



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
DECEMBER 10, 2013

**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) Public Employee Appointment - Evaluation (Government Code § 54957). \* Chancellor's Goals 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)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757. \* Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG. Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (5 cases). Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957). \* Consider approval of extension, Director of Purchasing Services \* Consider approval of extension, Facilities Project Manager \* Consider approval of extension, Director of Capital Projects \* Consider approval to ratify the decision of the Chancellor to extend appointment, Interim Vice President of Student Services, Laney College \* Consider approval of Interim Director of Development, District Office \* Consider approval of Interim Dean of Academic & Student Affairs (Liberal Arts), Laney College \* Consider approval of Vice President of Student Services, Laney College Student Matters (Government Code § 54962; Education Code § 72122) \* Student appeal from the District Administrative Determination, pursuant to Title 5 and the District's Unlawful Discrimination and Sexual Harassment: Complaint and Investigation Procedures for Employees and Students \* Consider expulsion of Student Walker

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Trustees Brown, Pr\_ Ab\_, González Yuen Pr\_ Ab\_, Guillén Pr Ab\_, Handy Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab , and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Li Pr\_ Ab\_.

Present: Student Trustee Clegg, Student Trustee Li, Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

Absent: Trustee Withrow, and Trustee Guillen.

**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.)

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

extension of Marie Hampton's appointment as the Director of Purchasing Services, effective December 12, 2013, through June 30, 2015, at \$97,850 annually. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to approve the extension of Gary Banks' appointment as the Facilities Project Manager, effective December 17, 2013, through June 30, 2014, at \$113,300 annually (Funded by Measure A). AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to approve the extension of Johnnie Fudge's appointment as the Director of Capital Projects, effective December 14, 2013, through June 30, 2014, at \$133,900 annually (Funded by Measure A). AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to ratify the decision of the Chancellor to extend the appointment of Josefina Baltodano as Interim Vice President of Student Services, Laney College, effective November 16, 2013 through December 23, 2013, at \$135,000 annually. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to approve the appointment of Karen Engel as the Interim Director of Development, District Office, effective December 16, 2013, through June 30, 2014, or until the position is filled, at \$144,200 annually. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to approve the appointment of Felix Robles as the Interim Dean of Academic & Student Affairs (Liberal Arts) for Laney College, effective January 6, 2014, through March 30, 2014, at \$118,450 annually. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow) Recommendation to approve the appointment of Trudy Walton as the Vice President of Student Services, Laney College, effective January 2, 2014, through June 30, 2015, at \$149,350 annually. AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (GuillÃ©n & Withrow)\* The Board voted to reject the Student appeal of Student Brooks from the District Administrative Determination.

**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.

**PRESENTATIONS (7:05 P.M.)**

**Agenda**

MOTION: Motion by Trustee Riley, second by Trustee Gonzalez Yuen to approve Agenda and to remove Agenda Items 1 and 28 from the agenda.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

1. (Item removed from the agenda)

**AWARDS (7:03 P.M.)**

**Presentation of Awards to outgoing President Gulassa and Vice President Guillen**

**Annual Organizational Meeting**

**2014 Election of President of the Board of Trustees**

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve Trustee Guillen as 2014 President of the Board of Trustees

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

#### **2014 Election of Vice President of the Board of Trustees**

MOTION: Motion by Trustee Handy, second by Trustee Riley to approve Trustee Brown as 2014 Vice President of the Board of Trustees

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

#### **2014 Appointment of Secretary of the Board of Trustees**

MOTION: Motion by Trustee Riley, second by Trustee Gonzalez Yuen to approve Chancellor Ortiz as 2014 Secretary of the Board of Trustees

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

#### **[APPROVAL OF THE MINUTES \(7:25 P.M.\)](#)**

2. Consider Approval of the Regular Board meeting Minutes of October 22, 2013, and the special Board meeting of November 12, 2013. Consider approval of the regular Board meeting minutes of October 22, 2013 and the special Board meeting of November 12, 2013. The minutes are posted on Granicus.

