



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
SEPTEMBER 11, 2012

CALL TO ORDER (5:00 p.m.)

CLOSED SESSION (5:01 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)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374. * 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)), PCCD v. JP Morgan Securities, LLP, Alameda County Superior Court Case No. RG12643254. * Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720. * Conference with Legal Counsel (54956.9(a)), PCCD v. Johnson Controls, Alameda County Superior Court Case No. RG12644402. * 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). * Consider Ratification of Interim Vice Chancellor for Educational Services, District Office. * Consider Approval of TRIO Student Support/Success Director, Laney College, Grant Funded. * Consider Approval of Acting Associate Vice Chancellor for Finance, District Office. * Consider Approval of Interim Dean, Special Programs and Grants, College of Alameda. * Consider Employee Discrimination Claims.

OPEN SESSION (7:00 P.M.)

[ROLL CALL Trustees González Yuen Pr Ab , Guillén Pr Ab , Handy Pr Ab , Hodge Pr Ab , Riley Pr Ab , Withrow Pr Ab , and Gulassa Pr Ab , Student Trustees Clegg Pr Ab and Cervantes Pr Ab .](#)

[REPORT OF ACTION TAKEN IN CLOSED SESSION \(7:01 P.M.\)](#)

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor. 1. Ratification of Dr. Michael Orkin, Interim Vice Chancellor for Educational Services, District Office, effective July 1, 2012, \$150,000/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Hodge 2. Approval of Amy H. Lee, TRIO Student Support/Success Director (grant funded), Laney College, effective September 28, 2012 through September 28, 2014, \$90,000/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Hodge 3. Approval of Sarah Schrader, Acting Associate Vice Chancellor for Finance, District Office, effective September 6, 2012 through December 31, 2012, \$130,000/year. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Hodge 4. Approval of Toni Cook, Interim Dean, Special Programs and Grants, College of Alameda, effective September 12, 2012 through September 12, 2013, \$110,000/year. (It was later brought to the Board's attention that this start date may actually be June 1, 2012, and that HR would correct the record.) AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 Hodge 5. The Board also ratifies the filing of a lawsuit against JP Morgan Securities. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0 AND 6. The Board ratifies the settlement and termination of the Forward Purchase Contract with JP Morgan Securities. 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.

Agenda

Item 36 has additional names for approval:

Last Name	First Name	Date of Hire	End Date	Position	Title	Site
Herrera	Catalina	9/12/12	6/30/13	Staff Assistant/Admin	(Grants)	B
Johnson	Patricia	9/12/12	12/14/12	Clerical Assistant	I	L
Page	Carolyn	9/13/12	6/30/13	Staff Services Specialist/Employee Relations		D
Whisenton	Ericka	9/12/12	12/14/12	Clerical Assistant	I	L

The Board moved the following items to the Action Calendar:

Items 28, 31, 34, and 45.

MOTION: Motion by Trustee Bill Withrow, second by Trustee Abel Guillen to approve the agenda as amended.

- AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
- NOES: None
- ABSTAIN: None
- ABSENT: None

The motion passed.

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

Minutes

1. Consider Approval of the Regular Board meeting Minutes of July 17, 2012. Consider approval of the regular Board meeting minutes of July 17, 2012. The minutes are posted on Granicus

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Withrow to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

Public Communication

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 Casenza, Peralta Foundation, provided an update. They received a \$5T scholarship donation for the East Bay College Pathway program from Wells Fargo. They are seeing more donations in larger numbers on a regular basis. Memorial scholarships for Willow Graves and Loretta Hernandez will be starting.

Speaker Hampton invited everyone to be a part of the volunteer organization she is leading, and she thanked the Board for their resolutions on the State ballot measures. She thanked Dr. Ortiz for approving 20 new faculty hires. She feels it's good to enter an era where there are new full-time faculty hires, that helps develop Peralta pride. She announced a general membership meeting on the 18th in C-109 at COA.

Speaker Young shared that he received a letter about an investigation on his behalf, and that he disagrees with the finding, which he will contest.

