



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
FEBRUARY 12, 2013

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

**CLOSED SESSION (6:00 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)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152

\* Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.

\* Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.

\* Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.

\* Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.

\* Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.

\* Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.

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

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

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

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

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

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

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

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

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

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

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

**[PLEDGE OF ALLEGIANCE](#)**

**ROLL CALL**

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

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

Absent: None.

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

None.

**APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.) At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board will move to the Action Calendar items with public speakers.**

**Agenda**

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

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

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

1. Item 23 re: Sharon Schuyler grant contract: The total contract amount is \$43,192, and the funding sources are: International Rescue Committee Grant (IRC), T.A.A. Grant, and the College of Alameda's Revenue Fund Account. 2. Item 24 re: Susie O'Bryant grant contract: The total contract amount is \$40,520, and the funding sources are the same as Item 23. (International Rescue Committee Grant (IRC), T.A.A. Grant and the College of Alameda's Revenue Fund Account.) 3. Item 29 re: short-term hourly: Pamela Crompton's correct title should be listed as an Instructional Assistant/CIS. 4. Item 29, there is an added short-term hourly name: Jana Cohen, Instructional Assistant III/DSPPS, Merritt College, 2/13/13 - 5/31/13. 5. Item 18, Political Activity Board policy, is removed for discussion.

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

**Minutes**

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

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

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

1. Consider Approval of the Regular Board meeting Minutes of January 22, 2013. Consider approval of the regular Board meeting minutes of January 22, 2013. The minutes are posted on Granicus.

**PUBLIC COMMUNICATION (7:05 P.M.) At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)**

Speaker Wilson spoke about his financial aid situation. He shared his challenges of being a homeless student. He doesn't understand why students can't receive their financial aid before classes start, rather than when they're over. He feels that things are getting better with the system, and that he attends student meetings offering suggestions, but that there are still students who give up and walk away from an education due to our unnecessary bureaucracy.

Speaker Lewis presented a letter to the Board about his employment concerns. This month he will be a part-time instructor for 28 years. He feels that instructors who were hired after him didn't have as much experience or industry credentials as he, and he feels he was passed over in the hiring process.

Speaker Ortado complained that he was never told that he was missing one financial aid document which held up his disbursement. He shared how hard it is to study when he doesn't know how he'll be able to pay for his rent or groceries next month, which is dependent upon his financial aid distribution. He asked for staff to work harder to follow-up with and contact students to communicate what paperwork is missing.

Speaker Goldstein gave an update on PFT matters.

Speaker Blake, a classified staff member, wants to support our students in every way that he can and to improve the student experience. He feels that our sole purpose should be student success, and helping students attain their goals. He shared that Ford Motor Company re-shaped their culture by divisions starting to tell the truth to each other. He asked for honesty at all levels of our service as well, with the common goal to better serve our students.

Speaker Copenhagen shared good news with the Board, that leaders trained at Peralta helped to form a work group that will suggest bringing CalWorks into the Ed Code to protect it from any future budget cuts. He also hopes that the colleges will soon hire the needed student activity advisors.

Speaker Walker shared that he didn't receive a financial aid disbursement last school year until May. He's a PACE student and very grateful for the program. In the schedule, the CSI I classroom textbooks were too expensive, and most of the students dropped the class due to this expense. The counselors should have told them about this requirement ahead of time. He'd like for financial aid to work as an advocate for students and not as an advisory with seemingly arbitrary rules.

Speaker Weidenbach, Laney instructor, came to support the student comments about improving and perfecting our financial aid distribution. The system has improved, but there are still gaps that need closing. He feels that financial aid students are in a hard position, as they are just hopeful but not confident if they will get the aid or not. He asked that dignity for students be maintained during the process. He wonders how many other students these speakers also represent.

**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.)

Speaker Flores, ASCOA, reported they are reworking club charter paperwork in preparation for their club rush, and that they have a new outreach officer with a total of eight council members. He announced their Black history month celebration.

Speaker Elias, ASLC, shared that several high ranking council members have left. They held a Lunar New Year event, with 20 future events being planned for this semester. He announced their Black history month movie night, a Huey P. Newton remembrance, and a Pan Africa panel event. Student Kiante Campbell was senselessly murdered last month in Oakland, and he will be remembered fondly.