[Minutes - October 22, 2013](#)

[Minutes - November 12, 2013](#)

MOTION: Motion by Trustee Riley, second by Trustee Gonzalez Yuen to approve the Regular Board meeting Minutes of October 22, 2013, and the special Board meeting minutes of November 12, 2013. The minutes are posted on Granicus.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

### **PUBLIC COMMUNICATION (7:30 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/>

Speaker Blake spoke about opportunities that Peralta, classified staff, faculty, administrators and students have to collaborate better with one another. He urged everyone to take the tools that we have gathered during the eighteen months of Chancellor Ortiz' tenure and do better.

Speaker Garcia, Executive Director of the Peralta Foundation this month marks his first year with the Peralta Foundation. The Foundation dinner collectively raised \$50,000. This year the attendance was wonderful with over 350 people attending which means they will need to find a larger venue for next year's event. Mr. Garcia also thanked everyone including staff of the district, trustees, the chancellor, presidents, volunteers, corporate partners and students for their continued support.

Speaker Lewis thanked the Peralta Federation of Teachers (PFT) for its work and for helping the employees of Peralta. Mr. Lewis spoke about an issue he had with his sick leave being removed. Mr. Lewis encouraged employees to join PFT, they will fight for you. He is happy to say he is a member of PFT.

### **REPORTS (7:40 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.

3. [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 Moore spoke about happenings at Berkeley City College. ASBCC has assigned students to every accredited committee on campus and a representative has been present at round table and other shared governance meetings on campus. ASBCC has hosted several events including a food, clothing and toy drive. The BCC voice will be launching campus wide and on the internet.

Speaker Rollie discussed a clothing drive that the students of the College of Alameda started at the end of the month to donate to the Philippines. He also thanked the Vice President of Instruction for graciously paying for half of the dry cleaning of the clothing that was donated.

Speaker Tracy encouraged students to apply for the scholarships available at Merritt.

Speaker Oliver spoke on student associates and staff working with IT on implementing a new layout for the Laney website. Over the break, the AS will be having a retreat, to learn and collaborate and become great leaders. Next semester there will be a welcome back students week honoring President Webb and the Chancellor.

- [Chancellor's Reports](#)      [Chancellor's Report](#)      [Dr. Jos  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](#)

The Chancellor appreciated the community and all for coming out to the foundation dinner. He wished all of our Peralta community college community happy holidays.

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

[BCC Report](#)

#### **[College of Alameda Interim President Gravenberg \(5 minutes\)](#)**

President Gravenberg shared information on the youth entrepreneurship program. COA hopes to establish a center for entrepreneurship, the program will help us collaborate district wide and city wide and stimulate economic development.

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

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

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

Trustee Handy had an opportunity to attend CCLC in Burlingame. She also met with Peralta retirees and attended the Trades Council luncheon. She thanked everyone including Romeo Garcia for the success of the foundation dinner and success of the foundation.

Student Trustee Clegg attended the student senate general assembly in November.

Trustee Brown also attended the foundation dinner. She wished everyone Happy Holidays and looks forward to next year.

Student Trustee Li wished all the students the best of luck on their finals.

Trustee Gonzalez Yuen thanked Trustee Brown for her vice presidency and Trustee Guillen for his presidency and he is looking forward to combined leadership of his colleagues.

Trustee Withrow thanked General Counsel Nguyen for the 2+2+3 program that she has put together. He also recommended that board members get up to speed on specific responsibilities with respect to student success and quality education which will be enforced with accreditation.

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

**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

MOTION: Motion by Trustee Riley, second by Trustee Handy to approve the consent calendar, including agenda items 7, 8 as amended, 9-27, 29-38.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Handy, Trustee Riley, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: Trustee Withrow, and Trustee Guillen.

The motion passed.

7. Consider Approval of Resolution 13/14-32, Excusing Trustee Absence Presenter: Trustee Gulassa It is recommended that Trustees approve Resolution 13/14-32 excusing Trustee González-Yuen from the November 12, 2013 Special Workshop Board meeting due to a family matter. The Chancellor recommends approval.

[Resolution](#)

8. Consider Approval of Resolution 13/14-34, Peralta Fossil Fuel Presenter: Trustee Guillen It is recommended that Trustees approve Resolution 13/14-34. The District is committed to stewardship of the environment and to reducing the District's dependence on non-renewable energy sources.