Speaker Blake shared that the new Chancellor is engaging in dialogue with different constituent groups, and he is very happy with the excellent choice the Board made to hire him. He shared

that classified staff have been heavily impacted by the state budget and the loss of staff, and he feels that parcel tax distributions are creating significant disparity for classified staff.

Speaker Tashau, Laney student, shared a problem she saw on campus with an anti-choice group demonstration on campus. She saw a lot of disruption in campus learning, and feels that their tactics were an assault.

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 Bailey, ASBCC President, shared that student committee creation is moving forward. They will have a monthly student resource day to highlight student programs, and will distribute a survey to collect information about financial aid. They will meet monthly with the Chancellor to address problems that plague the students, and will also meet with President Budd.

Speaker Flores, ASCOA President, attended the Districtwide (DW) meeting for student leaders, where a DW counsel was approved. He enjoyed meeting the other student body leaders, and hopes for more communication between the colleges. They will host a constitution day on the 18th, organized by the political science class, and everyone is invited.

Speaker Elias, ASLC Senator, shared they will have constitution day on the 18th. He applauded the student leadership passing the DW counsel.

Speaker Anderson, ASMC President, welcomed Dr. Stanley and Dr. Ortiz. They have a brand new counsel with no vacancies. They are restoring their office space, and are grateful for the recent training. They thanked the Student Trustees for being present on campus to help students. Constitution day and club rush are upcoming up, as are future trainings.

3. [Chancellor's Reports Chancellor's Report Dr. José M. Ortiz \(7:45 P.M.\) Vice Chancellor's Reports Budget Update Vice Chancellor Gerhard \(30 minutes\) Enrollment Update Interim Vice Chancellor Orkin Student Services and Easy Pass Update Vice Chancellor Ng \(5 minutes\) General Services Update Vice Chancellor Ikharo College Reports Berkeley City College Interim President Budd College of Alameda President Jackson Laney College President Webb Merritt College Interim President Stanley](#)

[Merritt College President Report](#)

[Budget Memo](#)

[Financial Aid Data](#)

[EasyPass Update](#)

Chancellor Ortiz introduced and welcomed Dr. Stanley, Merritt College, and Calvin Madlock, IT, to his management team. He congratulated General Counsel Nguyen and Victor Flint, BCC Ambassador Coordinator, for the excellent student leadership program, and all who participated were thanked. It was an all day, productive session. We have launched our work for our accreditation requirements, and the Chancellor is meeting with the respective parties and proceeding with that work. The Chancellor will serve on an accreditation team visit to the College of Marin in October. He met with Dr. Lindo, Superintendent of Schools, Emeryville, and they discussed partnership ideas,

such as a higher education center. He met with Dr. Martha Kantor, former Foothill DeAnza Chancellor, now with the Department of Education.

4. [PUBLIC HEARING and ACTION ITEM: Conduct Public Hearing on Resolution 12/13-6, 2012 - 2013 Final Budget Presenter: Vice Chancellor Gerhard \(8:10 P.M.\) The Peralta Community College District is required to hold a public hearing on the proposed 2012 - 2013 annual budget prior to its adoption. Included in Trustee materials is the final adopted budget for the Peralta Community College District for the fiscal year 2012 - 2013 which has been publically advertised and made available for public viewing at the District Finance and Administration office and is posted on the district's Business Services website at: <http://web.peralta.edu/business/finance-contacts/annual-adopted-budget/> After the public hearing, it is recommended that Resolution No. 12/13-6 be adopted, approving the Annual Budget. The Chancellor recommends approval.](#)

[Budget](#)

[Resolution](#)

[Background Material](#)

[Budget Presentation](#)

The public hearing was gaveled in There were no public comments.

MOTION: Motion by Trustee Nicky Gonzalez Yuen, second by Trustee Abel Guillen to approve Agenda Item 4.

AYES:	Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion passed.

