

## **REGULAR MEETING OF THE BOARD OF TRUSTEES (Tuesday, January 23, 2018)**

### **Members present**

Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

### **1. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

#### **2. CLOSED SESSION**

Information: 2.1 Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Information: 2.2 Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

Information: 2.3 Public Employee Appointment (Government Code Section 54957)

### **3. OPEN SESSION**

Procedural: 3.1 Pledge of Allegiance

Procedural: 3.2 Roll Call

Information: 3.3 Report of Action Taken in Closed Session

At tonight's closed session, the Board voted to ratify the appointment of the following public employee contracts, which is subject to contractual agreement by the Chancellor:

1. Recommendation to appoint Amy Marshall as Director of College Facilities and Operations, Laney College, effective January 24, 2018 through June 30, 2020 at \$124,655 annually.

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

2. Recommendation to appoint Martin De Mucha Flores as Associate Dean of Educational Success, Berkeley City College (grant-funded), effective January 29, 2018 through June 30, 2020 at \$101,991 annually.

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

3. Recommendation to re-assign Royle Roberts, Risk and Safety Programs Manager, to Employee Relations and Diversity Programs to support the areas of Employee Relations and Diversity Programs, effective February 1, 2018 through September 30, 2018 at \$124,655 annually.

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

4. Recommendation to re-assign Venesse Metcalf, Interim Director for Human Resources, to the Employee Relations Office, on a part-time basis, to support the areas of Employee Relations, effective February 1, 2018 through June 30, 2018 at \$147,319 annually.

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

5. Recommendation to re-assign Chanelle Whittaker to the Human Resources Office to support the areas of Human Resources and personnel management, effective February 1, 2018 through

September 30, 2018 at \$169,984 annually.

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

6. Recommendation to appoint Debra Jones as Interim Associate Vice Chancellor of Workforce Development and Continuing Education, District Office, effective February 1, 2018 through December 31, 2018 at \$164,318 annually.

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

Action: 3.4 Approval of the Agenda

Recommend Approval of the Agenda with the following amendments:

Agenda Items 6.5, 8.6, 10.1, 10.2 & 10.3 have been moved to the action calendar.

Motion by Julina Bonilla, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action: 3.5 Approval of the Minutes

Recommend Approval of the December 12, 2017 minutes

Motion by William Riley, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Information: 3.6 Associated Student Government Reports

Information: 3.7 Public Communication

#### 4. REPORTS

Information: 4.1 Chancellor's Reports

Information: 4.2 Board of Trustees' Reports

Trustee Handy will be attending the ACCT Legislative Conference from January 26th - 29th.

Trustee Riley

Trustee Brown asked for greater clarity for issues district-wide.

Information: 4.3 Peralta Classified Senate Report  
No Classified Senate Report

Information: 4.4 District Academic Senate Report

#### 5. PRESENTATIONS

## 6. CONSENT CALENDAR - BOARD MATTERS

Action (Consent): 6.2 Consider Approval of Out of State Travel pursuant to Board Policy 7400.

Presenter: Chancellor Laguerre

Resolution: Consider approval of Out of State Travel pursuant to Board policy 7400 for the following:

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 6.3 Consider Ratification of Out of State Travel pursuant to Board Policy 7400. Presenter: Chancellor Laguerre

Resolution: Consider ratification of Out of State Travel pursuant to Board Policy 7400 for the following:

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 6.4 Consider Approval of First Reading on Proposed Board Policies Presenter: Chancellor Laguerre

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action: 6.5 Consider Approval of ICC Agreement with Sharon Cornu to support Peralta's outreach and representation to outside entities in the amount of \$50,400. Presenter: Chancellor Laguerre

Trustee Gonzalez Yuen asked what the hourly rate was and what we are trying to accomplish with this contract. Chancellor Laguerre says there is lots of potential in the community and he needs additional support to make this happen.

Trustee Weinstein would like to see a better written contract and the deliverables are not clear on the contract and would like more specific details. Chancellor Laguerre will put together a specific work plan to share with the Trustees.

Student Trustee More encourages the board to consider this item at a later date due to ambiguity and generality of the last presentation.

Trustee Gonzalez Yuen asked if this item went through shared governance process. Chancellor Laguerre said it did not.

Consider Approval of Agenda Item 6.5, ICC Agreement with Sharon Cornu to support Peralta's outreach and representation to outside entities in the amount of \$50,400.

