

BOARD OF TRUSTEES OF THE PERALTA COMMUNITY COLLEGE DISTRICT MINUTES MAY 13, 2014

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

CLOSED SESSION (5:00 p.m.) Topics to be discussed include:

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

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

- * Conference with Legal Counsel (54956.9(a)), 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 (54956.9(a)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733
- * Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (8 cases).

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

- * Consider appointment of Director of Institutional Research, District Office
- * Consider appointment of Interim Director of Student Activities, Merritt College.
- * Consider appointment extension of Interim Director of Human Resources, District Office
- * Consider appointment extension of College President, Laney College.
- * Consider appointment of Dean of Special Programs and Grants, College of Alameda
- * Consider appointment of Vice President of Instruction, College of Alameda
- * Consider appointment of Vice President of Instruction, Berkeley City College
- * Consider ratification of the Chancellor's approval to appoint Interim Dean of Workforce Development and Applied Sciences, Merritt College.

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 Li, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley,

Trustee Withrow, Trustee Brown, and Trustee Guillen.

Absent: None.

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 ratify the appointment of the following public employee contract, which is subject to contractual agreement by the Chancellor:

1. Recommendation to appoint Nathan Pellegrin as Director of Institutional Research, District Office, from May 14, 2014 through June 30, 2016, at \$118,450 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

2. Recommendation to appoint Lilia Chavez as Interim Director of Student Activities, Merritt College, from May 27, 2014, through November 3, 2014, or until the position is filled on a regular basis, whichever occurs first, at \$97,850 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

3. Recommendation to extend the appointment of Natasha Spivey as Interim Director of Human Resources, District Office, effective May 13, 2014 through June 30, 2014, or until the position is filled on a regular basis, at \$113,300 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

4. Recommendation to extend the appointment of Elnora Webb as College President, Laney College, effective June 30, 2014 through June 30, 2015, at \$175,100 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

5. Recommendation to appoint Toni Cook as Dean of Special Programs and Grants, College of Alameda, effective May 14, 2014, through June 30, 2016, at \$123,600 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

6. Recommendation to appoint Timothy Karas as Vice President of Instruction, College of Alameda, effective May 14, 2014, through June 30, 2016, at \$133,900 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

7. Recommendation to appoint Tram Vo-Kumamoto as Vice President of Instruction, Berkeley City College, effective May 14, 2014 through June 30, 2016, at \$139,050 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

8. Ratification of the Chancellor's approval to appoint Ahmad Mansur as Interim Dean of Workforce Development and Applied Sciences, Merritt College, effective April 28, 2014, through September 30, 2014, or

until the position is filled on a regular basis, at \$113,300 annually.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

Employee Appeal:

1. Motion to uphold the district's administrative determination regarding an employee appeal to a complaint. Motion passes.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

2. Ratification of Partners in Leadership settlement agreement. Motion passes.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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.

<u>Agenda</u>

MOTION:Motion by Trustee Riley, second by Trustee Withrow to approve Agenda with the following amendments:

Agenda Item 12 was moved to the action calendar.

Agenda Item 14 was removed from the agenda.

Agenda Items 15 - 17 - In the first paragraph, "Other Post Employment Benefit Program" has been removed from the description.

Agenda Item 25 - under short term assignments, the end dates for Lekeisha Jones & Ronnie Roberts should read 6/30/15, not 6/30/14.

Agenda Item 29 should read "Consider approval to enter into an agreement with Anthonio, Inc." instead of 4LEAF, Inc. due to the non-response of 4LEAF, Inc. Under Budget Transfer No. 69, the revised budget and transfer amount has changed for transfer #2465 to \$977,304. Transfer #2733-02, the revised budget has been changed to \$1,970,374 and the transfer amount has been changed to \$370,374.

AYES: Student Trustee Clegg, Student Trustee Li, Trustee Gonzalez Yuen, Trustee

Gulassa, Trustee Handy, Trustee Riley, Trustee Withrow, Trustee Brown, and

Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

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

MOTION:Motion by Trustee Gulassa, second by Trustee Riley to approve Minutes of the Regular Board meeting of April 8, 2014.

AYES: Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, Trustee

Withrow, Trustee Brown, and Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

1. Consider Approval of the Regular Board meeting Minutes of April 8, 2014. Consider approval of the regular Board meeting minutes of April 8, 2014. The minutes are posted on Granicus.

Minutes

PUBLIC COMMUNICATION (7:05 P.M.)

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. http://web.peralta.edu/trustees/board-policies/

Speaker Weidenbach spoke on reprioritizing the development project at the Student Center and spoke on replacing Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Zavala Suarez spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement. Speaker Fred Burgoin donated his time to Speaker Zavala Suarez.

Speaker Brown, Instructor at Laney College spoke on the restroom conditions and water leaks at the campus.