A budget update was given. Trustee Guillen asked if the budget allocation model (BAM) provides for concurrent enrollment with our feeder districts. We have other feeder programs, such as ASTI, and the parcel tax Measure B can be used to help fund those programs, if needed. Tax revenue notes were \$22M this year. He asked if the state reimburses us for this, and why we don't borrow from our internal funds. The only funds we have to possibly borrow from is Measure A, and it was thought this wasn't permissible, as it was a past audit finding which draws upon bond interest. The state doesn't reimburse us. This budget is a bit different from the college budgets, and this one is districtwide. Trustee Withrow commented that it was an excellent presentation, the best one he's ever heard. The presentation brings it all together for him with great transparency. Trustee Withrow has a problem with not borrowing from Measure A funds. Trustee Gonzalez Yuen is excited to see movement toward BAM reflected in the budget. He applauds the Board for working toward the BAM goal, which is a huge relief for BCC faculty, with resources following our student populations. If Proposition 30 passes, \$5.5 M will follow for the community college districts, and there will be a bit of growth funds of about 100 FTES. Trustee Gonzalez Yuen noted that the budget lists funding for international students going where they are being served. He asked if there are any resources to the individual colleges to encourage international student attendance, which he supports. Trustee

Hodge asked about college discretionary carryover funds, which are not yet in the budget, as last year's books haven't closed. COLA is in the model that goes toward the state general apportionment, which Trustee Gonzalez Yuen supports. Trustee Gulassa thanked the public for passing the parcel tax to help us with this budget and college equity. Vice Chancellor (VC) Gerhard thanked the planning and budget counsel, finance department, and colleges for this group effort. Trustee Guillen asked if the oversight committee has been formed yet, and they should be formed this fall.

Easy Pass Update Vice Chancellor Ng (5 minutes)

Trustee Gonzalez Yuen was impressed to see that 4.4M rides have been taken, with 9,000 student using it. He asked how many more students are eligible to use it. We can get him the numbers of those taking 9 units or more to Trustee Gonzalez Yuen. When the passes don't work systemwide, it would be nice for the drivers to know about this so that students can take a ride. Victoria Wake from AC Transit shared that things have worked better this year than in the past. It is difficult to communicate to the operator to let individual students use the bus. She feels that about 12-13,000 are eligible, but many students drop their loads below the minimum requirement of 9 units. Thus, the drivers really couldn't make a determination on an individual basis. For Spring 2012, the initial enrollment numbers were 12800, which dropped to 11,000 and then 9,000 by the end of the semester. Trustees Gonzalez Yuen and Guillen were thanked for their hard work on this program.

Board Communication 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.

Student Trustee Cervantes shared that he and Student Trustee Clegg attended a league conference on student trustee roles, and he attended the District Planning and Budget summit. He thanked General Counsel Nguyen for her work on the student counsel, as well as Rich Copenhagen for contributing to the DW student council. He feels that the Financial Aid system has improved considerably. Trustee Handy will take a student delegation to the Congressional Black Caucus. She asked for support to help get our students there, if anyone would like to make a donation through the Foundation. The College presidents were thanked for their donations. Yvonne Thompson was thanked for her hard work on the program. Student Trustee Clegg thanked Drs. Budd, Jackson, Webb, and Ng for their support to send the students to the CBC, as well as Trustee Handy, Yvonne Thompson, the Foundation, and other donors. She thanked the Chancellor and GC Nguyen for assisting the students at their recent training.

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

DAS President Report

Consent Calendar 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 Bill Withrow, second by Trustee Abel Guillen to approve the Consent

Calendar, including Agenda Items 6-27, 29, 30, 32, 33, 35, 36 as amended, 37 - 44, 46 - 47.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

[Executed resolutions](#)

BOARD MATTERS

6. Consider Approval of Resolution 12/13-7 Proposition 30 in Support of Community College System Budget Priorities and the Governor's November Ballot Initiative Presenter: Trustee Gulassa Consider approval of Resolution 12/13-7 Proposition 30 in support of community college system budget priorities and the Governor's November Ballot Initiative. The Chancellor recommends approval.

[Background Material](#)

7. Consider Approval of Resolution 12/13-8 Opposing Proposition 32: Prohibition on Political Contributions by Payroll Deduction and on Contributions to Candidates Presenter: Trustee Gulassa Consider approval of Resolution 12/13-8 Opposing Proposition 32: Prohibition on Political Contributions by Payroll Deduction and on Contributions to Candidates. The Chancellor recommends approval.