Speaker Linfors spoke on behalf of ASMC President Anderson, who has a class on Tuesday nights. She shared that an election committee is forming. Black history month events will occur, with Charlotte O'Neil speaking, a former Black Panther member. The College President was thanked for her leadership and was welcomed. The student senate still needs student advisor support.

Speaker Ortado, ASBCC, reported that they are filling their council membership roles. The clubs are all active, with an upcoming club rush. Monitor screens are being used to inform students about campus activities. They are allocating some of their funds to create student scholarships. They held a student leadership retreat where everyone committed to assuming a tangible project for the year.

3. Chancellor's Reports Vice Budget Report 311 Enrollment
- Update
- and Student
- Chancellor's Report Vice Chancellor Services
- Chancellor (Agenda Interim Vice Chancellor Update
- Dr. José M. Ortiz Reports Gerhard 28) Orkin

Enrollment					Update
General	Services	Update	Vice	Chancellor	Ikharo
860		Atlantic			Update
Human Resources	Vice Chancellor	Largent			

[311 Report](#)

[860 Atlantic Report](#)

[Enrollment report](#)

The Chancellor shared that the draft accreditation reports are now available for the Board to review. They are due to the commissions on March 15th, and will return to the Board for acceptance on February 26th. The Chancellor would appreciate any Board comments or suggestions.

An update was given on the 311 report. We don't always receive revenues in a steady stream. We also have some deferrals that we don't receive until the end of the fiscal year. We anticipate staying in budget and on target. Trustee Guillén asked what could throw off the budget projections. Redevelopment, pass-through shortfalls could throw this off, as we expect to receive a few hundred million dollars here from the cities and former redevelopment agencies. Also a short-fall in property tax receipts in some counties, not adjacent to ours, could impact us, as the impact is shared among all the districts. Trustee Gulassa shared that we're in good financial shape, with smooth projections for the future. Long Beach CCD, on the other hand, is \$6.4M in the hole, and planning to eliminate 11 disciplines completely.

We are 558 FTES away from our target, which is very good. We still have positive attendance, possible drops, COA intersession, and summer options to factor in. He has no doubts that we'll meet our targets. Merritt is over their target with a negative number listed. Trustee Gulassa would appreciate seeing exactly where the added Proposition 30 funds are going into our budget and how we are using new funds. Measure B funds allowed us to have a goal of 1200 more FTES.

The 860 Atlantic property report will proceed to the Board at the next meeting. Trustee Gulassa asked if a timeline could also be provided.

## **College Reports**

**Berkeley City College President Budd**

**College of Alameda President Jackson**

**Laney College President Webb**

**Merritt College President Ambriz-Galaviz**

**Intent to Apply Grant Announcement - Merritt and Berkeley City College: Career Ladders Project CCCLLI**

[Intent to Apply](#)

An update was given on this grant.

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

Trustee Brown attended a new trustee conference and a legislative league conference with the league, along with others from Peralta. She learned about foundation fundraising ideas and many other District shared issues. Trustee Handy attended a fundraiser for our Wellness Center. She attended a Foundation meeting, and she feels that our new Director and Board members are very committed to our students. There is over \$1M in the foundation, and they are reaching out to alumni and many others in our community. They also want more students to apply for the provided scholarships which can also assist with textbook purchases.

Trustee Riley shared that the Foundation also needs readers to help our students, and he encouraged students to apply for the available Foundation scholarships.

Trustee Guillén shared we have book cards that are given out from Follett bookstore, and requested the status of that program. He wished everyone a happy Mardi Gras, Lunar new year, and Black history month. He hopes AB 59 with a flat parcel tax amount per parcel will be successful, as other districts have their amount fixed in percentages based upon square footage. He is working with U.C. Berkeley nonprofit Stiles Hall on college contacts to increase under-enrolled student groups.

Trustee González Yuen thanked those who attended the league legislative conference. Although the environment is better in Sacramento with added funding, he still hopes people will continue to fight for important ideals, such as the opposing the Governor's proposed 90 unit cap. He encouraged people to attend the March 3-4 FAACC conference and lobby day, and he suggested that PFT send representatives and sponsor student participation. He attended a meeting to advance the common progressive agenda of raising the minimum wage.