Speaker Felarca spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Flores spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Cantacessi spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Sorto spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Ramirez, donated her time to Speaker Sorto

Speaker Chong spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Douglas spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Kappner spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Lyles spoke in support of President Webb

Speaker Chavez spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Tapia spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Airgood spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Lynch spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Hill spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker McCoy spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Padilla spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Douglas spoke against having Janet Napolitano as the keynote speaker at the Laney College graduation commencement.

Speaker Edwards, AA Oakland Chamber of Commerce spoke on being unhappy with the one year contract given to President Webb.

Speaker Ward concurs with Speaker Edwards and shared a letter that was sent to the Board of Trustees. Speaker Lord donated time to Speaker Ward.

Speaker Trimblenorris supports President Webb. Speaker Trice Jr. donated time to Speaker Trimblenorris.

Speaker Allen, adjunct professor at Laney College spoke in support of President Webb.

Speaker Brown spoke in support of President Webb.

Speaker Pete - spoke in support of President Webb.

Speaker Epstein spoke in support of President Webb.

Speaker Chan and Speaker Tram spoke in support of President Webb.

Speaker Trimblenorris is speaking on behalf of Speaker Gould and read a letter on her behalf which spoke in support of President Webb.

Speaker Chan spoke in support of President Webb.

Speaker Ashcraft spoke in support of President Webb.

Speaker Wilson spoke on his financial aid issue. Speaker Oliver donated his time to Speaker Wilson

Speaker Garcia thanked the Trustees and College Presidents for all the support provided to Peralta Colleges Foundation.

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. <u>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.)</u>

Tracy Christian, ASLC, spoke on events at Merritt College.

Danny McCarty, ASBCC, spoke on events at Berkeley City College.

Alaysia Williams, President, ASCOA, spoke on events at the College of Alameda.

Carl Oliver, President, ASLC, spoke on events at Laney College.

Mark Wilson would like to know who the student trustees will be for next year.

3.	Chancellor's Reports		Chance	Chancellor's Report			Dr. José M. Ortiz		
		Deputy	Chancellor	s Re	port John		<u>Hendrickson</u>		
		Vice		Chan	cellor's	3	Reports		
	<u>Budget</u>	<u>Update</u>	In	iterim	Vice	Chance	ellor	Rinne	
		<u>Enrollment</u>	and		Vice	Chance	llor	Orkin	
			Stud	ent	Services			Update	
		General	Services		Vice	Chancel	llor	Îkharo	
	Human	Resources		Vice		Chancellor		Largent	
	College F	<u>Reports</u>						Ü	

No report from the Chancellor in lieu of time.

Berkeley City College President Budd

College of Alameda Interim President Gravenberg

Laney College President Webb

Merritt College President Ambriz-Galaviz

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

Trustee Handy spoke on attending the CCLC conference in May. There is a challenge that is coming as new courses are being brought in and from some of the courses that are changing units. What students are finding is that because of these slight changes, they are out of funding. Trustee Handy would like to look into this issue in the future.

Student Trustee Li spoke on problems that she is hoping to have fixed.

5. <u>District Academic Senate Report Presenter: DAS President Karolyn van Putten</u>

Report

PRESENTATIONSÂ (7:30 P.M.)

6. Peralta Comprehensive Master Plan Status Report Presenter: Deputy Chancellor John Hendrickson The Board of Trustees approved a contract with Collaborative Brain Trust on April 8, 2014 for consulting services necessary for completion of a Peralta Community College District Comprehensive Master Plan. The Brain Trust has completed Phase 1 of the contract and will provide an update on their progress to date. Dr. Frances White, lead consultant, will review the status of this important project.

MOTION:Motion by Trustee Guillen with no second required to postpone Agenda Item 6 to the June 10, 2014 Board meeting.

AYES: Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, Trustee

Withrow, Trustee Brown, and Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

7. Merritt College Integrated Learning - Food Matters Program of Distinction Presentation Presenter: President Ambriz-Galaviz (15 minutes) Through the sponsorship of Title III, several academic disciplines of Merritt College collaborated and embraced teaching and learning with an integrative approach across multiple disciplines within the academic year. The selected topic of integration was Food. Over 17 instructors from various departments volunteered to participate in this campus-wide examination and integration of knowledge about food from different theoretical perspectives and applied exercises. The event culminated into an afternoon session of displays and celebration of teaching and learning for all on April 22, 2014 with over 200 attendees. Examples from the following departments will be presented to the Board of Trustees; Chemistry, Medical Assisting and Child Development.

MOTION:Motion by Trustee Guillen with no second required to postpone Agenda Item 7 to the June 10, 2014 Board meeting.

