



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, October 7, 2014

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street

Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus:

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

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

AGENDA

CALL TO ORDER (7:00 p.m.)

CLOSED SESSION (5:00 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)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- Conference with Legal Counsel (54956.9(a)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396.
- 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)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733
- Conference with Legal Counsel (54956.9(a)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878.
- Conference with Legal Counsel (54956.9(a)), Nichols v. PCCD, Alameda County Superior Court, Case No. RG14739161.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (6 cases)

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

- Negotiator Ikhara, 2118 Milvia Street, Berkeley, California, 94704

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

Employee's appeal of the District's Administrative Determination, pursuant to Title 5 and the District's Unlawful Discrimination and Sexual Harassment: Complaint and Investigation Procedures for Employees and Students

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 Oliver Pr_ Ab_ and Rolley Pr_ Ab_.

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

(Any public employee contracts are subject to contractual agreement by the Chancellor, and provided salaries are for informational purposes only.)

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 may move to the Action Calendar items with public speakers.

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

1. Consider Approval of the Regular Board meeting Minutes of September 23, 2014.

Consider approval of the regular Board meeting minutes of September 23, 2014. 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 (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. 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 up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers 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.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

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.)

3. Chancellor's Reports

Chancellor's Report	Dr. José M. Ortiz
Vice Chancellor's Reports	
Budget Update	Interim Vice Chancellor Rinne
Enrollment and	Vice Chancellor Orkin
Student Services Update	
General Services	Vice Chancellor Ikharo
Human Resources	Vice Chancellor Largent
College Reports	
Berkeley City College	President Budd
College of Alameda	Interim President Gravenberg
• MOU between COA & Bay Ship & Yacht	
• MOU between COA & Sonoma County Junior College District	
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.

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

PRESENTATIONS (7:30 P.M.)

6. Legislative Update from the McCallum Group (15 minutes) **Presenter: Patrick McCallum and Mark MacDonald**

7. Machine Technology Program of Distinction Presentation (15 minutes)
Presenter: President Webb

CONSENT CALENDAR (8:00 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.

BOARD MATTERS

8. Consider Approval of First Reading on Proposed Board Policy **Presenter: Chancellor Ortiz**

The Board will conduct a first reading on the Board Policies. The following policy is presented for review, and will return to a future Board meeting for adoption:

- BP 5020 Nonresident Tuition
Per CCLC, this policy is being revised to add an exemption to non-resident tuition fees.
- BP 6200 Budget Preparation
Per CCLC, this policy is being revised to remove the definition of the District's general reserves and to place the definition in BP 6250 Budget Management.

- **BP 6250 Budget Management**
This policy is being added since the definition regarding general reserves is to be included in this policy.

9. Consider approval of the Board Meeting Calendar for 2015 **Presenter: Assistant Brenda Martinez**

Consider approval of the Board Meeting Calendar for 2015. The Chancellor recommends approval.

10. Consider approval of Resolution 14/15-12, Excusing Trustee Absence **Presenter: Trustee Guillén**

It is recommended that Trustees approve Resolution 14/15-12 excusing Trustee Handy from the September 23, 2013 Board meeting due to business. The Chancellor recommends approval.

11. Consider Approval of Out of State Travel pursuant to Board Policy 7400 **Presenter: Chancellor Ortiz**

Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty:

Name	Travel Location	Travel Dates
Larry Chang	Washington, DC	October 21, 2014 – October 24, 2014
Peter Crabtree	Washington, DC	October 21, 2014 – October 24, 2014
Jennifer Ilijas	Washington, DC	October 14, 2014 – October 19, 2014
Pamela Wallace	Washington, DC	October 21, 2014 – October 24, 2014

EDUCATIONAL AND STUDENT SERVICES

12. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Vice Chancellor Orkin**

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD September 8, 2014" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

13. Consider approval of a one-year contract in the amount of \$210,000 with the College and Career Academy Support Network (CCASN) for the provision of technical assistance to the East Bay Career Pathways Consortium, for which the Peralta Community College District is the fiscal agent. **Presenter: Karen Engel**