Motion by Bill Withrow, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, William Riley

Nay: Nicky Gonzalez Yuen

## 7. CONSENT CALENDAR - ACADEMIC AFFAIRS

Action (Consent): 7.1 Consider Approval of Course and Program Additions, Deactivations and Changes. Presenter: Vice Chancellor Brown

Resolution: Consider Approval of Course and Program Additions, Deactivations and Changes

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.2 Consider Approval of the 2017-19 Integrated Plan for Berkeley City College, College of Alameda, Laney College and Merritt College. Presenter: College Presidents  
Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.3 Consider Approval of a Memorandum of Understanding with West-Valley Mission Community College District to receive \$150,000 and partner with the Water Career Pathways Consortium to implement career pathways in the water industry for the bay area region. Presenter: Interim Director Jones

Resolution: Request approval of Memorandum of Understanding with West Valley Mission Community College District

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.4 Consider Approval of a Independent Contractor/Consultant Services Contract with Nathan Pellegrin DBA Allembic Support to assist the Department of Academic

Affairs with data for a "student-centered" schedule in the amount of \$20,000. Presenter: Vice Chancellor Brown.

Resolution: Approval recommended. NB: Vendor was approved for a separate ICC #22343 at the December 12, 2017 board meeting to complete work for Laney College in the amount of \$70,000.00. This brings total compensation to vendor to \$90,000.00.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.5 Consider Approval of Increase to Existing Independent Contract with Owen Hershey in Amount of \$45,234. Presenter: President Karas

Resolution: Consider Approval of Increase to Existing Independent Contract with Owen Hershey in Amount of \$45,234.00

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.6 Consider Approval of Increase to Existing Independent Contract with Lubna Hanif in Amount of \$19,929. Presenter: President Karas

Resolution: Consider Approval of Increase to Existing Independent Contract with Lubna Hanif in Amount of \$19,929.00

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.



Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 7.7 Consider Approval of Increase to Existing Independent Contract with Kathleen Cavanagh in Amount of \$6,080. Presenter: President Karas

Resolution: Consider Approval of Increase to Existing Independent Contract with Kathleen Cavanagh in Amount of \$6,080.00

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

## 8. CONSENT CALENDAR - FINANCE

Action (Consent): 8.1 Consider Ratification of the Warrant/Payment Report. Presenter: Interim Vice Chancellor Williams

Resolution: Approve ratification of the Warrant/Payment Report.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 8.2 Consider Approval of Budget Transfer Report covering the period from November 26, 2017 through December 19, 2017. Presenter: Interim Vice Chancellor Williams  
Resolution: Consider approval of Budget Transfer Report covering the period from November 26, 2017 through December 19, 2017.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 8.3 Consider Approval of Budget Transfer #115 to make funds available for the College of Alameda Fab Lab Project. Presenter: Interim Vice Chancellor Williams  
Resolution: Approve Measure A Budget Transfer #115 to make funds available for the College of Alameda Fab Lab Project.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 8.4 Consider Approval of Resolution# 17/18-25 for 2018-19 Nonresident Tuition Fees. Presenter: Interim Vice Chancellor Williams  
Resolution: Approve Resolution# 17/18-25 for nonresident tuition fee of \$258.00 per semester unit to be effective July 1, 2018.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 8.5 Consider Approval of Resolution# 17/18-26 for 2018-19 Nonresident Capital Outlay Fee - Presented by: Interim Vice Chancellor Williams  
Resolution: Approve Resolution# 17/18-26 for Capital Outlay fee of \$7 per semester unit to be effective July 1, 2018.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action: 8.6 Consider Approval of Budget Transfer #116 to re-align IT Project funds in Measure A and Measure E. Presenter: Interim Vice Chancellor Williams  
Approve Measure A & E Budget Transfer #116 to re-align IT Project funds in Measure A and Measure E.

Motion by Bill Withrow, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, William Riley

Nay: Nicky Gonzalez Yuen

Action (Consent): 8.7 Review of Purchase Order Report. Presenter: Interim Vice Chancellor Williams

Resolution: Review of Purchase Order Report. Presenter: Interim Vice Chancellor Williams

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

## 9. CONSENT CALENDAR - HUMAN RESOURCES

Action (Consent): 9.1 Consider Approval of Short-term assignments. Presenter: Vice Chancellor Largent

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 9.2 Consider Approval to Increase an Independent Contract's Agreement (ICC) for Professional Services with Van Dermyden Maddux in the amount of \$50,000.