[Background Material](#)

8. Consider Approval of Board Policy 3430 Prohibition of Harassment (replaces BP 3.04 Sexual Harassment Policy) Presenter: Chancellor Ortiz Consider approval of Board Policy 3430 Prohibition of Harassment (replaces BP 3.04 Sexual Harassment Policy). The Chancellor recommends approval.

[Background Material](#)

9. Consider Approval of Board Policy 3501 Campus Security and Access (replaces BP 2.45 Crime Awareness and Campus Security) Presenter: Chancellor Ortiz Consider approval of Board Policy 3501 Campus Security and Access (replaces BP 2.45 Crime Awareness and Campus Security). The Chancellor recommends approval.

[Background Material](#)

10. Consider Approval of Board Policy 5130 Financial Aid (replaces BP 4.35) Presenter: Chancellor Ortiz Consider approval of Board Policy 5130 Financial Aid (replaces BP 4.35). The Chancellor recommends approval.

[010 - BP 5130 Financial Aid](#)

11. Consider Approval of Board Policy 5140 Disabled Student Programs and Services (replaces BP 5.24 Academic Accommodations for Students with Disabilities) Presenter: Chancellor Ortiz Consider approval of Board Policy 5140 Disabled Student Programs and Services (replaces BP 5.24 Academic Accommodations for Students with Disabilities). The Chancellor recommends approval.

[Background Material](#)

12. Consider Approval of Board Policy 6200 Budget Preparation (replaces BP 6.02) Presenter: Chancellor Ortiz Consider approval of Board Policy 6200 Budget Preparation (replaces BP 6.02). The Chancellor recommends approval.

[Background Material](#)

13. Consider Approval of Board Policy 6320 Investment (replaces BP 6.07) Presenter: Chancellor Ortiz Consider approval of Board Policy 6320 Investment (replaces BP 6.07). The Chancellor recommends approval.

[013 - BP 6320 Investments](#)

14. Consider Approval of Board Policy 6600 Capital Construction (replaces BP 6.80, 6.81, & 6.83 on Capital Construction) Presenter: Chancellor Ortiz Consider approval of Board Policy 6600 Capital Construction (replaces BP 6.80, 6.81, & 6.83 on Capital Construction). The Chancellor recommends approval.

[Background Material](#)

15. Consider Approval of Board Policy 6740 Citizens Oversight Committee (new policy) Presenter: Chancellor Ortiz Consider approval of Board Policy 6740 Citizens Oversight Committee (new policy). The Chancellor recommends approval.

[Background Material](#)

16. Consider Approval of Board Policy 7100 Commitment to Diversity (new policy) Presenter: Chancellor Ortiz Consider approval of Board Policy 7100 Commitment to Diversity (new policy). The Chancellor recommends approval.

[Background Material](#)

EDUCATIONAL AND STUDENT SERVICES

17. Consider Ratification of an Amendment to Increase Allocation for the Career Advancement Academy (CAA) Memorandum of Understanding (MOU) Presenter: Interim Vice Chancellor Orkin. Consider ratification of an amendment to increase allocation for the Career Advancement Academy (CAA) Memorandum of Understanding (MOU) not to exceed \$1,145,000. The original amount was \$740,000, with the total increasing \$305,000. Funding Source: Chancellor's Office, California Community Colleges. The Contra Costa Community College District (CCCCD) is the lead agency and fiscal agent in the East Bay Career Advancement Academies (EBCAA) consortium. The Peralta College's District is serving as a partner in this consortium. The Chancellor approved this item over Board recess, so it returns to the Board at this time for ratification. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

18. Consider Approval of Contract Extension for Roxanne Rivas to Render Workforce Development Services for Laney College's Green Jobs Training Program Presenter: Interim Vice Chancellor Orkin Requesting Board action on a contract extension for Roxanne Rivas not to exceed \$60,120 for Laney College's Green Jobs Training Program. The original contract amount was \$9,000, which brings the total contract amount for the fiscal year to \$69,120. Funding Source: California State Employment Development Department and Oakland Workforce Development Board. The scope of work addresses the objectives of the Green Jobs Training Programs grant, including Reporting, Outreach and Recruitment, Assessment and Enrollment, Training and Education, Work Activities, as well as significant Workforce Development and Professional Development services, including Job Placement, Retention and Tracking. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

