderson, ASMC President, shared they are working to improve student leadership and are working with the college on their budget. They kicked off Black history month with a wonderful variety of events. Their club rush was very successful, and they are planning on having free weekly HIV testing.

Speaker Ascajene ASBCC announced an upcoming student welcome week. The Black student union will have weekly Wednesday events this month. They approved \$4,000 for buses for the Sacramento March in March. The District is asked for paratransit assistance, as well. They had been told that they would have funding from the student life fund, which did not appear. He also asked for more Native American study programs at Peralta.

Speaker Cyrus, BCCASU, announced black history month activities.

Speaker Alpine, COA, shared that Student Senator and activist Brian Berg passed away, and that he will be missed by all.

3. [Chancellor's Reports](#) [Dr. Wise E. Allen \(7:30 P.M.\)](#) [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](#)

[Budget Update](#)

[Financial Aid Update](#)

[Ed Services 5 year FTES Graph](#)

[Ed Services 2011 ARCC Peer Groups](#)

[Ed Services ACCJC Jan 2012 status](#)

[Ed Services Student Services Task Force](#)

[Ed Services Memo](#)

[Ed Services ACCJC Jan 2012 status](#)

The budget update presented that we are preparing for a \$11.7 M or 15% reduction in discretionary funds. Trustee Guillén asked how colleges are supposed to cut when discretionary budgets have already been cut. The Colleges are being asked for proposed budgets with 5 percent, 10 percent, and 15 percent possible cut scenarios. The bulk of the reductions will be taken at the District office. There is also a list of programs we hope to be able to restore if the parcel tax measure or the Governor's tax initiative passes with voters. Trustee González Yuen asked whether the District can absorb these cuts without spiraling downward by cutting classes and losing student funding. Classroom funds are from the non-discretionary budget, so are protected from any of these possible, proposed cuts. If the parcel tax measure passes, we will be able to maintain our current student base. The colleges are using a shared governance process to implement any possible cuts. The Board has requested periodic updates on the process and options as this process continues. This is very difficult and painful process, as we're being forced to compromise our District mission. Trustee Withrow shared that FTES cuts from 17.9 to 16.7 would all be fully funded. Trustee Guillén asked how the financial aid address update are proceeding from students. Vice Chancellor Ng shared that all the colleges are working closely on a daily basis to continue to update this information, with workshops and training, with 286 addresses updated. Trustee Gulassa feels the state budget is in a death spiral, and he applauds the students for galvanizing their efforts. Everyone will have to understand what this means for our colleges if the parcel tax doesn't pass, and we are begging support from our tax and user base.

College Reports

Merritt College Interim President Herring

Laney College President Webb

College of Alameda President Jackson

Berkeley City College President Inclan

[BCC President Report](#)

BOARD COMMUNICATION (7:35 P.M.)

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.

Student Trustee Copenhagen urged student to be aware of the HigherOne fee usage. He attended the CCLC legislative conference, and shared some of the highlights of the conference. Trustee González Yuen reported that he also attended the CCLC legislative conference. He is wary of the league's support for an entire legislative packet on the student success task force packet, that are unfunded mandates, and are also contrary

to the idea of open education. He shared that health insurance reform sessions occurred at the conference. Student Trustee Brumfield thanked the Foundation for their new list of scholarships, and he encouraged all students to apply. Trustee Gulassa also commented on the student success task force recommendations, sharing that they are a one size fits all packet, which varies from our diverse District and our students' needs. Many Districts have come out in opposition to the recommendations.

PUBLIC HEARING

4. [PUBLIC HEARING \(7:40 P.M.\) At this time, the Board of Trustees will conduct a public hearing on Sunshining the Initial Proposal for Contract Revision for the New Successor Agreement for the International Union of Operating Engineers \(IUOE\) Local 39 to the Peralta Community College District. \(This public hearing relates to Agenda Item 27.\) ..](#)

Background Material

5. [ARCC Data Report 2011 Presenters: Vice Chancellor Budd and Associate Vice Chancellor Orkin \(20 minutes\) The ARCC Data Report 2011 will present data on student performance indicators, cohorts, peer grouping, and demographics.](#)