[Resolution](#)

Speaker Judy Pope has been working on this item for a year. She met twice with Peralta retirees and hopes that the board will pass the resolution and understands it will be an advisory item to the retirement board. Speaker Pope thanked everyone involved for all of their good work.

Speaker Deborah Silvey thanked the Board for being very supportive on getting this resolution passed at Peralta Community Colleges District.

Speaker Ophir Bruck is honored to be a part of this.

9. Study Session on Proposed Board Policies Presenter: Chancellor Ortiz The Board will conduct a study session on the Board Policies. The following policies are presented for review, and will return to

a future Board meeting for adoption: \* BP 5010 Admissions and Concurrent Enrollment This policy was revised to update the legal references and language was added to comply with Education Code Section 76038. The Education Code is also attached. The language added is highlighted in yellow. \* BP 5700 Athletics This policy was revised to update the name of the Commission of Athletics. \* BP 3410 Nondiscrimination This policy was revised to add "ethnicity," "pregnancy", and "active duty military and veterans" as protected classes. \* BP 3811 Liability Claim Payments for Money and Damages (New Policy) \* BP 6110 Worker's Compensation Claim Settlement Authority (New Policy)

[BP 5010](#)

[BP 5700](#)

[BP 3410](#)

[BP 3811](#)

[BP 6110](#)

10. Consider expulsion of Student Walker Presenter: Chancellor Ortiz

## **EDUCATIONAL AND STUDENT SERVICES**

11. Consider Approval of Board Resolution 13/14-33 to Support Berkeley City College Submitting a Letter of Interest for Community College Pathway to Law School Diversity Pipeline Initiative Presenter: General Counsel Nguyen The Board of Trustees supports Berkeley City College in their submission of a Letter of Interest to the State Bar of California. The State Bar of California established the Community College Pathway to Law School Diversity Pipeline Initiative (also referred to as "2+2+3") to create a pathway for community college students. The model requires the development of or affirming existing articulation agreements between community colleges and the four-year undergraduate institutions, and developing an admissions agreement between the community colleges and law schools. University of Southern California; University of California, Davis; University of California, Irvine; and Santa Clara University law schools are the four participating law schools. Twenty (20) community colleges will be selected for this ten (10) year pilot initiative.

### Background Material

12. Consider Approval of Board Resolution 13/14-35 to Support College of Alameda Submitting a Letter of Interest for Community College Pathway to Law School Diversity Pipeline Initiative Presenter: General Counsel Nguyen The Board of Trustees supports College of Alameda in their submission of a Letter of Interest to the State Bar of California. The State Bar of California established the Community College Pathway to Law School Diversity Pipeline Initiative (also referred to as "2+2+3") to create a pathway for community college students. The model requires the development of or affirming existing articulation agreements between community colleges and the four-year undergraduate institutions, and developing an admissions agreement between the community colleges and law schools. University of Southern California; University of California, Davis; University of California, Irvine; and Santa Clara University law schools are the four participating law schools. Twenty (20) community colleges will be selected for this ten (10) year pilot initiative.

### Resolution

13. Consider Approval of Board Resolution 13/14-36 to Support Laney College Submitting a Letter of Interest for Community College Pathway to Law School Diversity Pipeline Initiative Presenter:

General Counsel Nguyen The Board of Trustees supports Laney College in their submission of a Letter of Interest to the State Bar of California. The State Bar of California established the Community College Pathway to Law School Diversity Pipeline Initiative (also referred to as "2+2+3") to create a pathway for community college students. The model requires the development of or affirming existing articulation agreements between community colleges and the four-year undergraduate institutions, and developing an admissions agreement between the community colleges and law schools. University of Southern California; University of California, Davis; University of California, Irvine; and Santa Clara University law schools are the four participating law schools. Twenty (20) community colleges will be selected for this ten (10) year pilot initiative.