Consider approval of a one-year contract in the amount of \$210,000 with the College and Career Academy Support Network (CCASN) for the provision of

technical assistance to the East Bay Career Pathways Consortium, for which the Peralta Community College District is the fiscal agent. As part of its role as the fiscal agent for the East Bay Career Pathway Consortium funded by a \$15 million grant from the California Career Pathways Trust from 2014-18, the Peralta Community College District would like to contract with technical assistance providers, including the College and Career Academy Support Network (CCASN) at UC Berkeley, to provide technical assistance and professional development support to the members of the Consortium. This item is a one-year contract with CCASN to provide services during Year 1 of the Career Pathways grant activity.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Career Pathways Trust Grant**

14. Consider approval of a one-year contract in the amount of \$330,000 with the Career Ladders Project for the provision of technical assistance to the East Bay Career Pathways Consortium, for which the Peralta Community College District is the fiscal agent. **Presenter: Karen Engel**

Consider approval of a one-year contract in the amount of \$330,000 with the Career Ladders Project for the provision of technical assistance to the East Bay Career Pathways Consortium, for which the Peralta Community College District is the fiscal agent. As part of its role as the fiscal agent for the East Bay Career Pathway Consortium funded by a \$15 million grant from the California Career Pathways Trust from 2014-18, the Peralta Community College District would like to contract with technical assistance providers, including the Career Ladders Project (CLP), to provide technical assistance and professional development support to the members of the Consortium. This item is a one-year contract with CLP to provide services during Year 1 of the Career Pathways grant activity.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Career Pathways Trust Grant**

15. Consider Approval of the revised Berkeley City College Mission, Vision and Values Statement. **Presenter: President Budd**

Consider Approval of the revised Berkeley City College Mission, Vision and Values Statement for the 2015 Accreditation Self Evaluation. The Chancellor recommends approval.

16. Consider Approval of an Independent Contractor Agreement with Danny Beesley (dba EcoVision Consulting) to provide project management services for the development of the Advanced Manufacturing Fabrication Lab (FabLab) at Laney College in the amount of \$50,000 (cumulative total of contracts at \$62,520).
Presenter: President Webb

Consider approval of an independent contractor agreement for Danny Beesley (dba EcoVision Consulting) in an amount not to exceed \$50,000 to provide project management support for the development of the Advanced Manufacturing Fabrication Lab (FabLab) at Laney College. The contract will run from October 15, 2014 to June 30, 2015. Laney College has recently been awarded funds from the Peralta Accountability for Student Success (Measure B). The PASS funds are to:

- Protect and maintain core academic programs including math, science, and English
- Train students for successful careers; and
- Prepare students for transfer to four-year universities.

Mr. Beesley will provide project management support services to Laney in developing the Advanced Manufacturing Fabrication Lab (FabLab) which includes; research on equipment specification, equipment installation, lab layout, working with faculty to incorporate the use of the FabLab into their departments, coordination and other support services. EcoVision has two current contracts with the District totaling \$12,520, so the cumulative total amount of all contracts for EcoVision will be \$62,520.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Peralta Accountability for Student Success program (Measure B).**

17. Consider Annual Software Renewal Contract with ComputerLand of Silicon Valley for Microsoft Software **Presenter: Associate Vice Chancellor Madlock**

Consider approval of annual software renewal contract with ComputerLand of Silicon Valley for Microsoft Software for all four colleges and the District offices. Total cost for these agreements shall not exceed \$84,412. Four (4) contracts with ComputerLand of Silicon Valley are required to renew the Microsoft Software licensing agreements for all colleges and the District offices. The program provides purchasing access for site licensing of various Microsoft software packages used in classrooms and administrative offices.