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

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

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 Brown, second by Trustee Riley to approve Agenda Items 1 - 5, 8 - 11, 13, 15 -

17 as amended, 18, 20 - 24, 25 as amended, 26 - 28, 29 as amended, 30 - 34 and 35 as amended. AYES: Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, Trustee

Withrow, Trustee Brown, and Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

8. Consider approval of Resolution 13/14-61 in support of Measure AA - Committee for a Healthy Alameda County Presenter: Chancellor Ortiz Consider approval of Resolution 13/14-61 in support of Measure AA - Committee for a Healthy Alameda County. The Chancellor recommends approval.

Resolution

9. Consider Approval of ratification for Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider approval of ratification for Out of State Travel pursuant to Board Policy 7400 for the following faculty: Name Travel Location Travel Dates Laura Ruberto New Orleans, LA October 3, 2013 - October 6, 2013 Peter Crabtree Albuquerque, NM March 26, 2014 - March 29, 2014 Hollie Hardy Seattle, WA February 26, 2014 - March 2, 2014

Background Material 1

Background Material 2

Background Material 3

10. Consider Approval of Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty: Name Travel Location Travel Dates Jennifer Yates Chicago, IL May 14, 2014 - May 16, 2014 Jennifer Yates Profidence, RI July 16, 2014 - July 19, 2014 Burt Dragin Washington, D.C. May 18, 2014 - May 23, 2014

Background Material 2

Background Material 3

EDUCATIONAL AND STUDENT SERVICES

11. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Orkin Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD April 7, 2014" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

Background Material 1

Background Material 2

Background Material 3

12. Consider Approval of Sabbatical Leaves for 2014-2015 Presenter: Vice Chancellor Orkin The Colleges have completed their 2013-14 cycle of evaluation and consideration of Sabbatical Leave applications for leaves to be taken during the 2013-14 academic year. Per the College Presidents, the following tenured faculty members have been granted Sabbatical Leaves for 2013-14 as follows:

Background Material 1

Background Material 2

Background Material 3

Background Material 4

Background Material 5

Background Material 6

Background Material 7

MOTION: Motion by Trustee Gulassa, second by Trustee Riley to approve Agenda Item 12 with

modification that once the reports have been submitted to the Chancellor, the Chancellor will

forward to Board information purposes.

AYES: Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, Trustee

Withrow, Trustee Brown, and Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

Trustee Withrow proposed modification of this item, with the contingency that faculty members give their reports to the Trustees within ninety days of their return. Trustee Gonzalez Yuen asked what the normal

procedure was for reporting back with sabbaticals. Trustee Gonzalez Yuen was reluctant to interfere with this academic matter at the Board level and felt this was micromanaging. Vice Chancellor Orkin shared that Article 26 of the bargaining unit had more information on this and did not see anything about a report being due. Trustee Gulassa asked Trustee Withrow that we not make a mandate that would interfere with the collective bargaining process but that we simply convey a strong interest in the timeline for the reportage for future consideration. Trustee Withrow felt the report is needed due to this being a substantial investment on the part of the citizens' public funds and to have a report coming back to the Board would mean that it would come back to the public. Vice Chancellor Orkin clarified that Section M of Article 26 states that any faculty member returning from professional development leave is required to submit to the Chancellor in writing two copies of a report describing the learning activities. A copy of the report shall be filed in the college library however, no time limit was given. Trustee Withrow felt that ninety days would be a reasonable time to come back with a report to the Chancellor which would then be shared with the Board. Trustee Handy asked that in light of transparency, that all those who have taken a sabbatical have submitted a report. Moving forward, Trustee Handy asked the Chancellor to find out who the reports were given to so that the Board can make sure they are following the guidelines and stipulations of their bargaining agreements. Trustee Gonzalez Yuen objected to the notion that sabbatical leave is a gift and clarified that the staff is receiving a 6 month sabbatical, not a year.

Berkeley City College:

Katherine Kocel Psychology Fall 2014

College of Alameda:

Diana Bajrami Distance Education Fall 2014

Laney College:

Mark J. Rauzon Geography Fall 2014 Anna Beavers Business Spring 2015 Barbara Yasue ESL Spring 2015

Merritt College:

Siri Brown African American Studies Spring 2015 Isela González Santana English Fall 2014 The Office of the Vice Chancellor of Educational Services has reviewed and forwarded to the Chancellor and to Board the above named faculty who have been granted Sabbatical Leaves by the Colleges to be taken during the 2014-15 academic year. Each faculty member taking said leave is required to complete a Sabbatical Leave Report upon completion of the leave and return to the College.