Student Trustee Cervantes thanked the students and staff for speaking about Financial Aid. He shared there has been vast improvement in this area, and he invited all the students to attend a workshops on financial aid, and to participate in the District leadership meetings to offer suggestions and experiences. The Districtwide student council passed a constitution approved by all four colleges. They discussed financial aid matters and the need for college student advisors. Advisory committee suggestions will be brought to each college President. Survey results from a recent student survey will be given to the Chancellor, and they are working on improved communications with all of the associated student groups, including the foundation. He thanked those who attended the "Off the Grid" event at the Oakland Museum. He sent condolences to the family and friends of student Kiante Campbell upon his untimely and violent passing.

Trustee Withrow recognizes the time, effort, and quality in the draft accreditation materials, and is confident it will be well-received by the ACCJC. He's tired of hearing about our financial aid problems and doesn't understand why the problems can't be fixed. He suggested a focus on defining financial aid expectations for our students at orientations. He also wants the District to address the high cost of textbooks, and he suggested that the required textbooks and anticipated costs should be listed somewhere on the front end so that students know prior to registering in classes.

Trustee Gulassa complimented staff on the accreditation reports that he feels are very well done. He likes that BCC included its vision and goals, and he's very hopeful that it will go well with the accreditation team.

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

## DAS President Report

6. Study Session on Proposed Board Policies Presenter: Chancellor Ortiz (10 minutes) The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption: BP 2410 Board Policy and Administrative Procedure BP 3715 Intellectual Property

### BP 2410

### BP 3715

Trustee Withrow suggested that broader language is advised in BP 2410 to ensure that the Board will receive notice of any agreement that negates Board policy.

Trustee Gulassa assured PFT that the Trustees esteem unions and wouldn't seek to compromise labor agreements. Trustee González Yuen suggested drafting a future, separate board policy affirming the Trustees' commitment to collective bargaining.

**CONSENT CALENDAR (7:50 P.M.) All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.**

MOTION: Motion by Trustee Guillén, second by Trustee Withrow to approve agenda Items 7-17, 18 as amended, 19-22, 23 as amended, 24 as amended, 25-28, 29 as amended, 30-38.

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

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Trustee Withrow abstained on Item 29.

## **BOARD MATTERS**

7. Consider Approval of the List of Policies to Be Removed Presenter: Chancellor Ortiz Consider approval of the list of policies to be removed. The list includes the following Board Policies: BP 4.43B Allied Health: Student Appeal of Dismissal for Clinical Performance BP 5.36 Student Instructors BP 5.37 Faculty Diversity Internship Program BP 6.20 Bookstore Commission BP 3.06 Copyright Policy BP 5.17 Use of Material under Copyright This matter did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling

reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

[Background Material](#)

8. Consider Approval of Board Policy 6340 Contracts Presenter: Chancellor Ortiz Consider approval of Board Policy 6340 Contracts (replaces Board Policies 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91). This matter did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

[Background Material](#)

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

MOTION: Motion by Trustee González Yuen, second by Trustee Guillén to approve to remove the last sentence from the policy language.

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

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Trustee González Yuen wants to ensure that **employees' freedom of speech rights are maximized, within the scope of what is permitted by law.** Trustees Withrow and Handy feel that clearer restrictions should be provided and appreciate the guidelines on political activity at work to prevent abuse.

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

[Background Material](#)

20. Consider Approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits Option Presenter: Chancellor Ortiz Consider approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits Option (Replaces Board Policy 3.13). The Chancellor recommends approval.