ARCC Data Report 2011

Trustee González Yuen would like to see future trend lines, which is also available on the website. He asked what accounts for the ESL decline rate at BCC, for example. The rates were clarified, which actually went up in one area. He asked what we can do to continue improving and build our own successful trends, and asked for a future report to address this. Trustee Withrow pointed out that 26.8% of our students identified their cities either as unknown, not replied, or living outside our service area. Student Trustee Copenhagen asked about basic skills, and if the decline might have to do with K-12 eliminating their adult education programs. He hopes we work harder on basic skill issues in the future. Student Trustee Brumfield asked how the data is received. Our BI tool gets data from our People Soft student enrollment information that students provide, and the MIS reporting information on classes that is reported to the State yearly. Trustee Guillén asked about transfer and success rates from prior years when we were better funded. Our equity reports on the website have this data, including data from previous years. Trustee Gulassa also underscored basic skill programs, and he feels that comparisons to other colleges are critical. Basic skill programs are an enormous drain on resources, and he wants to know how other peer groups are getting higher percentages in these areas. There was excellent graduation productivity at Merritt College last year in certificate programs.

6. [District Academic Senate Report Presenter: DAS President Karolyn van Putten](#)

DAS President Report

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 3100 Organizational Structure \(Replaces Board Policy 2.02\) Board Policy 3200 Accreditation \(Replaces Board Policy 1.28\) Board Policy 3250 Institutional Planning \(Replaces Board Policy 1.26\) Board Policy 3300 Public Records \(new\) Board Policy 3900 Speech: Time, Place, and Manner \(Replaces Board Policy 2.30\) Board Policy 4230 Grading and Academic Record Symbols \(Replaces Board Policy 5.22\) Board Policy 6700 Civic Center and Other Facilities Use \(Replaces Board Policy 6.64\)](#)

[BP 3100](#)

[BP 3200](#)

[BP 3250](#)

[BP 3300](#)

[BP 3900](#)

[BP 4230](#)

[BP 6700](#)

[BP-AP Tracking Matrix](#)

A study session is a first read of the policies. No Board action is requested, but Board input is desired. Trustee Gulassa commented on BP 3900 Speech: Time, Place and Manner. There are some concerns about the second paragraph, about non-public and designated forum definitions. He will provide some suggestions related to these terms that he feels all constituent groups could accept. Trustee González Yuen feels this draft greatly restricts what the District has done historically. He's concerned about free speech, and the impossible task to implement it even-handedly if everything area is a non-public area. He feels the language should identify all areas as public forums, except for those designated non-public forum areas. Trustee Guillén agrees with this. He's also concerned about the three day notice procedure, which he feels places an undue burden on students and groups. He's concerned about amplified sound issues, as well, and doesn't want to hamper free speech. He also feels our public record act request procedure should reflect our needs better, such as one established at San Francisco State University. The Board should send any comments to the Chancellor and Board Clerk. The action matrix is a fabulous tool and will help everyone to follow the trail of all of the BPs through this process. The Chancellor and Board recognized the good job Mr. Grivich is accomplishing. Speaker Goldstein shared that his concerns, which the Board had also addressed.

CONSENT CALENDAR (8:15 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 on the Consent Calendar

MOTION: Motion by Trustee Nicky González Yuen, second by Trustee Abel Guillén to approve the Consent Calendar, including agenda items 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, and 31.

AYES: Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen.

NOES: None

ABSTAIN: None

ABSENT: Trustee Bill Riley, and Trustee Marcie Hodge.

The motion passed.

Public Comments on the Consent Calendar

Vote on the Consent Calendar

[Executed resolutions](#)

BOARD POLICIES

8. Consider Approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11) Presenter: Chancellor Allen Consider approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11). The Chancellor recommends approval.

[BP 4020](#)

9. Consider Approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20) Presenter: Chancellor Allen Consider approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20). The Chancellor recommends approval.

[BP 4025](#)

10. Consider Approval of Resolution 11/12-31 on Tax Initiatives Presenter: Trustee Gulassa Consider approval of Resolution 11/12-31 on tax initiatives. The Chancellor recommends approval.

[Background Material](#)

Trustee González Yuen noted a typo in the resolution, which will be corrected.

11. Consider Approval of Resolution 11/12-32 on the "Millionaires" Tax to Restore Funding for Education and Essential Services Act of 2012" Presenter: Trustee Gulassa Consider approval of Resolution 11/12-32 on the "Millionaires" tax to restore funding for education and essential services act of 2012. The Chancellor recommends approval.