13. Consider approval of CalWORKs Addendum Form # 1 for ICC No. 10277 with Bananas Inc. Childcare Services. Presenter: President Budd

Background Material 1

Background Material 2

Background Material 3

Background Material 4

Berkeley City College CalWORKs Program requests to increase ICC No. 10277 with Bananas Inc. childcare services, vendor No.0000503470, by \$10,975.00. The initial contract (No. 10277) with Bananas Inc. was for \$35,000.00. Due to the increase use of childcare services by CalWORKs students the total cost of the service is projected to exceed \$35,000.00. Additional \$10,975.00 is needed so that child care service will continue uninterrupted. The new final amount of the ICC No. 10277 will be \$45,975.00.

(Agenda Item 14 was removed)

15. Consider approval of contract for Bond Counsel services with Orrick, Herrington and Sutcliff. Presenter: Deputy Chancellor Hendrickson Peralta Community College District solicited requests for qualifications from firms to provide services for Bond Counsel for the General Obligation Bond program and other types of transactions for a period of three years. In addition to legal and tax expertise, the PCCD requested qualifications and experience from firms with general securities experience.

The RFP was sent to a broad range of law firms (20) selected from the Red Book - the municipal's industry encyclopedia of consultants. The District received 6 responses from the following firms: Meyer Navel, Schiff Hardin, Norton Rose Fulbright (formerly Fulbright Jaworski), Nixon Peabody, Orrick Herrington Sutcliffe, and Stradling Yocca Carlson & Rauth.

Background Material

16. Consider approval of contracts for Disclosure Counsel services with Norton Rose Fulbright, Nixon Peabody, and Orrick. Presenter: Deputy Chancellor Hendrickson Peralta Community College District solicited requests for qualifications from firms to provide Bond Disclosure Counsel services for the General Obligation Bond program and other types of transactions for a period of three years. In addition to legal and tax expertise, the PCCD requested qualifications and experience from firms with general securities experience. The RFP was sent to a broad range of law firms (20) selected from the Red Book - the municipal's industry encyclopedia of consultants. The District received 6 responses from the following firms: Meyer Navel, Schiff Hardin, Norton Rose Fulbright (formerly Fulbright Jaworski), Nixon Peabody, Orrick Herrington Sutcliffe, and Stradling Yocca Carlson & Rauth.

Background Material

17. Consider approval of contracts for Underwriter services with Barclays, Piper Jaffray, Raymond James, Siebert and Stifel Presenter: Deputy Chancellor Hendrickson Peralta Community College District solicited requests for qualifications for firms interested in providing underwriting services for the District's General Obligation Bond Program, Tax and Revenue Anticipation notes and other possible financings. The RFQs were sent to 32 firms throughout the County as found in the Red Book. The District received 14 submissions. The review committee recommends a pool of firms to create a diversified group to work in different combinations depending on the type of transaction and fees. Firms selected for underwriter services are: Barclays, Piper Jaffray, Raymond James, Siebert and Stifel.

Background Material

18. Consider Approval to Increase the Contract Amount for Independent Air Quality Testing Services provided by Environmental Technical Services Inc. (ETS), Industrial Hygienists. Presenter: Director Valentine, Office of Risk Management Consider approval to increase the existing contract with Environmental Technical Services Inc. for air quality testing from \$25,000 to \$40,000 (an increase of \$15,000) to perform statutory air quality testing. The Office of Risk Management commissions independent air quality testing to ensure a healthy work and learning environment. Independent air quality tests are ordered either proactively and on-demand to ensure that air quality meets or exceeds air quality standards set by regulatory agencies. At the beginning of each fiscal year, the contract amount for ETS is set at \$25,000 to handle projected testing needs. While this initial contract amount is based on the historical average for air testing expenses, this projection is subject to the needs of the District and Colleges.

During FY2013-14, Risk management authorized four (4) Air Quality Studies:

FINANCIAL SERVICES

19. 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 March 22, 2014 through April 25, 2014. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

Background Material

Trustee Brown requested clarification regarding the amount of the travel warrants and the timeliness of receiving them. Trustee Brown asked that we receive the travel requests in a timely manner and the rates that are listed in respect to the travel.

Trustee Handy was concerned with the travel rates and are asking faculty to be more mindful toward making travel as economic as possible.

MOTION: Motion by Trustee Withrow, second by Trustee Handy to approve Agenda Item 19. Consider

Ratification of the AP, Travel, and Consulting Contract Warrant Register

AYES: Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, Trustee

Withrow, Trustee Brown, and Trustee Guillen.

NOES: None ABSTAIN: None ABSENT: None

The motion passed.

20. Review of Purchase Order Report Presenter: Interim Vice Chancellor Rinne The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the Board of Trustees every 60 days." This Purchase Order Report contains all orders issued from March 22, 2014 through April 25, 2014 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

Background Material 1

Background Material 2

21. Consider Approval of Budget Transfer Report Presenter: Interim Vice Chancellor Rinne Consider approval of budget transfer report covering the period from March 22, 2014 through April 25, 2014. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 10, 2013. The Chancellor recommends approval.