[Background Material](#)

21. Consider Approval of Granicus Contract Presenter: Assistant Epstein Consider approval of a Granicus contract extension through 2016 not to exceed \$86,065. The Board moved

to the Granicus electronic Board minute system in 2007. The two main hardware devices used for Granicus, the Encoder recorder for the Board meeting, and the Media Vault that stores the minutes and materials, need replacing. The encoder is broken, and the media vault has come to the end of its life cycle, at a cost of \$5,875. The hardware monthly managed services associated with these devices is a form of insurance, so that the equipment would be replaced and serviced anytime into the future, at a cost of \$13,500/3 years. Funding Source: Measure A (for Encoder and Media Vault) and General Funds (for Maintenance Contract). This is a one-time purchase request for the encoder and media vault hardware, while the maintenance fees are ongoing. This package is recommended by Associate Vice Chancellor of IT, Mr. Calvin Madlock, and it fits into the District IT Strategic Plan under section 3.2 Document management. The District is also receiving a 7% yearly discount on maintenance services for securing a multi-year contract for three years.

The Board had previously approved a Granicus contract extension on December 6, 2011 for the existing two software programs used with Granicus, Media Manager Media Vault and Minutes Maker, for monthly managed services from November 2011 through October 2016 not to exceed \$66,690/5 years. The total hardware and software contract amounts on all contracts would thus not exceed \$86,065. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

[Background Materials 3](#)

[Background Materials 4](#)

## **EDUCATIONAL AND STUDENT SERVICES**

22. Consider Approval of a Contract Extension for Mr. Larry Chang for the National Science Foundation National Center for Building Efficiency Technician Education, BEST Center, Laney College Presenter: Vice Chancellor Orkin Consider approval of an independent contractor extension for Mr. Larry Chang in an amount not to exceed \$60,000 from February 1, 2013 through June 30, 2013 to provide program development services for Laney College's grant for the national advanced technology education center, Building Efficiency for a Sustainable Tomorrow (BEST) Center. The previous contract amount was \$24,000, and \$36,000 in new funds is requested at this time. Funding Source: National Science Foundation. Laney College has been awarded a grant from the National Science Foundation in the amount of \$3.5 million to support advanced technology technician education in building efficiency, sustainable building operations, and energy management. Mr. Chang will provide critical support for the BEST Center in its first year of operation developing the national network of faculty and colleges, professional development opportunities and activities for faculty, and the Center website and related image development. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

23. Consider Approval of an Independent Contract with Sharon Schuyler for the Alameda One Stop Career Center, College of Alameda Presenter: President Jackson Consider approval of services with Sharon Schuyler from February 1, 2013 through June 30, 2013, in the

additional amount of \$14,952.00 for the Alameda One Stop Career Center at College of Alameda. Funding Source: Alameda County Workforce Investment Board. Ms. Schuyler will provide services to the Alameda business community including connecting COA students and community members to local employment and setting up on site recruitments employer recruitments. She will coordinate the annual COA Spring Job Fair. Ms. Schuyler's current service contract with the Alameda One Stop Career Center, funded by the Alameda County Workforce Investment Board, is for \$24,192. This augmentation of funding in the amount of \$14,952 from February 1, 2013 through June 30, 2013 would bring the total contract amount to \$39,144.00 for the fiscal year. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (The updated amount and funding source were later read into the agenda: The total contract amount is \$43,192, and the funding sources are: International Rescue Committee Grant (IRC), T.A.A. Grant, and the College of Alameda's Revenue Fund Account.)

[Background Materials 1](#)

[Background Materials 2](#)

[Background Materials 3](#)

[Background Materials 4](#)

[Background Materials 5](#)

[Background Materials 6](#)

24. Consider Approval of an Independent Contract with Susie O'Bryant for the Alameda One Stop Career Center, College of Alameda Presenter: President Jackson Consider approval of services with Susie O'Bryant from February 1, 2013 through June 30, 2013, in the amount of \$15,960.00 for the Alameda One Stop Career Center at College of Alameda. Funding Source: Alameda County Workforce Investment Board. Ms. O'Bryant will provide career services to Workforce Investment Act enrolled clients and initiate individual training accounts (ITAs). Ms. O'Bryant's current service contract with the Alameda One Stop Career Center, funded by the Alameda County Workforce Investment Board, is for \$20,520. This augmentation of funding in the amount of \$15,960 from February 1, 2013 through June 30, 2013 would bring the total contract amount to \$36,488.00 for the fiscal year. (The updated amount and funding source were later read into the agenda: The total contract amount is \$40,520, and the funding sources are the same as Item 23. (International Rescue Committee Grant (IRC), T.A.A. Grant and the College of Alameda's Revenue Fund Account.)