#### [Resolution](#)

14. Consider Approval of Board Resolution 13/14-37 to Support Merritt College Submitting a Letter of Interest for Community College Pathway to Law School Diversity Pipeline Initiative Presenter: General Counsel Nguyen The Board of Trustees supports Merritt College in their submission of a Letter of Interest to the State Bar of California. The State Bar of California established the Community College Pathway to Law School Diversity Pipeline Initiative (also referred to as "2+2+3") to create a pathway for community college students. The model requires the development of or affirming existing articulation agreements between community colleges and the four-year undergraduate institutions, and developing an admissions agreement between the community colleges and law schools. University of Southern California; University of California, Davis; University of California, Irvine; and Santa Clara University law schools are the four participating law schools. Twenty (20) community colleges will be selected for this ten (10) year pilot initiative.

#### [Resolution](#)

15. Consider Approval of Independent Contractor Agreement for Spanish Speaking Unity Council to render services for Merritt College's Peralta Achievement Collaborative, Department of Labor project. Presenter: President Ambriz-Galaviz Consider approval of an independent contractor agreement for Spanish Speaking Unity Council in the amount of \$140,184. Spanish Speaking Unity Council will provide the following services to Merritt's Peralta Achievement Collaborative Project: \* Medical Assisting and Logistic Training Programs, \* Coordinating Medical Assisting Externship Placement. \* Engaging employers to assist with Logistics Training Employment, \* Facilitating the Job Readiness Training for Students in the Logistics, \* Facilitating background checks and immunizations, \* Spanish Speaking Unity Council will recruit seventy (70) individuals for the Medical Assisting programs and sixty (60) individuals for the Logistics Program

#### [Report](#)

16. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Orkin Consider for approval the proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The document entitled "CIPD November 2013" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

#### [Background Material](#)

#### [Background Materials 2](#)

17. Consider Approval of a Contract Award to PCCD/ Laney College by the Alameda County WIB for a CTE Manufacturing Skills Pilot Grant Presenter: President Webb Consider approval of a grant from the Alameda County WIB for \$201,813 to Peralta CCD/Laney College to create and implement an



"Introduction to Manufacturing" training program for Alameda County youth ages 18-24. The grant period is September 1, 2013 - March 31, 2015 Through this grant Laney College, in collaboration with the College of Alameda One-Stop, will implement an "Introduction to Manufacturing" training program to help prepare out-of-school youth ages 18-24 for entry-level jobs in manufacturing, and for further training in the skilled trades. Laney College will coordinate and provide the training, and the College of Alameda 1-Stop will help support overall case management (outreach, recruitment, data tracking, and job placement or further training placement) for two cohorts of up to twenty-five students per cohort. The intent is to have one cohort of 25 students in Spring 2014 and the second cohort in Fall 2014.

#### Background Material

18. Consider Approval of Independent Contractor Agreement Augmentation with Larry Chang to provide Project Management Services for Laney's NSF National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) Presenter: President Webb Consider approval of a contract augmentation extension for Larry Chang, in the amount up to \$21,000 funded by the National Science Foundation Advanced Technological Education (ATE) grant. A revised total amount contracted in the current fiscal year is \$43,000 to provide project management services for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). On behalf of the BEST Center, Mr. Chang will provide services for marketing, communication, and organization of instructor workshops and resources; in addition, Mr. Chang will provide management support by reviewing curriculum documentation and represent the BEST Center at various industry-related and academic events. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: National Science Foundation Funding

#### Background Material

19. Consider Approval of Independent Contractor Agreement with Milwaukee Area Technical College to Render Specialized Program and Educational Support services for Laney's National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center) Presenter: President Webb Consider approval of a contract with Milwaukee Area Technical College (MATC), in the amount of \$114,000, funded by the National Science Foundation Advanced Technological Education (ATE) grant, to carry out activities in fulfillment of project objectives for the Laney College National Center for Building Efficiency for a Sustainable Tomorrow (BEST Center). MATC is a sub-awardee of the BEST Center, and BEST Center Co-PI Ted Wilinski is the lead developer of MATC's Sustainable Facilities Operations program. On behalf of the BEST Center, MATC will provide leadership for curriculum development and documentation in Sustainable Facilities Operations; in addition, MATC will organize professional development activities and provide technical assistance for faculty seeking to create their own curricula in Sustainable Facilities Operations. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: National Science Foundation Funding