[Background Material](#)

12. Consider Approval of Resolution 11/12-33 In Support of the March 1st International Day of Action for Public Education and Public Services and the March 5th March in Sacramento for Public Education and Public Services Presenter: Trustee Guillén Consider approval of Resolution 11/12-33 in support of the March 1st International Day of Action for Public Education and Public Services and the March 5th March in Sacramento for Public Education and Public Services. The Chancellor recommends approval.

[Background Material](#)

13. [Consider Approval of the Redistricting Population Variance Identified by the Registrar of Voters Presenter: Chancellor Allen Consider approval of the redistricting population variance identified by the Registrar of Voter's Office. The Board approved the fifth redistricting alternative, which was subsequently submitted to the Registrar of Voters in November 2011. In working with the Registrar's office, the staff there ascertained that per the County Assessors records there are a small number of](#)

[census blocks within the City of Oakland that the Appraiser's records show are not within the Peralta Community College District. The small population number changes in two Trustee Areas resulting from the removal of these few blocks make no material difference to the redistricting plan adopted by the Trustees, or to any of the other redistricting plans that were prepared for the District and reviewed by the public and the District. The marginal result is that the several Oakland census blocks not within the Peralta have been removed from the reconciled map and data information we have prepared with the Registrar. The Chancellor recommends approval.](#)

[Agenda report form](#)

[Background Material](#)

[Background Material](#)

[Background Material](#)

[Background Material](#)

Speaker Bradshaw, Martzell-Day, identified the census blocks that are not within the Peralta District, totalling 9 people. The residents are identified as being in the Chabot-Las Positas District.

MOTION: Motion by Trustee Abel Guillén, second by Trustee Nicky González Yuen to approve.

AYES: Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen.

NOES: None

ABSTAIN: None

ABSENT: Trustee Bill Riley, and Trustee Marcie Hodge.

The motion passed.

14. Consider Approval of a Board Workshop Meeting Calendar Presenter: Trustee Gulassa The Governing Board will hold special workshops in various service area locations in order to encourage greater community participation and input. The special workshops will also allow the Board to focus on particular topics in depth, based upon Trustee requests. The Chancellor recommends approval.

[Background Material](#)

EDUCATIONAL AND STUDENT SERVICES

15. Consider Approval of an Independent Contractor Agreement Amendment with Lin Marlick Presenter: Vice Chancellor Budd Consider approval of an Independent Contractor Agreement amendment with Lin Marlick for professional grant consultation services for the PCCD Office of Educational Services and Merritt College not to exceed \$36,000 through June 30, 2012. Funding Source: Grant funds. Services will include making system improvement recommendations, project planning and organizing, budget development and monitoring grant awards, developing grant objectives, and grant oversight. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Agenda report form](#)

16. Consider Approval of Sub-grantee Renewal for Merritt College and the Spanish Speaking Unity Council Presenter: Vice Chancellor Budd Consider approval of sub-grantee renewal for Merritt

College and the Spanish Speaking Unity Council to partner through a US Department of Labor's American Reinvestment and Recovery Act Grant for the purpose of developing and implementing a worker training program that includes placement opportunities for individuals within the high-growth and emerging industry sectors. Funding Source: The Unity Council. Provided funds will not exceed \$465,992 for the employment of one FTE Career Counselor, one FTE Chronic Care Instructor, one Online Medical Assisting II Specialist, and the cost of any online maintenance. This is a renewal of the sub-agreement that started in March 2010, with an anticipated completion date of February 28, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Agenda report form](#)

17. Consider Approval of Resolution 11/12-30 Granting Authority for Signature Authorization Presenter: Vice Chancellor Budd Consider approval of Resolution 11/12-30 granting authority for signature authorization to Chancellor Allen or his designee on behalf of the Governing Board. This resolution must be adopted for the Department of Rehabilitation (DOR) Workability Grant at Laney College to approve signature authorization change with the California Department of Rehabilitation. The grant was originally approved by the Board on March 15, 2011. The Chancellor recommends approval.