[Background Materials 1](#)

[Background Materials 2](#)

[Background Materials 3](#)

[Background Materials 4](#)

[Background Materials 5](#)

[Background Materials 6](#)

**FINANCIAL SERVICES**

25. Review of Purchase Order Report Presenter: Vice Chancellor Gerhard The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from January 5, 2013 through January 25, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

[PO Report](#)

[Background Material](#)

26. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Presenter: Vice Chancellor Gerhard Consider ratification of the AP, Travel, and Consulting Contract Warrant Register from January 5, 2013 through January 25, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Material](#)

27. Consider Approval of Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider approval of budget transfer report covering the period from January 5, 2013 through January 25, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

[Budget transfer report](#)

[Background Material](#)

28. Consider Approval of the District's fiscal year 2012-13 second Quarter CCFS-311Q Report Presenter: Vice Chancellor Gerhard Consider approval of the District's fiscal year 2012-13 second 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 2012-13. The Chancellor recommends approval.

[311 Report](#)

[Background Material](#)

## 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
Brown	Alfred	2/13/13	6/30/13	Food Service Worker	L
Crumpton	Pamela	2/13/13	3/29/13	Inst Asst/Unspecified	L
Houlihan	Sean	2/13/13	6/30/13	Inst Asst/Biotechnology	B
Japzon	Linda	2/13/13	6/30/13	Staff Asst/Emply Relations	D
Johnson	Patricia	2/13/13	6/30/13	Clerical Assistant I	L
Quesada	Jessie	2/13/13	6/30/13	Staff Asst/Emply Relations	D
Rangel	Jennifer	2/13/13	6/28/13	Clerical Assistant II	L
Rasner	Maria	2/13/13	6/30/13	Inst Asst II/DSPS	B
Rojas	Dennis	2/13/13	6/28/13	Inst Asst IV/DSPS	L
Taing	Cynthia	2/13/13	5/24/13	Clerical Assistant II	M
Tilton	Steve	2/13/13	6/28/13	Inst Asst/Welding	L
Thaxton	Levon	2/13/13	6/30/13	Inst Asst/EMT	M
Tyson	Benea	2/13/13	4/15/13	Studt Personnel Svcs Spec	L
Werner	Peter	2/13/13	6/30/13	Inst Asst/Biotechnology	M

(The following was later read into the agenda: Pamela Crumpton's correct title should be listed as an Instructional Assistant/CIS. 4. Item 29, there is an added short-term hourly name: Jana Cohen, Instructional Assistant III/DSPS, Merritt College, 2/13/13 - 5/31/13.) Trustee Withrow abstained on this item.

30. Consider Approval for the Salary Placement of Sheila Lau, College of Alameda Presenter: Vice Chancellor Largent Consider approval for the salary placement of Ms. Sheila Lau, Articulation Counselor, College of Alameda, to be beyond the Maximum Salary Placement of Step 10 of the Faculty Salary Schedule to Column C, Step 13. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

## FACILITIES

31. Consider Approval to Enter into a Contract with SimplexGrinnell to Connect the Fire and Life Safety System at 860 Atlantic Avenue to the Sheriff's Office in the District Administrative Center Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with SimplexGrinnell, in the not-to-exceed amount of \$10,845. Funding Source: General Funds. The District recently completed the modernization of 860 Atlantic Avenue campus. As a new campus, there is a requirement to configure this building with the Peralta Police Services Department (Sheriff's Office). Currently, there is no connection between 860 Atlantic Avenue campus and the Sheriff's Office. Under this contract, SimplexGrinnell will provide the physical bridge card and equipment required for

the Sheriff's Office to communicate with the 860 Atlantic Avenue campus. The anticipated completion date for this project is before June 30, 2013. The scope of work includes the following: Connect the Fire and Life safety system at 860 Atlantic Avenue in the City of Alameda to the Sheriff's Office. Configure a physical bridge card and equipment to the Sheriff's Office. Add an interface with the Sheriff's Office for any and all fire alarm announcements to alert the Sheriff's Office.