#### Background Materials

20. Consider Approval of Sabbatical for Jane McKenna Presenter: Interim President Gravenberg Consider approval of sabbatical leave for Jane McKenna. The applicant successfully completed a two-step process outlined in the PFT contract ([http://pft1603.org/wp-content/uploads/2013/04/PFT\\_contract\\_07-09.pdf](http://pft1603.org/wp-content/uploads/2013/04/PFT_contract_07-09.pdf)). Scoring was based on the following criteria: The plan of work relates significantly to the applicant's professional assignment: (15 points) The plan of work will greatly enhance the applicant's background and improve professional competence: (15 points) The plan of work will greatly benefit students: (15 points) The plan of work will greatly benefit

colleagues and/or department: (15 points) The plan of work will greatly benefit the college: (15 points) The plan of work shows evidence of innovation and creative approaches to the issue and concerns addressed: (15 points) The plan of work is thorough and complete and definitely worth funding; (10 points) .

[Background Materials](#)

[Background Materials 2](#)

[Background Materials 3](#)

21. Consider Ratification of Amendment No. 3 to Lease 2070 Allston Way, Berkeley, California for Berkeley City College Presenter: President Budd Consider ratification of Amendment No. 3 to extend the term of the lease for 18 months at 2070 Allston Way, Berkeley, Ca from November 30, 2013 (the "Commencement Date"), until no later than 11:59 pm on May 31, 2015 (the "Termination Date"), in the amount of \$283,352.00. This location will serve as a swing space while the college continues its search for a second permanent site. In addition to the monthly lease payments totaling \$263,610.00, the District is required to pay a proportionate share of the building operating costs. Based on actual charges to date, this cost is estimated at \$819 per month, or \$14,742.00 for eighteen months. The City of Berkeley Downtown Association also has an assessment and it is estimated at \$5,000.00. The total budget for the lease extension (actual rent plus estimated operating cost and assessment) is \$283,352.00.

[Background Materials](#)

**FINANCIAL SERVICES**

22. 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 October 5, 2013 through November 15, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Materials](#)

23. Consider Approval of Budget Transfer Report Presenter: Interim Vice Chancellor Rinne Consider approval of budget transfer report covering the period from October 5, 2013 through November 15, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 10, 2013. The Chancellor recommends approval.

[Report](#)

[Background Materials](#)

24. Consider Approval of the Flexibility Provision under the 2009-10 State Budget Act Presenter: Interim Vice Chancellor Rinne Request authorization, under the 2009-10 State Budget Act, budget trailer

language SB 70 (2011-12), to redirect a minimum of \$1 in expenditures of certain categorically funded programs. This action relieves the District of all state statutory, regulatory, and provisional requirements associated with the eleven programs contained in the flexibility category: Academic Senate, Childcare Tax Bail Out, Equal Employment Opportunity, Economic Development, Apprenticeship, Part-time Faculty Office Hours, Part-time Faculty Health Insurance, Part-time Faculty Compensation, Transfer Education and Articulation, Matriculation-Credit, Matriculation-Non-credit.

The Chancellor recommends approval. Funding source: Not applicable.

[Background Materials](#)

25. Consider Approval of the District's fiscal year 2013-14 first Quarter CCFS-311Q Report Presenter: Interim Vice Chancellor Rinne Consider approval of the District's fiscal year 2013-14 first 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 first quarter of fiscal year 2013-14. The Chancellor recommends approval.

[Background Materials](#)

26. Consider Approval to Purchase Computers and Telecommunication Equipment and Services for the Merritt College Library Phase 2 Project from ePlus Technology, Inc. Presenter: Associate Vice Chancellor Madlock Approval is requested to purchase computers and telecommunication equipment and services for the Merritt College Library Phase 2 Project from ePlus Technology, Inc. using a piggyback-able contract through the Western States Contracting Alliance (WSCA), in an amount not-to-exceed \$178,747.22. The Merritt College Learning Center / Library Renovation - Phase 2 is part of the overall construction improvements for the Merritt College Library. The project construction documents were finalized by NBBJ Architects and approved by the Division of the State Architect (DSA) April 11, 2013. The existing IT infrastructure of the building will not accommodate the new level of administration, staff, faculty and students who will use the building after the building renovation is complete.