Presenter: Vice Chancellor Largent

Resolution: Consider Approval to Increase an ICC with Van Dermyden Maddux, Investigations Law Firm by \$50,000.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 9.3 Consider Approval to increase the amount of Independent Contractor's Agreement between the District and Renne Sloan Holtzman & Sakai, LLP by \$75,000. Presenter: Vice Chancellor Largent

Resolution: Consider approving the increase in the contract amount for Renne Sloan Holtzman and Sakai, LLP, by \$75,000 (from \$25,000 to \$100,000).

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

## 10. CONSENT CALENDAR - FACILITIES

Action: 10.1 Consider Approval of Resolution No. 17/18-27 ratifying a Construction Agreement with TRICON AQUATICS for the Laney College Pool Heaters Upgrades (Bid No. 17-18/21)

Presenter: Director Lynch McMahon

Ratification is requested to approve a construction agreement with TRICON AQUATICS for the Laney College Pool Heaters Upgrades (Bid No. 17-18/21), in the amount not-to-exceed \$232,514.

Motion by Bill Withrow, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, William Riley

Nay: Nicky Gonzalez Yuen

Action: 10.2 Consider Approval of Amendment No. 1 for BHM Construction Inc. in the amount of \$71,833.00 on the Laney Leak Remediation, Courtyard B, Project at Laney College.

Presenter: Director Lynch McMahon

Approve Amendment No. 1 for BHM Construction, Inc. in the amount of \$71,833.00 on the Laney Leak Remediation, Courtyard B, Project at Laney College

Motion by Nicky Gonzalez Yuen, second by Julina Bonilla.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, William Riley

Nay: Nicky Gonzalez Yuen

Action: 10.3 Consider Approval of Amendment #4 for KONE Elevator- KONE, Inc. for Operational Compliance of Elevators in the amount of \$87,219.72. Presenter: Director Lynch McMahon

Approve the amendment ratifying change orders previously approved by Chancellor in 2017. Change Orders requested were outside of the original contract scope of work and required additional maintenance and urgent repairs to occur in order for PCCD to maintain operational compliance for elevators district wide.

Motion by Nicky Gonzalez Yuen, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, William Riley

Nay: Nicky Gonzalez Yuen

Action (Consent): 10.4 Consider Approval of Amendment No. 1 to the Agreement with Indoor Environmental Services, IES, in the amount of \$22,568.00 on the Replacement of Variable Frequency Drives (VFDs) in Library L113 at Laney College. Presenter: Director Lynch McMahon

Resolution: Approve Amendment No. 1 to the Agreement with Indoor Environmental Services (IES) for the replacement of Variable Frequency Drives (VFDs) in Library L113

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action (Consent): 10.5 Consider Approval of Contract Amendment #2 Relating to Construction Management Services for Swinerton Management & Construction in the amount of \$70,423.  
Presenter: Director Lynch McMahon  
Resolution: Approve increase in contract scope and extension of contract time for Swinerton Management Services.

Consider approval of all Consent Agenda Items with the exception of Consent Agenda Items 6.5, 8.6, 10.1, 10.2 and 10.3 that were moved to the action calendar.

Motion by Julina Bonilla, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

## 11. ACTION ITEMS

Action: 11.1 2016-17 Annual District Audit Report - Presented by: Interim Vice Chancellor Williams

Trustee Bonilla would like the enrollment needs to be looked at closer. Trustee Bonilla has looked at the findings and focused on material weaknesses and deficiencies and used that as a guide to go through the dense document. She would like the Chancellor and staff to look at it and give a comprehensive response.

Trustee Weinstein looked at the previous audit in November and December and also looked at the material weaknesses. Trustee Weinstein is concerned with the errors which were discovered in the audit and feels the error caused a lot of hardship.

Trustee Yuen was greatly relieved to see these numbers versus the numbers from November, December. Where did we underspend roughly 7 million?

Trustee Brown asked that any additional recommendations be left with the Vice Chancellor of Finance.

Student Trustee More asked if there is a prioritization for deciding which student fees get written off.

Consider Approval of Action Agenda Item 11.1, 2016-17 Annual District Audit Report.

Motion by William Riley, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

Action: 11.2 Consider Acceptance of Updated Draft of Facilities Master Plan. Presenter: Director Lynch McMahon

Consider Approval of Agenda Item 11.2, the updated draft of the Facilities Master Plan.

Motion by Bill Withrow, second by William Riley.

Final Resolution: Motion Carries

Yea: Bill Withrow, Julina Bonilla, Linda Handy, Karen Weinstein, Meredith Brown, Nicky Gonzalez Yuen, William Riley

## 12. ANNOUNCEMENTS

## 13. ADJOURNMENT

Action: 13.1 Meeting Adjournment