[Background Materials 1](#)

[Background Materials 2](#)

32. Consider Approval to Enter into a Contract with American Air Conditioning, Plumbing & Heating (American Air) for Emergency Repairs to Replace the Boiler Room Valves at Laney College and Gas Shut-Off Valves in the Laney Theater Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with American Air Conditioning, Plumbing & Heating, in the not-to-exceed amount of \$9,981. Funding Source: General Funds. This contract involves American Air Conditioning, Plumbing & Heating to repair broken equipment in the Boiler Room at Laney College and Laney Theater. These repairs are needed because the existing equipment has outlived its usefulness and must be replaced. The anticipated completion date for this project is by June 30, 2013. The scope of work includes the following: Repair three (3) 2" valves on the manifold and add a 2" shut-off valve on the industrial water riser in the Laney Boiler Room. A total of four (4) valves will be replaced. Remove and replace a leaking 1-1/4" shut off valve in the Laney Theater.

Board approval is necessary because the vendor's fiscal year work to-date totals \$46,701 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds. American Air entered into an Agreement with the District, and already completed the following scope of work: Performed various HVAC and plumbing tasks at Merritt College under an ICC in the amount of \$7,272. Additional work was added to furnish and install two back draft dampers in the relief plenum for exhaust fan #3 serving the third level in Building Q in the amount of \$3,016. Repair four leaking elbows in the aged underground hot water heating infrastructure piping totaling \$2,960. Install backflow preventer for the horticulture greenhouse watering system in the amount of \$1,296. Provided a new three-ton wall mounted HVAC unit for the campus IT Server Room in the amount of \$14,900. Replaced obsolete ventilation in the amount of \$14,548 for Building Q at Merritt College. The approval of this current request in the amount of \$9,981 will bring the vendor's total work this fiscal year to \$46,701 on all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

33. Consider Approval of Amendment No. 3 to the Agreement with W. J. Robinson & Associates, Inc. for Construction Management Services for 860 Atlantic Avenue Building Improvements in Alameda, CA Presenter: Vice Chancellor Ikharo Approval is requested

for Amendment No. 3 to the agreement for construction management services with W. J. Robinson & Associates, Inc. for the 860 Atlantic Avenue Building Improvements project, in the not-to-exceed amount of \$14,500. Funding Source: Measure A. The 860 Atlantic Avenue facility underwent modernization as swing space for the College of Alameda science departments and the Merritt College genomics program. This amendment will extend the term of the agreement for construction management services with W. J. Robinson & Associates, Inc. for a period that ended February 1, 2011. The project was substantially completed on September 15, 2011. However, the contractor will need to complete outstanding construction items covered under the warranty. The requested time extension is the result of several changes to the original scope of work, as requested by the District for improving the ultimate functioning of the facility. Services were also required to oversee the late arrival of laboratory equipment, project's commissioning, and final close-out with the Division of the State Architect (DSA). The scope of work under this amendment includes, but is not limited to: Construction management during the Final building system's commissioning. Coordinating furniture moves for the remaining departments. Construction management during the completion of Contractor warranty work for mechanical equipment. Construction management during the completion of Contractor warranty work for Roof leaks. The Board of Trustees approved entering into an agreement with W. J. Robinson & Associates, Inc. at the meeting of May 12, 2009, at a fee of \$176,352. Amendment No. 1 in the amount of \$43,509 was approved by the Board at the meeting of April 12, 2011 Amendment No. 2 in the amount of \$21,521 was approved by the Board at the meeting of October 25, 2011. Including this Amendment No. 3, the total not-to-exceed will be \$255,882 on all contracts. This firm was selected from the previously Board approved short list of small project/construction management firms. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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