[Background Materials](#)

[Background Materials 2](#)

[Background Materials 3](#)

[Background Materials 4](#)

[Background Materials 5](#)

[Background Materials 6](#)

27. Consider Approval of Amendment No. 1 to the Agreement to Purchase Computers and Telecommunication Equipment and Services for the Laney Tower Project from NetXperts Inc. Presenter: Associate Vice Chancellor Madlock Approval is requested for Amendment No. 1 to the Agreement to Purchase Computers and Telecommunication Equipment and Services for the Laney Tower Project from NetXperts Inc. using a Piggyback-able Contract through the California Multiple Award Schedules (CMAS), in the not-to-exceed amount of \$77,350.75. Under the original purchase, the Information Technology Department reviewed and formulated the level of required equipment necessary to provide stable and effective support for the required functions of administration, staff, and faculty moving into Laney Tower. This equipment represents the final phase of the project and will integrate the new system with the existing network. The items include core switches, cabling and

licenses necessary to link the main distribution facility to intermediate distribution frames and equipment, and provide stable and effective service for projected needs of staff, faculty and students. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding source: Measure A.

[Background Materials](#)

[Background Materials 2](#)

[Background Materials 3](#)

28. (Item removed from the agenda)

## **HUMAN RESOURCES**

29. 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

Apodaca Carmen	1/20/14	6/20/14	Inst Asst II/DSPS	L Beasley Corina	12/16/13	12/19/13
Food Services Worker	L Bull Marilyn	1/2/14	3/25/14	Staff Asst/Admin	M Crumpton Pamela	1/1/14 6/30/14
Instr Asst/Comp Info Systems	L Guessoum Hayat	12/23/13	3/23/14	Staff Asst/Admin (General)	D Hernandez Alegria	1/21/14 5/16/14
Inst Asst/ADN Program Skills	M Huang Dingyao	1/2/14	6/30/14	Staff Assistant/EOPS	L Japzon Linda	12/11/13 6/30/14
Staff Asst/Employee Relations	D Livsey Andrew	2/17/14	6/12/14	Instructional Asst IV/DSPS	L Quesada Jessie	12/11/13 6/30/14
Staff Asst/Employee Relations	D Roberts Royl	12/11/13	6/30/14	Executive Assistant/Legal	D Tran Ben	12/11/13 6/6/14
Instructional Asst IV/DSPS	L					

## **FACILITIES**

30. Consider Approval of Amendment No. 3 for a Lease Extension with Continental Can Building LLC for Interim Storage Needs for Laney College Presenter Vice Chancellor Ikharo. Approval is requested for Amendment No. 3 for a lease extension with Continental Can Building LLC for interim storage space located at 5601 San Leandro Boulevard in Oakland, in an amount not-to-exceed \$42,000. Under this Amendment No. 3, the lease term for Continental Can Building LLC is for a period of five (5) months, from October 1, 2013 through February 28, 2014, at a cost of \$6,000 per month or \$30,000 total for five (5) months. The leased space will continue to be used for storage of books and other usable furniture, fixtures, and equipment during the modernization work of the Laney College Administrative Tower Building and the Merritt Learning Resource Center (LRC) and Library. Additionally the leased space will store a surplus of items formally in the facilities and during final completion of the Merritt Library building. The Laney Tower move-in project is anticipated to be complete by the end of December 2013. The storage space will be needed until the project is complete and the furniture and equipment will be moved back to the Tower or surplus by the college. Continental Can Building LLC is an active business entity registered with the California Secretary of State. The business is located in Oakland, California; Francis M. Rush III is the company's management representative. Board contract approval is subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Funds.