19. Consider Approval of a Memorandum of Understanding and Agreement with The Unity Council (TUC) Presenter: Interim Vice Chancellor Orkin Consider approval of a Memorandum of Understanding and a Contract Agreement with The Unity Council (TUC) not to exceed \$100,000 from January 1, 2012 through February 14, 2013. Funding Source: Department of Labor Grant (DOL) as approved by the DOL Employment and Training Services. The Unity Council will provide recruiting, training and job placement services for limited English speaking participants into the Alameda Transportation and Logistics Academic Service (ATLAS) program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

20. Consider Approval of a Memorandum of Understanding and Agreement with The Academy of Truck Driving Presenter: Interim Vice Chancellor Orkin Consider approval of a Memorandum of Understanding and a Contract Agreement with The Academy of Truck Driving not to exceed \$150,000 from July 1, 2012 through February 14, 2013. Funding Source: Department of Labor Grant (DOL) as approved by the DOL Employment and Training Services. Academy of Truck Driving agrees to provide Commercial Driving License training services, and the Peralta College's agrees to provide funding for job readiness training. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

21. Consider Approval of an Agreement with OD Network Presenter: Interim Vice Chancellor Orkin Consider approval of a Memorandum of Understanding and a Contract Agreement with OD Network (Add Principle's name here) not to exceed \$133,000 from April 24, 2012 through February 14, 2013. Funding Source: Department of Labor Grant (DOL) as approved by the DOL Employment and Training Services. OD Network will provide recruitment and marketing into three industry-driven logistic training programs for dislocated workers for the Alameda Transportation and Logistics Academic Service (ATLAS) program at College of Alameda. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

22. Consider Contract Approval with the California Department of Education to Provide Child Care and Development Services, and to Authorize Resolution 12/13-10 Presenter: Vice Chancellor Ng Consider contract approval with the California Department of Education to provide child care and development services not to exceed \$708,225, and to authorize Resolution 12/13-10 for the designated personnel to execute contract documents for Fiscal Year 2012-13. Funding Source: State of California, Department of Education Child Development Division. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

[Resolution](#)

[Executed resolution](#)

23. Consider Approval of a Childcare MOU with BANANAS, Inc., for Berkeley City College Presenter: President Budd Consider approval of childcare MOU with BANANAS, Inc., to administer the voucher program for Berkeley City College for \$45,300 from July 1, 2012 through June 30, 2013. Funding Source: CalWORKs. BANANAS has been providing childcare for Berkeley City College students on a categorically funded voucher system since Berkeley City College does not operate a child care center. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (This item was later amended to change the typo amount from \$43,500 to \$45,300.)

[Background Material](#)

[MOU](#)

FINANCIAL SERVICES

24. Consider Ratification of Purchase Order Report Presenter: Vice Chancellor Gerhard Consider ratification of purchase order report. This item is for informational purposes only. This report is being presented for review in accordance with Education Code section 81656 which states, "All transactions entered into by the District shall be reviewed by the governing board every 60 days". All Purchase Orders listed have been issued in accordance with the District's policies and procedures by an authorized officer of the District and have been budgeted. The Chancellor recommends ratification.

[Background Material](#)

25. 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. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Material](#)

26. Consider Approval of Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider

approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval.

Background Material

27. Consider Approval of the California Community Colleges Chancellor's Office Quarterly Financial Status (CCFS-311Q) Report Presenter: Vice Chancellor Gerhard Consider approval of the District's fiscal year 2011-12 4th 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 fourth quarter of fiscal year 2011-12. The Chancellor recommends approval.