Background Material 2

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

Background Material 1

Background Material 2

23. Consider Approval of Shamal Stegeman Contract Amendment Interim Vice Chancellor Rinne Consider approval to increase the contract amount for Shamal Stegeman by \$5,000 to provide professional services in the area of payment plans and student account collections. The original contract amount was \$25,000. The new contract amount shall not exceed \$30,000. The contract end date will remain June 30, 2014. Mr. Stegeman was hired to provide services in the area of payment plans and student account collections which included 1098-T tax forms. Due to stricter Internal Revenue Service guidelines, more time and effort was needed than anticipated in the area of 1098-T forms, resulting in this request for increase of the original contract amount. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: General Fund Unrestricted.

Background Material

24. Consider Approval Vavrinek Trine Day & Co., LLP (VTD) Contract Amendment Interim Vice Chancellor Rinne Consider approval to amend the purchase order for Vavrinek Trine Day & Co., LLP (VTD) by \$23,700. The previous contract amount was \$135,000 for the June 30, 2013 audit. The amended contract amount shall not exceed \$158,700. During the final audit period, additional federal program audits and reconciliations or re-auditing was required in order to provide an opinion on the financial statements and on compliance with Federal requirements. Therefore, VTD spent additional audit time over and above the original audit proposal for the 2013-2014 fiscal year. In providing these additional services, VTD has discounted their hourly rates by 35% as they were in the process of completing other required areas of the audit. The administration is requesting an increase in the audit contract to reflect this additional amount of time/cost required for the programs audit. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: General Fund Unrestricted.

Background Material

HUMAN RESOURCES

25. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees Presenter: Vice Chancellor Largent Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. The Chancellor recommends approval.
Last Name First Name Date of Hire End Date Position Title Site

Ahmed Munira 5/14/14 6/30/14 Admissions & Records Clerk A Anding Nyagia 5/23/14 6/30/14 Inst Asst I/DSPS Campos Marcia 5/14/14 6/30/14 Inst Asst IV/DSPS Cerda Alejandra 5/14/14 6/30/14 Staff Asst/Facilities Services M Harper Virginia 5/14/14 6/30/14 Staff Asst/VP's Office Α Angelica 5/14/14 6/30/14 Senior Clerical Assistant D Johnson-Malone Chandra 5/14/14 6/30/14 Senior Clerical Assistant L 6/30/15 Staff Asst/Employee Relations D **Jones** Lekeisha 7/1/14 6/30/15 Staff Asst/Employee Relations D Roberts Ronnie 7/1/14 Nicholas 5/14/14 6/30/14 Senior Clerical Assistant Ruud Maryam 5/16/14 6/30/14 Interpreter, Partially Certified All Sabri Singer Judith 5/14/14 6/30/14 Senior Library Technician Tavistock Rachel 5/14/14 6/30/14 Staff Asst/Admin

- 26. Consider intent of The Peralta Federation of Teachers, AFT Local 1603, to negotiate with the Peralta Community College District contracts for faculty members working under categorical and grant funding, who currently have separate limited-term employment agreements
- 27. Consider Approval of a Tentative Agreement Between the Peralta Community College District and SEIU Local 1021 Permanent Employees for the 4/10 Summer Work Schedule Presenter: Vice Chancellor Largent Consider Approval of a Tentative Agreement Between the Peralta Community College District and SEIU Local 1021 Permanent Employees for the 4/10 Summer Work Schedule. The District shall be closed to the public on Fridays commencing on June 13, 2014 through August 1, 2014. District classified employees will work a 10-hour workday, Monday through Thursday, from June 9, 2014 until August 1, 2014. Exception: Classes are in session on Thursday July 3, 2014. Thus, the District will be open for business. Therefore, during the week of June 30, 2014, employees will work a regular 5-day, 8-hour work week, with Friday, July 4, 2014 off, in observance of the holiday. Any contract approval is subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.
- 28. Consider Approval of a Tentative Agreement Between the Peralta Community College District and IUOE, Stationary Engineers Local 39 for the 4/10 Summer Work Schedule Presenter: Vice Chancellor Largent Consider Approval of a Tentative Agreement Between the Peralta Community College District and IUOE, Stationary Engineers Local 39 for the 4/10 Summer Work Schedule. The District shall be closed to the public on Fridays commencing on June 13, 2014 through August 1, 2014. District classified employees will work a 10-hour workday, Monday through Thursday, from June 9, 2014 until August 1, 2014. Exception: Classes are in session on Thursday July 3, 2014. Thus, the District will be open for business. Therefore, during the week of June 30, 2014, employees will work a regular 5-day, 8-hour work week, with Friday, July 4, 2014 off, in observance of the holiday. Any contract approval is subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