[Background Materials](#)

31. Consider Approval of Change Order No. 1 for Merritt College's Building ?A' Heating Upgrade Project (Bid No. 12-13/07), Environmental Systems, Inc. Presenter Vice Chancellor Ikharo Approval is requested Change Order No. 1 to the contract with Environmental Systems, Inc., in the amount of \$12,571.51 or 6.44% of the original contract amount of \$195,000. Change Order No. 1 is based on both the District's requested additional scope change beyond the original services agreement and unforeseen conditions. Change Order No. 1 consisted of the following scope of work: \* Addition of a new heating unit in Merritt Building A Music Room A116

#### [Background Materials](#)

32. Consider Approval to Enter into an Agreement with WLC Architects, Inc. to Provide Architectural Design Services for Laney College Room A-152. Presenter Vice Chancellor Ikharo. Approval is requested to enter into an agreement with WLC Architects, Inc. (WLC) to provide architectural design services for Laney College Room A-152, in an amount not-to-exceed \$77,000. Laney College identified the improvement of room A-152 as a priority project on their short term list of projects. The list of projects include electrical/technology, mechanical, structural and as-built drawing conversions. To meet the needs of Laney College, the District requested a proposal from WLC to provide architectural design services for this project. Under this agreement, WLC's design team will provide architectural design, electrical, mechanical and structural engineering services. Construction work will be coordinated with the college in order to minimize the impact to instruction. Additionally, the firm will file as the Architect of Record with the Division of the State Architect (DSA) for this project. The scope of work includes the following: programming/site investigation, schematic design/layout approvals, cost estimate, design development and approval, construction documents for District review, final cost estimates with District's review of documents, revise any District comments/submittal to DSA, handle DSA bin time and back-check. WLC was selected from the previously Board approved short list of architectural firms. The company has provided architectural services and completed many successful projects for the District. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Funds.

#### [Background Materials](#)

33. Consider Approval of Resolution No. 13/14-31, Acceptance of Completed Work and Release of Retention for the Berkeley City College Build-out Phase 3 Project (Bid No. 11-12/19), E. F. Brett & Company Inc. Presenter Vice Chancellor Ikharo. Approval is requested for Resolution No. 13/14-31 for completed work and release of retention for the Berkeley City College Build-out Phase 3 Project (Bid No. 11-12/19), E. F. Brett & Company Inc. The Governing Board of Trustees approved a contract award (Bid No. 11-12/19) to E.F. Brett & Company, Inc. for the Berkeley City College Build-Out Phase 3 Project at the July 17, 2012 meeting, in the amount of \$2,377,704. A notice to proceed (NTP) was issued with a start date of September 3, 2012 with the project duration of 334 calendar days. The final completion date was on August 31, 2013 for the entire project, as the contractor completed work ahead of schedule. A Notice of Completion (NOC) was filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and staff is requesting final acceptance of the project and release of the remaining 4.94% retention, in the amount of \$117,526.76. There was one deductive (1) change order in the amount of (\$27,169) implemented with an increase of thirty calendar days to August 31, 2013, which was approved by the Board of Trustees on October 8, 2013. An approval by the Board of Trustees is recommended to authorize the release of retention amount. The Chancellor recommends approval. Funding Source: Measure A Bond Funds.

#### [Background Materials](#)

### Resolution

34. Consider Approval of Change Order No.3 for the Smart Classroom Systems at Merritt College Project, One Workplace L. Ferrari LLC. Presenter Vice Chancellor Ikharo. Approval is requested of Change Order No. 3 to the contract with One Workplace L. Ferrari LLC, in the deductive amount of (\$69,862.18). On September 28, 2010, the Governing Board of Trustees ratified Bid No. 10-11/02, awarding a bid to One Workplace L. Ferrari LLC for the Smart Classroom Systems at Merritt College. This Change Order No. 3 is resulting from the removal of the streaming content provider from the scope of work. This deductive Change Order is comprised of changes in the required equipment and installation, the remaining allowance and unit pricing dollars that were not needed during construction, including the previous Board of Trustee ratified Change Orders No. 1 and No. 2, the cumulative change order total to date is (\$21,105.18), which is (-1.06%) of the original contract amount of \$1,997,110.54. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Funds.