Background Materials

Background Materials

45. Consider Ratification of Agreements for District-Wide Security Services with Securitas Security Services USA, Inc. and American Guard Services Presenter: Vice Chancellor Ikharo Ratification is requested for the District to enter into the following two agreements for District-wide security services: Agreement with Securitas Security Services USA, Inc. (Securitas) for Berkeley City College in a not-to-exceed amount of \$152,672.00 for the period from October 1, 2012 to June 30, 2013 Agreement with American Guard Services for College of Alameda, Laney College, Merritt College and the District Administrative Center in a not-to-exceed amount of \$169,487.56 for the period from October 1, 2012 to June 30, 2013 Funding Source: District General Funds. A formal request for proposals (RFP No. 11-12/16) for District-Wide Security Services was issued, and proposals were due June 20, 2012. Proposals were received from six vendors. Interviews were conducted between July 11 and July 17, 2012, by a committee of five representatives from the District Administrative Center (DAC) and other colleges, with the following results: The highest scores were received by Securitas Security Services USA, Inc. (Securitas) and American Guard Services. Securitas has performed security services at Berkeley City College since 2007. In November 2009, Securitas began providing security services on weekends and holidays at College of Alameda, Laney College, Merritt College and the District Administrative Center (DAC). In an effort to safeguard life and property, the administration is augmenting Peralta's police services with trained security guards to minimize the cost of security. The performance of Securitas at Berkeley City College has been outstanding. Securitas staff assigned to work at Berkeley City College also did very well in the evaluation. Based on the interview results and performance evaluation, it is recommended that the District enter into an agreement with Securitas for security services at Berkeley City College. However, Securitas' performance at the other colleges was rated as deficient and less than ideal. As a result, the administration is recommending American Guard Services to provide security on weekends and holidays for College of Alameda, Laney College, Merritt College and the DAC. The estimated costs for Securitas and American Guard Services are broken down as follows: Each initial agreement will be effective for the period of October 1, 2012 to June 30, 2013, with a provision for two additional annual renewals at the rates identified. The renewals will be contingent upon favorable performance evaluations. This will give the District the opportunity to terminate services if the vendors are not performing satisfactorily. The agreement with Securitas for District-Wide security services ended June 30, 2012, and Securitas has been performing security services on a month-to-month basis since July 1, 2012. The Chancellor's approval, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), to negotiate the new agreements during the Board recess was requested to allow the administration to send the required thirty-day notification to the existing vendor, Securitas, by September 1, 2012. Board

[ratification of the agreements is now requested. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.](#)

(This item was moved to the Action Calendar by the Board.)

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Withrow table item 45 until the next meeting.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.
NOES: None
ABSTAIN: and Trustee Marcie Hodge.
ABSENT: None

The motion passed.

Speaker Smith is a manager with Securitas and a retired Oakland police officer. He spoke about the recent bid process. He asked the Board to reconsider awarding the second contract. He feels that Securitas is the largest company in the area, and feels they have provided good service. He doesn't know why they didn't retain the other 3 sites. He feels they have addressed all of the issues at hand to provide improved services. He employs 16 union staff members.

Speaker Cruz represents labor with Securitas. She feels that the evaluators gave them high ratings. She asked that the issue be tabled. She circulated a petition from their staff.

Speaker Price, a Securitas employee, attended the meeting to give moral support for Securitas.

Speaker Bong is a Securitas supervisor. He shared some experiences that they effectively handled, and that he is dedicated to the District as a rover. He is also a student and doesn't want to be unemployed.

Speaker Cordero, is a union representative, Laney student, and former security worker. He wants to prevent security companies from giving minimum wage to their workers. He feels the quality will be poor if the District employs a non-union company.

Speaker Washington is a research analyst. He feels that this is more than a contract and numbers, but that the Board is dealing with human lives. He feels that Securitas is the incumbent company, and rated the best. They have full staff and management in place, as well as familiarity with the facilities. He asked that due diligence be done related to this contract.

This item was approved and comes before the Board for ratification, and it could return to the next meeting to ratify at that meeting. By law, it requires Board ratification, or else the contract would have to be closed to date, which would then be a legal matter to discuss under closed session.

Trustee Guillen asked for greater background information on the matter.