FACILITIES

29. Consider Approval to enter into an Agreement with ANTHONIO, Inc. for Project Inspection Services on the Lan Rehabilitation Project (Bid No.: 13-14/15) and the Leak Remediation for Laney College Buildings A, B, C, D, E, & G (Bid

Chancellor

Approval is requested to enter into an agreement with ANTHONIO, Inc. for Project Inspection Services for the Lar Rehabilitation Project (Bid No.: 13-14/15) and the Leak Remediation for Laney College Buildings A, B, C, D, E, & G (Bid Notes) (Bid N

The vendor's primary role will be to provide quality assurance and represent the best interests of the District. They was following activities: provide daily inspection and documentation of job related activities; monitor and document cont contract plans and specifications; identify, document, and report any deviations from the construction documents; coordinates the construction documents and report any deviations from the construction documents; coordinates the construction documents are constructed as the construction documents a necessary meetings; participate attend in punch process; and In compliance with the Public Contract Codes and District's Purchasing Procedures, the Department of General Service competitive bid and sent a Request for Proposal to nine (9) professional inspection companies. Only three (3) firms su ANTHONIO, Inc., and Sonika Corporation. As required by the Request of Proposal, each firm's proposal was assessed criteria: 1) Qualification and Experience, 2) Client References, 3) Staffing Plan, 4) Price Proposal, 5) Environmentally Sust Local Business Enterprise (SLBE) Small Local Emerging Business

In compliance with the Public Contract Code, the District can award this contract to the bidder whose proposal is deter District based solely on the criteria set forth in the Request for Proposal. Due to the evaluation of the submitted proposal score of 247 points; however, the company was later deemed non-responsive during the post proposal evaluation due to to not covering evening and week-end work. Both evening and week-end work time periods were clearly discussed as required Professional

Services

for

Project

Therefore, approval is requested for the second highest evaluated firm, ANTHONIO, Inc., to be awarded the contract. vendors are as

LOCATION

Fremont, CA

Score

184

The following are the total scores from three (3) firms:

CONTRACTORS

1.	4LEAF, Inc.	Pleasanton, CA	247 (n
2.	Anthonio, Inc.	Oakland, CA	232

ANTHONIO, Inc. is a Small Local Business Enterprise (SLBE) vendor owned by Tony Ogbeide. They are a Division of inspector, who has provided inspection services on other District construction projects. All Board recommended contra execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Fund.**

1. 4LEAF, Inc. Pleasanton, CA 247 (non-responsive)

3. Sonika Corporation

- 2. Anthonio, Inc. Oakland, CA 232
- Sonika Corporation Fremont, CA 184
 4LEAF, Inc. is located in Pleasanton, California; Kevin Dugan is the principal of the company. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Fund.

Background Material

- 30. Consider Approval of Resolution 13/14-60, Accept Bid and Award Contract for the Leak Remediation for Laney College Buildings A, B, C, D, E, & G Project (Bid No. 13-14/22), Valentine Corporation. Presenter: Vice Chancellor Ikharo. Approval is requested to accept the bid and award a contract to Valentine Corporation, for the Leak Remediation for Laney College Library/LRC Skylights and Buildings A, B, C, D, E, & G Project (Bid No. 13-14/22), in the amount not-to-exceed \$2,339,369. Under this contract, the Valentine Corporation will perform all work per the contract documents prepared by Gale & Associates. The construction scope of work will include but not limited to the following: removal of existing concrete topping slab, planter landscaping and soil, existing waterproofing and flashing as described in the contract documents at selected courtyards and walkways on the Laney College Campus; install new PVC waterproofing and drainage system; installation new concrete topping slab for the selected courtyards and walkways; apply new waterproofing sealer to selected existing concrete walls and seating; performance epoxy injection repairs in the Men's and Women's Locker Fitness and Room. A formal request for Bids (13-14/22) was conducted for this project, and a bid opening was held on April 22, 2014. Two (2) bids were received, as follows:
- J. A. Gonsalves & Sons Napa, CA \$2,602,862

Consider Approval of Amendment No. 1 to the Original Agreement with Gale Associates to Provide 31. Additional Construction Design and Specification Services and Landscape Design Services for Waterproofing and Water Intrusion Remediation at Laney College. Presenter: Vice Chancellor Ikharo. Approval is requested for Amendment No. 1 to the original Agreement with Gale Associates for the Waterproofing and Water Intrusion Remediation at Laney College, in the amount not-toexceed \$22,278. Both the landscape design services and construction design and specification services for core drilling were not included in the original contract and scope of work. After project coordination with the college stakeholders, and extensive testing, additional leaks were discovered. Sixteen (16) concrete core drillings were required to accurately trace the various sources of water leaks that permeated from the upper courtyards on the Laney College Campus. The fee will pay for the sixteen (16) concrete core drilling and for the landscape design services, which will include but is not limited to the following: provide landscaping design, design irrigation systems, new soil profile, and plant material selection for reconstruction of the refurbished campus courtyard planters. The original contract agreement for Gale Associates was approved on September 24, 2013 in the amount not to-exceed \$99,500. All contract amount including the original contract agreement and this Amendment No. 1 total \$121,778. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Fund.