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

34. Consider Approval to Enter into a Contract with KONE Inc. to Provide Elevator Maintenance at College of Alameda, Laney College, Merritt College, and Laney Fieldhouse Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with KONE Inc., in the not-to-exceed amount of \$24,515. Funding Source: General Funds. Under this contract, KONE Inc. elevator maintenance services will be extended from December 1, 2012 to April 30, 2013. The District intends to solicit a Request for Proposal (RFP) with the objective of establishing a new contract in May 2013 with a selected firm. The Vice Chancellor for General Services met with the leadership of Ascent Elevator Services on September 21, 2011 to discuss their hiring practices and the need to have a diverse workforce environment. The company enumerated some of the challenges that they have encountered in the past, but promised to begin the process of hiring minorities to their work force and students for the apprentice program. The company made good on its promise by hiring a staff of color that assisted in the installation of the elevators at Laney College Forum and Building G. Ascent Elevator Services has indicated that there is mutual benefit in their decision to hire local minorities. The next step is to work with Alameda County Buildings and Trades to implement the Project Labor Agreement to benefit Peralta's Construction students as apprentices with the objective of obtaining higher paying jobs in the area of elevator jobs. The company showed its willingness to work with students and minority groups. KONE Inc., formerly Ascent Elevator Services, provided quality elevator maintenance and services to the District for many years. KONE Inc. shall maintain elevator services on the three (3) traditional college

campuses listed above. KONE Inc. already provided elevator services at Berkeley City College. The new and upcoming request for proposal will unify the four (4) colleges under one umbrella contract. Board approval is necessary because their service contract expired on November 30, 2012 and the vendor's fiscal work-to-date is \$39,754.58 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds. Including this contract request, the total not-to-exceed contract amount will be \$64,269.58. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

35. Consider Approval to Enter into a Contract with CATALYST Consulting Group Inc. to Perform Function Testing of the Previous Johnson Controls, Inc. (JCI) Pegasus ACAMS Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with CATALYST Consulting Group Inc., in the not-to-exceed amount of \$9,485. Funding Source: General Funds. Under this contract, CATALYST's services will decrease the cost of installation of the Lenel open-architecture ACAMS system by incorporating useable hardware items from the Johnson Controls, Inc. (JCI) system (e.g., wiring and some door hardware). This service is necessary because a detailed analysis of the JCI system must be completed to determine which of these hardware components can be used to replace the open-architecture Lenel system. CATALYST has been providing quality ACAMS security consulting to the District for the past 2-1/2 years. An earlier approved contract with CATALYST to undertake similar work expired on June 30, 2012. The anticipated completion date for this project is by March 31, 2013. Board approval is necessary because the vendor's fiscal year work to-date totals \$39,835 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds. Including this contract request, the total not-to-exceed contract amount will be \$49,320 on all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

36. Consider Approval of Amendment No. 1 to the Agreement for Professional Services with B-G Consulting Company to Provide Consulting Services to the Department of General Services and Finance Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the Agreement with B-G Consulting Company, for Claudette Breo-Gow, to continue professional consulting services on capital projects, in the amount of \$35,000. Funding Source: Bond Measure A. Under the current contract, B-G Consulting Company is providing consulting services on Measure A and Measure E bond funded capital projects and equipment acquisition. During the course of the contract, the District requested for B-G Consulting Company to provide additional services while the Director of Capital Projects position was vacant. The position has now been filled. Under this Amendment, B-G Consulting Company will provide the following services for the period from January 1, 2013 through June 30, 2013. Deliverables and accomplishments by the consultant will be evaluated by the District. Deliverables and scope of consultant services will include, but are not limited to: Assist with budget reconciliation of the Measure E bond fund, including budget transfers, historical data review and other bond support, as needed. This reconciliation will enable

the District to draw down the Measure E bond that was passed in 2002. Worked with Jim Grivich and Ron Gerhard on reconciliation of Measure A budget, costs and project numbers. Assisted with the duties of an interim Director of Capital Projects while the position was vacant. Assisted with budget/cost reports on bond programs. Assisted with the implementation of a new process for review of change orders. Assisted with changes in the bond program as it applies to new finance/administration policies. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