[Agenda report form](#)

[Background Material](#)

18. [Consider Approval of the Peralta Community College District's application to the Alameda County Behavioral Health Care Services Campus Mental Health Education and Services Grant Competition Presenter: Vice Chancellor Budd The Office of Educational Services is applying to the Alameda County Behavioral Health Care Services \(BHCS\) requesting a Campus Mental Health Education and Services grant. Funding Source: Statewide Funding Initiative, administered by the Alameda County Behavioral Health Care Services. The Office of Educational Services is requesting the maximum available for Phase I: \\$332,183. This amount will be divided between the individual Peralta colleges and the District to cover costs associated meeting the grant priorities. The application is a collaborative effort between the student services divisions of each of the four Peralta colleges. The purpose of this initiative is to develop a comprehensive approach to promoting student mental health and well-being and the reduction of stigmas around students seeking help for mental health issues in the higher education setting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

[Agenda report form](#)

MOTION: Motion by Trustee Abel Guillén, second by Trustee Bill Withrow to approve.

AYES: Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen.

NOES: None

ABSTAIN: None

ABSENT: Trustee Bill Riley, and Trustee Marcie Hodge.

The motion passed.

Trustee Handy asked to hear more about this proposal. She asked who is giving input to the grant writer, to target this grant in this area, and feels this grant could have been pursued by any of the colleges. Vice Chancellor Budd shared this process was a true collaborative effort with all the colleges, health services team,

and student services staff meeting and interviewing with all of the colleges. Trustee Handy feels this is the part of the process that the Trustees don't get to hear, and she's glad to hear that everyone was involved. Trustee Guillén suggested that the colleges highlight programs of distinction in the future at the Board meetings or in their college reports.

FINANCIAL SERVICES

19. 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.

[Background Material](#)

20. 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.

[Background Material](#)

21. 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.

[Background Material](#)

22. [Consider Approval to Receive and File the 2010-2011 Annual Measure A Financial and Performance Audit Presenter: Vice Chancellor Gerhard Receive and file Peralta Community College District's June 30, 2011 Measure A Financial and Performance Audit. The June 30, 2011 Annual Measure A Financial and Performance Audit is being presented to the Board of Trustees for acceptance. This annual financial and performance audit is required under Prop. 39 and the resolution approved by the Board of Trustees authorizing Measure A.](#)

[Measure A Background Material](#)

[Bond Background Material](#)

MOTION: Motion by Trustee Bill Withrow, second by Trustee Abel Guillén to approve.

AYES: Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen.

NOES: None

ABSTAIN: None

ABSENT: Trustee Bill Riley, and Trustee Marcie Hodge.

The motion passed.

Trustee Withrow commented on the good work done on this audit. He suggested a Board meeting issue for scheduling the sale of bonds relative to when they are needed and over what period of time, which also may need an Administrative Procedure.

23. Consider Approval of the California Community Colleges Chancellor's Office Quarterly Financial Status (CCFS-311Q) Report Presenter: Vice Chancellor Gerhard Consider approval of the District's fiscal year 2011-12 2nd quarter CCFS 311Q report. The CCFS-311Q is the State Chancellor's Office Quarterly Financial Status Report summarizing and communicating the results of the budgetary decisions and transactions made by the District through the second quarter of fiscal year 2011-12. The Chancellor recommends approval.

[Background Material](#)

24. Consider Approval of the Quarterly Financial Status Reports Presenter: Vice Chancellor Gerhard Consider approval of the Quarterly Financial Variance Reports. Quarterly financial variance reports for all funds are being presented to the board for review and approval. These reports present the 2011-12 adjusted budgets, 2011-12 activities through December 31, 2011, and 2010-11 activities through December 31, 2010. The Chancellor recommends approval.

[Background Material](#)

HUMAN RESOURCES

25. 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 Hernandez Alegria 2/15/12 5/25/12 Instructional Asst/ ADN Program M Kahil Si Yazid 5/20/12 6/30/12 Instructional Asst/Diesel Mechanics A Lagmay Raytina 2/15/12 6/30/12 Instructional Asst/Biology M Lyons Laura 2/15/12 5/11/12 Student Personnel Svcs. Specialist B Rehman Uzma 2/15/12 6/30/12 Instructional Asst III/DSPS B
26. Consider Approval to Reinstate Erica Harrell as Coordinator of the Child Development Center at Laney College Presented by Vice Chancellor Largent District administration requests Board authorization to reinstate Erica Harrell as the Coordinator of the Child Development Center at Laney College effective March 1, 2012. Funding Source: Child Development Fund. Ms. Harrell voluntarily resigned in good standing from her position as Coordinator effective November 5, 2011 and pursuant to the Education Code the Board may, at its election, reinstate her to her previous position within 39 months of her resignation in accordance with California Education Code, Section 88128. The Chancellor recommends approval.