Background Material

32. Consider Amendment No. 1 to the Contract Services with KONE Inc., Elevator Company for a District-wide Integrated Premium Services. Presenter: Vice Chancellor Ikharo. Approval is requested for an Amendment No. 1 for District-wide elevator inspection contingency to pay for parts and labor for Berkeley City College, College of Alameda, Laney College, and Merritt College, in an amount not-to-exceed \$55,693.00. This requested amount will also pay for the yearly price adjustment for their services that was excluded in the original agreement for Berkeley City College. The elevators in our colleges have aged and optimum performance has declined over the past 45 years and has become inefficient and often breaks down. This situation has adversely impacted access for all that need this service. This Amendment No. 1 will pay for time, labor and materials as the original contract was only for preventive maintenance. Contracts Amount

- 1. Berkeley City College \$10,693.00
- 2. College of Alameda, Laney College, and Merritt College \$45,000.00 TOTAL: \$55,693.00

33. Consider Approval of Amendment No. 1 for Additional Service for Gelfand Partners Architects (Gelfand) to Provide an Engineering Site Surveying for the Laney College Child Development Center. Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 for an additional service agreement for Gelfand Partners Architects to provide an engineering site surveying for the Laney College Child Development Center (CDC), in the amount not-to-exceed \$3,300. This project includes the design and install for a new exterior play yard. The area identified for the play yard is on a slope and requires an engineering site survey. The scope of work for the site survey includes the following: provision of topographic survey including finish floor elevation; location of fences, buildings, light poles, walkways, and perimeter of fixed play structure; and deliverables will include CAD files in AutoCAD format and PDF print. Â The original contract agreement for Gelfand Partners Architects was approved on January 21, 2014, in the amount not to-exceed \$63,260. Including this additional service amendment, the total contract agreement will be \$66,560. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Child Development Fund (Fund 68)

Background Material

- 34. Consider Approval to Enter into an Agreement for Construction Management Services for District-wide Emergency Projects with Olive Construction. Presenter: Vice Chancellor Ikharo Approval is requested to enter into an agreement with Olive Construction Management to provide construction management services for District-wide Emergency Projects, in the amount not-to-exceed \$146,520. Olive Construction Management demonstrated a comprehensive understanding of the scope of work and the hours required to manage the emergency projects concurrently. The following six (6) District-wide Emergency Projects need construction management services: College of Alameda Roadway and Parking Repairs and Replacement, Merritt College (Building D) Stairway Replacement, Laney College Waterproofing and Leak Remediation, District-wide Emergency Blue Phones, Laney College Chemistry Labs Ventilation System, Laney College Breezeway Project, and Laney College Replacement & Upgrade of Chiller Plant Boilers. The following are the total scores from three (3) firms:
- 1. Olive Construction Management Inc. El Cerrito, CA 243 N/A
- 2. Miller Associates Oakland, CA 234 N/A
- 3. APSI Construction Management Oakland, CA 220 SLBE/SELBE Olive Construction Management Inc. is a small business owned by Olivia Rocha. This business is owned by a minority woman located in El Cerrito, CA. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure E Bond Funds.

Background Material

35. Consider approval of Measure A Bond Budget Transfers and Appropriations for the B.E.S.T. Center Project at Laney College (No. 63), Merritt College CHW Infrastructure Project (No. 66), Emergency Facilities Repairs and Replacement Projects Phase I (No. 67), Measure A Overhead (No. 68), and Leak Remediation at Laney College (No. 69) Presenter: Vice Chancellor Ikharo. Approval is requested for several budget transfers and appropriations. Staff has obtained agreements from the College