37. Consider Approval to Enter into a Contract with Carrier Corporation (Carrier) to Provide Repair Services on the Chillers at Laney College Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with Carrier Corporation (Carrier) in the not-to-exceed amount of \$19,832. Funding Source: General Funds. Under this contract, Carrier will repair the two primary chillers on campus. Each requires the replacement of firmware necessary for their operation. This contract is necessary because the chiller units are nearing their 20 year limit. Also, during an annual inspection and repairs on the chillers, the vendor's technician found and identified leaks on chillers. Any leak found on an HVAC unit must be reported to the Bay Area Air Quality Management District (BAAQMD) within 14 days. Further, a faulty ISM control modular board on chiller #2 was discovered. Also, the chillers have corroded transducers. All these repairs are needed for these chillers to be operable and necessary to condition/cool various spaces on campus, including classrooms, on warm days. Carrier is most familiar with these air conditioning units of their manufacturer and has been providing successful quality chiller maintenance and repair services to the District for many years. The anticipated completion is before April 30, 2013. Carrier will return the chillers to proper operating conditions. The following scope of work will be performed:
  - Replace the faulty ISM control modular board on chiller #2
  - Repair the leak on chiller #2
  - Replace four (4) pressure transducers, two (2) chiller #2, and two (2) on chiller #1
  - Check in and out with customer
  - Lock/out tag/out and secure safety on the work site
  - Transfer refrigeration from chiller #2
  - Repair leak found at the pressure relief valve on chiller #2
  - Provide and install one (1) new ISM control module board for chiller #2
  - Provide and install four (4) new condenser water side pressure transducers. (Two (2) for chiller #1 and chiller #2)
  - Test chiller #2 for any additional leaks
  - Re-transfer refrigerant to chiller #2
 Start and test for proper operation Board approval is necessary because this work along with previous such work during this fiscal year exceeds the annual \$25,000 service threshold for General Funds. The vendor's fiscal work-to-date is \$15,590, and including this contract request, the total not-to-exceed contract amount will be \$35,422 on all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

38. Consider an Approval to Enter into a Contract with a Potential Vendor for the Fabrication and Installation of the District-Wide Exterior Smoking Signage, in Compliance with the District's Administrative Procedure 3570 Smoking (AP 3570) Presenter: Vice Chancellor Ikharo Approval is requested to enter into a contract with a potential vendor, in an estimated amount of \$35,000. This project is necessary to comply with the District's Board Policy 3550 Drug Free Environment and Drug Prevention Program, and Administrative Procedure 3570 Smoking (AP 3570). Funding Source: Bond Measure A. To comply with this policy, the District is planning on installing 72 exterior signs at all four (4) colleges, and the District Administration Center (DAC). The new exterior signs will supplement existing non-smoking signs at all four (4) campuses and DAC. These signs consist of three (3) different sign types: "Smoking is Prohibited on This campus, Violators are Subject to a Fine" "Smoking in Non-Designated Areas are Subject to a Fine" "Designated Smoking Area, Please Use Cigarette Bins" These new signs must satisfy all regulatory and code compliance, display the education website, and government code section. For this project, the District will conduct an informal competitive bid. These quotes will allow the District to select the lowest responsible and responsive bidder for this project. The selected vendor and the amount will be announced at the Board meeting. Existing signs meet the requirements of the old administrative policy (Policy 6.95 Smoking) that was approved by the Board of Trustees on November 15, 2005. In addition to existing signs, additional exterior smoking signage is required at all four (4) campuses to comply with the current administrative procedure. The District-wide exterior smoking signage is in response to the District's Administrative Procedure 3570 Smoking that was approved by the Chancellor on May 11, 2012. This policy prohibits smoking in all indoor and outdoor areas at Peralta's Community College District's (PCCD) campus locations and District Administrative Centers, except for designated areas. Two colleges are "Smoke Free" campuses (Laney and Berkeley City College), while the other two campuses (Merritt College and College of Alameda) including the DAC, opted for smoking only in designated areas. The selected vendor will fabricate and install exterior smoking signage as outlined in the construction drawing and specification. Additionally the vendor will complete project management and oversee that the signs are properly installed to meet applicable codes. The anticipated completion date is before April 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

**ACTION CALENDAR ITEMS**

**The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.**

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

**ANNOUNCEMENTS**

1. The next regular Board meeting will be held on February 26th here at the District Offices.
2. The Board wishes the community a Happy Black History month in February, and a Happy Lunar New Year of the Snake.
3. The Board wishes the community a happy President's day weekend, and the colleges and District offices will be closed on Friday and Monday, with no classes over the weekend. The meeting was closed in memory of Laney College student Khanti Campbell upon his untimely passing.

**ADJOURNMENT**

**Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, repstein@peralta.edu at least 48 hours prior to the meeting.**

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