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

Laney College	\$26,789.50
College of Alameda	\$11,543.00
Berkeley City	\$33,168.00
Merritt	\$12,911.50
Total	\$84,412.00

18. Consider Approval of Contract with United Information Consultants, LLC to provide an IT assessment in the amount of \$44,000. **Presenter: Chancellor Ortiz**

Consultant will provide an IT Assessment using processed and methodology outlined in the scope of work. Specific Emphasis will be placed on the ERP Functions used by the District. The Scope of Work will assess and summarize those ERP modules that have been purchased (53 modules) and implemented to date (27 modules), as well as those that the District owns, but has not yet scheduled for rollout support the technology and processes, and present options to further bridge any gap that may exist between the delivery of technology and the opportunity to maximize the return on investment through more complete operational integration.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: \$44,000 from General Fund**

19. Consider Approval of an Increase in the Contract Amount for independent Air Quality Testing services provided by Environmental Technical Services Inc. (ETS), Industrial Hygienists. **Presenter: Director Greg Valentine, Office of Risk Management**

Consider approval to increase the ETS contract for Air Quality Testing from **\$25,000 to \$55,000** (an increase of **\$30,000**) to perform statutory air quality testing. The Office of Risk Management commissions independent Air Quality Testing to ensure a healthy work and learning environment. Independent Air Quality tests are ordered either proactively and on-demand to ensure that air quality meets or exceeds air quality standards set by regulatory agencies, United States Department of Labor, Occupational Safety and Health Administration (OSHA), Centers for Disease Control (CDC) National Institute for Occupational Safety and Health (NIOSH) and the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA. Risk Management orders air quality tests proactively after applicable construction projects, in response to employee complaints related to environmental air quality and after facilities related emergencies that may impact air quality or may lead to mold growth. For testing, Risk Management engages an industrial hygiene firm, Environmental Technical Solutions Inc., (ETS), a vendor with extensive industry experience and several years of District-wide testing.

At the beginning of each fiscal year, the contract amount for ETS is set at \$25,000 to handle projected testing needs. While this initial contract amount is based on

the historical average for air testing expenses, this projection is subject to the needs of the District and Colleges.

As a result of increased demand for air quality studies, Risk Management is requesting an increase in the contract amount of \$30,000 to cover current and anticipated air quality testing needs for the remainder of the fiscal year.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. The Chancellor recommends approval. **Funding Source: General Fund (Rebate from workers' compensation insurance).**

FINANCIAL SERVICES

20. Review of Purchase Order Report **Presenter: Interim Vice Chancellor Rinne**

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 Board of Trustees every 60 days." This Purchase Order Report contains all orders issued from August 23, 2014 through September 19, 2014 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.

21. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register **Presenter: Interim Vice Chancellor Rinne**

Consider *ratification* of the AP, Travel, and Consulting Contract Warrant Register from August 23, 2014 through September 19, 2014. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

22. Consider Approval of Budget Transfer Report **Presenter: Interim Vice Chancellor Rinne**

Consider approval of budget transfer report covering the period from August 16, 2014 through September 19, 2014. 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 9, 2014. The Chancellor recommends approval.

HUMAN RESOURCES

23. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees **Presenter: Vice Chancellor Largent**

Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Banaga	Domingo	10/8/14	12/12/14	Inst Asst/ Radiological Science	M
Barnhart	Julie	10/9/14	1/28/15	Clerical Assistant II	M
Burnett	Kristal	10/13/14	1/29/15	Clerical Assistant II	M
Cain	Cynthia	10/8/14	3/4/15	Financial Aid & Placement Asst	L
Ellison	Kim	10/8/14	12/12/14	Inst Asst/ Radiological Science	M
Fleming	Robert	10/22/14	3/18/15	Student Employment Spec	L
Franklin	Luctricia	10/8/14	6/30/15	Staff Asst/Admin (General)	A
Hernandez	Alegria	10/8/14	12/12/14	Inst Asst/ ADN Prog Skills Lab	M
Jenkins	Jasmyn	10/8/14	12/12/14	Inst Asst/ Radiological Science	M
Ma	Jacqueline	11/3/14	6/30/15	Staff Asst/EOPS	L
McChesney-Young	Mary	10/8/14	12/31/14	Senior Clerical Assistant	M
O'Donnell	Jennifer	10/8/14	6/30/15	Interpreter, Fully Certified	All
Pinilla	Maria	10/8/14	6/30/15	Clerical Assistant II	A
Shields	Icee	10/28/14	2/26/15	Staff Asst/Admin (General)	L
Tyson	Benea	10/8/14	1/20/15	Program Spec/Student Svcs	L
Watson	Christina	10/8/14	11/14/14	Science Lab Tech/Bio Science	M