### Background Materials

35. Consider Approval of Change Order No.1 for the Laney College Field Refurbishment (RFP No. 13-14/04), Field Turf USA Inc. - A Tarkett Sports Company Inc. Presenter Vice Chancellor Ikharo. Approval is requested of Change Order No. 1 to the contract with FieldTurf USA Inc. - A Tarkett Sports Company Inc. in the amount of \$40,621.91. Change Order No. 1 in the amount of \$40,621.91 is 5.3% of the original contract amount of \$761,811.00. Change Order No. 1 covers construction work on unforeseen underground existing utilities below the new goal post. Additionally, Laney College requested to accelerate the completion of the project to avoid injury to students using the practice field and minimize disruption to the college's football season. Change order No. 1 includes the following scope of work:

### Background Materials

36. Consider approval of Measure A Bond Budget Transfers and Appropriations for the District-wide Solar and Sustainability Projects (No. 55), Merritt College Sports Flooring Project (No. 56) and Laney Tower Interior Improvements Project (No. 57). Presenter Vice Chancellor Ikharo. Approval is requested for three (3) Measure A bond budget transfers and re-appropriations (No. 55, 56, and 57). On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projections and budget transfer procedures. In accordance with the Board approved Bond Measure A Spending Plan, a budget transfer form has been completed for the budget transaction. Budget Transfer No. 55 (\$1,443,057) is for the District-wide Solar and Sustainability Projects. Budget Transfer No. 55 money is available from existing accounts for District-wide Photovoltaic Sustainability Projects at Berkeley City College, Laney College and Merritt College. This budget amount will be set aside and targeted for future energy conservation projects (commissioning, building management system upgrades, lighting, and other related sustainability projects). The projects that are identified will be submitted to the Chancellor and Board of Trustees for approval. This is a budget consolidation from project budget balances from these colleges.

### Background Materials

37. Consider Approval to Purchase Supplemental Furniture for Laney Tower from Commercial Services Group (CSG) through a Piggyback-able Contract. Presenter Vice Chancellor Ikharo. Approval is requested to purchase supplemental furniture for the Laney Tower from Commercial Services Group (CSG) through a piggyback-able contract, in an amount not-to-exceed \$18,329.88. Under Public Contract Code section 20652, the Governing Board of Trustees of any community college district,

without advertising bids, and when the Board has determined that it is in the best interests of the District, may authorize by contract to purchase materials and equipment utilizing piggyback-able contracts. The District will continue to use the piggyback-able TCPN (The Cooperative Purchasing Network) Contract #R4971 to purchase this supplemental furniture for Laney Tower. This TCPN was originally used to procure the original furniture to support the needs of the administration, faculty and staff at Laney College. This supplemental furniture purchase for the Counseling Department will provide required functionality and better ergonomic support. This request is to provide additional furniture that was not procured in the original purchase order approved by the Board of Trustees on April 9, 2013.

#### [Background Materials](#)

38. Consider Amendment No. 3 for an Extension to Existing Agreements with Valley Relocation and Storage and Crown Worldwide Moving and Storage to Provide Furniture and Equipment Moving Services. Presenter Vice Chancellor Ikharo. Approval is requested to extend existing agreements with Valley Relocation and Storage and Crown Worldwide Moving and Storage to provide furniture and equipment moving services, in the amount not-to-exceed \$120,000. These extension requests are critical because agreements for both companies will end December 31, 2013. Under Amendment No. 3, both companies will continue to provide their services for a period from January 1, 2014 to December 31, 2014 to ensure project completion for the Laney Tower and Merritt Library Projects. Both companies were the original contractors on these projects. The \$120,000 fund will be appropriated as follow: \$60,000 is allocated to pay Valley Relocation and Storage services and \$60,000 allocated to Crown Worldwide Moving Storage. This continued need for moving services is related to Measure A capital projects development at the four (4) colleges and the District Administrative Center (DAC) in the District. These projects are ongoing and require the removal and replacement of office equipment and furnishings beyond the scope of labor resources available to campus personnel. The prices for moving services will remain the same as the originally quoted prices in the existing contracts.

#### [Background Materials](#)

#### **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

#### [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](mailto:bmartinez@peralta.edu) at least 48 hours prior to the meeting.

Peralta Community College District Governing Board Agenda: December 10, 2013

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