[Agenda report form](#)

[Background Material](#)

27. Sunshine of the Initial Proposal for Contract Revision for the New Successor Agreement for the International Union of Operating Engineers (IUOE) Local 39 to the Peralta Community College District Presented by Vice Chancellor Largent Pursuant to Government code 3547(a), the public shall have an opportunity to comment upon the International Union of Operating Engineers (IUOE) Local 39 Initial Proposal for a contract revision for the new successor agreement with the Peralta

Community College District that was received at the January 24, 2012 Board meeting. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends adoption of the IUOE Local 39 initial proposal.

[Background Material](#)

FACILITIES

28. Consider Ratification of Change Order No. 5, ADA Improvements at Laney College, Vertex Construction Services Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 5 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$130,390. Including the previously Board approved Change Order Nos. 1, 2, 3 and 4, the cumulative total is \$432,976, which is 18.7% of the original contract amount (\$2,318,000). Funding Source: Bond Measure A. This change order is comprised of the following: 40% of Change Order No. 5 reflects the Settlement Agreement and Order for work that was added to the contract as a compromise after the bid and DSA approval

49% of Change Order No. 5 is for work along Fallon Street mandated by the City of Oakland The remaining 11% has resulted from District changed standards for the drinking fountains and unforeseen circumstances

Background/History The ADA Improvements Project at Laney College is a court ordered project designed to address pathway access in accordance with the 1990 Americans with Disabilities Act and subsequent Amendments Act of 2008. The law mandated programmatic as well as physical barrier removal, in order to ensure that all persons with disabilities receive comparable access to all public and some private places of business. Nineteen (19) areas at the Laney campus were identified that required physical barrier removal through construction. The majority of the areas also required DSA approval due to significant structural, fire/life safety and access components included in the settlement. In addition, an aggressive time line was established to complete all facets of the work. Due to DSA review delays and the complexity of the final settlement, four areas of injunctive relief were agreed to be added as modifications to the awarded contract. On June 10, 2010, this Board awarded a contract for the ADA Improvements Project at Laney College to IMR Contractor Corporation in the amount of \$2,318,000. A Notice to Proceed was issued directing IMR to commence work on August 23, 2010, with construction targeted for completion in August 2011. Unfortunately, the project was fraught with challenges at the beginning and continued throughout construction. In July 2011, IMR Contractor Corporation filed for bankruptcy, which effectively ended any further progress on the project. IMR's surety company, First National Insurance Company of America, assumed the responsibility of completing the construction. Subsequently, First National awarded the contract to Vertex Construction Services under a takeover agreement with the District. In September 2011 Vertex Construction Services began work on the project with an end date of February 29, 2012. The District also discontinued the services of the previous construction management firm, Stegeman & Kastner, and contracted with Olive Construction Management, Inc., in order to decrease management fees by hiring a local firm familiar with Peralta's campus and organization. Four previous change orders were ratified by the Board of Trustees: Change Order No. 1, in the amount of \$93,901, was ratified at the meeting of March 15, 2011. This change order was necessary due to the complexity of scheduling construction work around the college educational requirements in various and numerous areas. Additionally, due to the aged infrastructure, unforeseen conditions were encountered during the demolition of the walls, floors and ceilings. Change Order No. 2, in the amount of \$105,715, was ratified at the meeting of June 28, 2011. This change order was necessary due to the complexity of scheduling the construction work around the college educational requirements, unforeseen conditions due to the aged infrastructure, and water intrusion problems. Change Order No. 3, in the amount of \$29,728, was ratified at the meeting of July 19, 2011. This change order was necessary due to field changes and to meet code compliance with DSA and the City of Oakland. Change Order No. 4, in the

amount of \$73,242, was ratified at the Board meeting of December 6, 2011. It was issued to Vertex Construction Services for work performed by IMR as a provision of the takeover agreement between the District and the surety company, First National Insurance Company of America. The total of the first four change orders is \$302,586, which is 13% of the original contract amount. Cumulatively these four change orders are attributed to:

Deferred	Maintenance	due	the	aged	infrastructure	30%
	Owner			Requested	Changes	7%
	Division			1	(permits)	15%
Other	Unforeseen	Conditions	(not	deferred	maintenance)	14%
City	of	Oakland	deferred	requested	changes	11%
	Changes	required	by		DSA	7%
	Errors		and		Omissions	16%