FACILITIES

24. Consider Assignment following corporate purchase of Merritt College Energy Services from Chevron Energy Solutions Company to OpTerra Energy Services, Inc. **Presenter: Vice Chancellor Ikharo**

The Department of General Services is informing the Board of Trustees of the contract assignment provisions from Chevron Energy Solutions Company, a division of Chevron U.S.A. Inc. (CES) to OpTerra Energy Services, Inc. Chevron Energy Solutions Company sold all of its assets used in the operation of its business, including the Merritt College Energy Services Contract and all related work order, change orders, addendums, exhibits, and schedules to OpTerra Energy Services, Inc. ("OpTerra ES"). Although, the Merritt College Photovoltaic Project was completed in 2012, in the future, the District will work with OpTerra ES

to repair the existing photovoltaic equipment. Under this business transaction, OpTerra ES will assume and perform all of CES's rights, duties, and obligations under the original contract.

All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: General Fund**

25. Consider an Approval to Include a Side Letter to the Approved Project Labor Agreement (PLA) between the District and Alameda County Building and Construction Trade Council AFL-CIO and Related Signatory Unions.
Presenter: Vice Chancellor Ikharo

The administration is requesting to include the Side Letter to an approved Project Labor Agreement (PLA). The Governing Board of Trustees authorized the Chancellor to negotiate an extension of the Project Labor Agreement Terms on June 24, 2014 (Resolution 13/14-70). On July 15, 2014, the Governing Board of Trustees approved Resolution 14/15-06 to adopt an extension of the Project Labor Agreement (PLA), effective July 16, 2014 to June 30, 2019. After this Board approval, both parties can sign the Side Letter to be included in the approved PLA. This Side Letter modifies certain language in the previous PLA, to include four areas of mutual agreement: local hiring, committee structure, jurisdictional dispute and arbitration.

All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A.**

26. Consider Approval of Resolution No. 14/15-09, Accept Bid and Award Contract for Laney College Boiler Retrofit, R.F. MacDonald Co. (Bid No. 14-15/04)
Presenter: Vice Chancellor Ikharo

Approval is requested to enter into a construction agreement with R.F. MacDonald Co. for Laney College Boiler Retrofit (Bid No. 14-15/04), in the amount not-to-exceed \$210,000. This project is a scheduled maintenance project that was approved by the California Community Colleges Chancellor's Office (CCCCO) in the 2013/2014 fiscal year. To be in compliance with the Bay Area Air Quality Management District (BAAQMD) air emission requirements, the existing burners must be replaced. Therefore, the replacement of the existing three (3) forced draft packaged burner systems, controls and natural gas supply is critical to meet or exceed the BAAQMD air emission requirements and Rule 7. This project will be completed within eighty-six (86) calendar days from the issuance of the Notice to Proceed.

In compliance with the Public Contract Codes, Section 20651, formal competitive bidding and a request for a proposal (RFP) was conducted for this project. A Notice to Bid for the project was advertised in newspaper publications of general circulation on August 19th and 26th, 2014. A mandatory bidder's conference was

held on August 20, 2014. A total of six (6) contractors attended the pre-bid conference. A total of two (2) proposals were received, as follows:

CONTRACTOR	LOCATION	TOTAL BID
R.F. MacDonald Co.	Hayward, CA	\$210,000
Bay City Boiler & Engineering Co., Inc.	Hayward, CA	\$217,632

The lowest responsible and responsive bid was submitted by R.F. MacDonald Co., in the amount not-to-exceed \$210,000. James MacDonald (President), Mike MacDonald (Vice President), and Donald Patten (Director and Project Manager) manage the business.

All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: 50% from Measure E and 50% from 2013/2014 California Community Colleges Chancellor’s Office (CCCCO) One Time Funding for Scheduled Maintenance Projects.**

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 may 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.

ANNOUNCEMENTS

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