Presidents, Vice Chancellor of Finance and Administration, Vice Chancellor of General Services and the Chancellor) for this budget transfer and appropriation for the May 13, 2014 Board meeting. 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. Budget Transfer No. 63 (\$500,000) is from Measure A bond fund, which will pay for the current additional project costs for the B.E.S.T. Center at Laney College. This project costs include construction administration, construction cost and contingencies, and other miscellaneous project costs. Currently, \$464,978.55 is the total estimated budget cost for architectural design services, commissioning engineering services, advertisement, Division of the State Architect's fees, environmental and engineering services, and other soft costs. This transferred amount will come from the Laney Building Modernization project account (#2314) and Utility Infrastructure project account (#2423) and deposited into the existing New B.E.S.T. Sustainability Building project account (#2437).Budget Transfer No. 63 # Project Name Current Budget Revised Budget Transfer To: 2437 Amount Transfer New Sustainability Bldg (B.E.S.T. Center) \$4,550,331 \$5,050,331 \$500,000 Total Transfer \$500,000 Transfer From: 2314 Laney Bldg Modernization \$24,042,216 \$23,942,216 \$100,000 2423 Infrastructure-Utilities \$492,039 \$92,039 \$400,000 Total Transfer \$500,000Budget Transfer No. 66 (\$335,000) is from Merritt College Measure A Unallocated Funds, which will pay for change orders generated by the Merritt College CHW Infrastructure Project. As a standard practice, the District allots a 10% contingency of the original contract amount to cover for change orders and additional services. This transfer amount is requested because a contingency was not included in the initial project budget planning. The transfer amount is 9.8 percent (9.8%) of the original construction contract amount of \$4,076,000. Change orders created were due to unforeseen site conditions and unaddressed design elements in the construction documents and specifications. Four (4) change orders were submitted and approved by the Governing Board of Trustees, totaling \$271,385.Measure A Budget Transfer No. 66 # Project Name Current Budget Revised Budget Transfer Amount Transfer To: Merritt Utility Total Infrastructure \$7,825,000 \$8,160,000 \$335,000 Transfer Transfer From: 2428 \$335,000 Merritt-Contingency \$566,492 \$231,492 \$335,000 Total Transfer \$335,000Budget Transfer No. 67 (\$2,594,300) is from Measure E Unallocated Funds transferred into a new project account no. 2733 to pay for Emergency Facilities Repairs and Replacement Projects Phase I at Merritt College, Laney College and College of Alameda. The emergency projects were approved by the Chancellor on February 25, 2014 and ratified by the Governing Board of Trustees on March 11, 2014. Measure E Budget Transfer No. 67 # Project Name Current Budget Revised Budget Transfer Amount Transfer To: 2733 2014 District-wide **Emergency Projects** \$2,594,300 \$2,594,300 Total Measure E Unallocated Transfer \$2,594,300 Transfer From: -Funds \$4,449,078 \$1,854,778 \$2,594,300 Total Transfer \$2,594,300 Budget Transfer No. 68 (\$1,388,026) is from Measure A Unallocated Funds and seven (7) completed projects to fund payroll for Measure A Overhead, account no. 2300.Measure A Budget Transfer No. 68 # Project Name Current Budget Transfer To: Budget Amount Transfer 2300 Measure Α Overhead \$14,000,000 \$15,388,026 \$1,388,026 Total District Center Renovation Phase Transfer \$1,388,026 Transfer From: 2321 \$1,563,034 \$1,853,494 (\$290,460) II 2343 **GSA** Lot Lighting, Walkway \$1,650,000 \$1,619,245 \$30,755 2359 **HVAC** for Main District Office \$1,700,000 \$253,624 2326 District-wide \$1,446,376 \$500,000 (\$18,690) 2340 Parking Lighting \$518,690 Paving & Meters \$1,584,669 \$1,584,914 (\$245)2344 District-wide Boilers & Energy \$2,235,000 \$2,146,450 \$88,550 District-wide 2351 Drinking Fountains \$825,992 \$454,673 \$371,319 Measure A Unallocated Funds \$953,173 Budget Transfer No. 69 (\$1,347,678) is \$953,173 Total Transfer \$1,388,026 from the existing California Solar Initiative (CSI) Rebate Revenues and Measure E Unallocated fund to pay for the Leak Remediation for Laney college Buildings A, B, C, D, E, and G. This budget amount will pay for the construction cost, landscape architectural services, construction support, construction management, and construction contingencies and other miscellaneous project costs. Measure A & E Budget Transfer No. 69 # Project Name Current Budget Revised Budget Transfer Amount Transfer To: 2465 Laney Waterproofing & Water Intrusion Remediation \$977,304 \$977,304 2733-02 Laney Waterproofing & Water Intrusion Total Remediation \$1,600,000 \$1,970,374 \$370,374 Transfer From: Transfer \$1,347,678 CSI Solar Rebate Revenues \$977,304 -\$977,304 Е Unallocated \$1,854,778 \$1,484,404 \$370,374 Total Measure \$1,347,678 The Chancellor recommends approval. Funding Transfer

Source: Measure A & E bond funds.

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 may move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items. ANNOUNCEMENTS

ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, bmartinez@peralta.edu at least 48 hours prior to the meeting. Peralta Community College District Governing Board Agenda: May 13, 2014 Page 2 of 20 Page 1 of 20

ANNOUNCEMENTS

- 1. The next regular Board meeting will be held in four weeks on June 10th here at the District Offices Boardroom. Tonight is the only Board meeting in May, due to the College Graduations being held on May 23rd, 24th, and 25th.
- 2. Congratulations to all of our graduates, as well as to all of our faculty and staff for all of their hard work to make this school year successful for our students.

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