Change Order No. 5
 To date Vertex Construction Services has submitted an additional \$292,129 in proposed change orders. Change Order No. 5 represents \$130,390 for work that is warranted and should be ratified by the Board in order to complete the project by March 13, 2012. The \$130,390 Change Order No. 5 amount represents a negotiated reduction of \$28,134, or 22%. Any delays to approval of Change Order No. 5 will result in future stop notices and prevent the project from attaining completion on schedule, as well as opening the District to delay liabilities by the surety company. The District will address the credit issues and liquidated damages at the completion of the project. From the additional \$292,129 of proposed change order items requested by Vertex, items totaling \$124,497 have been rejected and \$15,000 is still pending. Staff believes one final change order will be forwarded to the Board prior to project completion, but it may be deductive in nature. Staff is currently in the process of assessing existing requests in order to recommend rejection or approval. Although every effort has been made to reduce the change order work on this project, these changes were unavoidable. It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. 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 and ratify this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification. (This item was later removed from the agenda.)

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29. Consider Ratification of Change Order No. 2, Laney Tower Modernization Project, AJF/BHM, A Joint Venture Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 2 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, in the amount of \$16,319. Including the Board approved Change Order No. 1, the cumulative change order total to date is \$41,943, which is 1.0% of the original contract amount (\$3,997,351). Funding Source: Bond Measure A. Change Order No. 2, which is the result of unforeseen conditions, includes the following scope of work: Furnish labor, equipment and materials to provide bracing for all existing non-full height walls on Floors 2 through 8. Furnish labor, equipment and materials to relocate existing communications ground cable in the women’s restroom on the 6th floor. 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.

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30. Consider Approval of Amendment No. 2 to the Agreement for PLA (Project Labor Agreement) Management Services, Davillier-Sloan, Inc. Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 2 to the agreement for PLA (Project Labor Agreement) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month) from March 2012 through February 2013. Funding Source: Bond Measure A. These administration services are required for the implementation, enforcement, management and operation of the District's Project Labor Agreement. The Board approved entering into an agreement with DSI at the meeting of March 23, 2010. DSI was selected through a formal Request for Qualifications process. The agreement was prepared for a one-year term, at a not-to-exceed fee of \$72,000. It was stipulated and noted in the Board report that the agreement could be extended for two additional one-year periods at the same fee based on a favorable annual performance review and Board of Trustees' approval. The first one-year extension, for the period of March 2011 through February 2012, was approved by the Board at the meeting of March 15, 2011. DSI has continued to perform satisfactorily, and it is recommended that the contract be extended for an additional one-year period. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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31. Consider Approval to Enter into an Agreement with Olive Construction Management, Inc. for Construction Management Services for the Build-Out: Phase III Project at Berkeley City College
Presenter: Vice Chancellor Ikharo
Approval is requested to enter into an agreement with Olive Construction Management, Inc. for construction management services for the Build-Out: Phase III project at Berkeley City College, in the not-to-exceed amount of \$199,750. Funding Source: Bond Measure A. Construction management services are anticipated for a maximum period of thirteen months and will be billed on an hourly basis as needed and approved by the Department of General Services. For this project, three construction management firms (Olive Construction Management, Inc., Miller & Associates, and AMG Management Group) were invited to respond to an informal Request for Proposals (RFP). The firms were selected from the short list of small construction management firms approved by the Board of Trustees at the meeting of October 25, 2011. All three firms submitted proposals, which were reviewed by General Services Department staff and evaluated using the following criteria:
EVALUATION CRITERIA WEIGHTS Letter of Interest, Resources and Key Personnel 15
Knowledge and Experience 20 Plan and Approach 25 Proposed Costs 30 Environmental Sustainability 5 Small Local Business Enterprise (SLBE) 5 Total: 100
The proposals were scored with a maximum ranking of 100. Interviews were then conducted with the three firms. The maximum interview score was 50. Following are the resulting proposal and interview scores:
CONSTRUCTION MANAGER PROPOSAL SCORES INTERVIEW SCORES Olive Construction Management, Inc. 71 32 Miller & Associates 70 29.5 AMG Management Group 65 24.5
Olive Construction Management, Inc. received the highest proposal and interview scores and is the recommended firm. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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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.

Wise E. Allen, Chancellor
Secretary to the Board of Trustees
PERALTA COMMUNITY COLLEGE DISTRICT