Trustee Hodge - abstains

[Background Materials 1](#)

[Background Materials 2](#)

[Background Material 3](#)

46. Consider Ratification of an Independent Contractor/Consultant Services Contract with WLC Architects to Provide an Architectural Property Evaluation for the 2015 Shattuck Avenue Property in Berkeley Presenter: Vice Chancellor Ikharo Ratification is requested of an Independent Contractor/Consultant Services Contract with WLC Architects to provide an architectural property evaluation for 2015 Shattuck Avenue in Berkeley, in the amount of \$4,077.50. Funding Source: Bond Measure A. WLC Architects, in collaboration with Thornton Tomasetti structural engineers, performed the following services: Visited the building site with District representative Performed visual and non-intrusive investigation Researched city governing agencies Researched property ownership and documentation history Provided existing building assessment binder Summarized findings and estimated cost for forensic investigation, with the intent to determine if the property meets the Field Act The property evaluation report provided critical decision making information to the District. The Chancellor's approval, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), was requested to enter into this independent contract. Board approval is necessary because the current purchase orders to WLC Architects exceed the threshold amount for this fiscal year. Board ratification of the independent contract is now requested. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Material](#)

HUMAN RESOURCES

47. Consider Approval of a Reduced Workload by Faculty Member Katherine Kocel, Psychology Instructor at Berkeley City College Presenter: Vice Chancellor Largent District Administration Requests Board Authorization to Approve a Request by Faculty Member Katherine Kocel, Psychology Instructor at Berkeley City College, to Participate in the Reduced Workload Program in Accordance with California Education Code Section 87483. 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 hear public comments prior to taking any action on these items.

28. [Consider Approval of Surplus Equipment Disposal Presenter: Vice Chancellor Gerhard](#)
[Consider approval to designate equipment and materials as surplus and obsolete. When it has been determined that there is no further need, for use or for trade-in, within the District for equipment or materials, such equipment or materials will be designated as either salvage or scrap by the District's chief fiscal officer. Purchasing will coordinate the removal of the surplus and obsolete equipment and materials through an approved State of California Collector and Recycler at no cost to the District. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

[Background Materials](#)

[Background Materials](#)

(This item was moved to the Action Calendar by the Board.)

MOTION: Motion by Trustee Bill Withrow, second by Trustee Nicky Gonzalez Yuen to approve Agenda Item 28.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

Trustee Yuen asked that when we surplus this property if we could look at a particular charity for the Haiti medical program. The Chancellor will work with District staff to look at possible donations and any Board referrals.

29. Consider Approval of the Chancellor's Office Tax Offset Program (COTOP) Presenter: Vice Chancellor Gerhard Consider approval of contract between the Peralta Community College District and the Chancellor of the California Community College for the District to participate in the Chancellor's Office Tax Offset Program (COTOP). Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

30. Consider Approval for Blanket Purchase Order for Official Payments Corporation Presenter: Vice Chancellor Gerhard Consider approval of an open purchase order for Official Payments Corporation in the amount not to exceed \$300,000. Funding Source: General Fund Unrestricted. The contract is needed to pay for student credit card processing fees until the end of this Fiscal Year, June 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

31. [Consider Ratification of eVerge Contract Addendum Presenter: Vice Chancellor Gerhard Consider ratification of contract with eVerge Consulting Group that will assist the District with upgrading its existing versions of the HR and Student Administration modules within PeopleSoft to the most recent version available. Funding Source: Measure E. This involves moving from versions 8.9, which were the initial versions adopted in 2005, to versions 9.1. Our current version, 8.9, is scheduled to lose support from Oracle by 12/31/2012. The second component of this agreement will assist the District with planning, preparing, and implementing the PeopleSoft Student Financial Aid module. The District purchased this module in 2005 but has not implemented it. The contract includes an hourly rate of \\$150 with a not-to-exceed amount of \\$188,000. The term of the contract is August 10, 2012 - February 28, 2013. The Chancellor approved this contract addendum during Board recess under his authority, and it returns to the Board at this time for ratification. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor](#)

[recommends ratification.](#)

(This item was moved to the Action Calendar by the Board.)

[Background Materials](#)

[Background Materials](#)

MOTION: Motion by Trustee Bill Riley, second by Trustee Bill Withrow to approve Agenda Item 31.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.
NOES: None
ABSTAIN: and Trustee Abel Guillen.
ABSENT: None

The motion passed.

Trustee Handy is concerned about knowledge staying with an institution, rather than having consultants do the work and then move on. She asked why we have had modules sitting here since 2005 with staff turnover. She asked for longterm IT peralta staff to make this recommendation. She feels the company should be rated, and she doesn't know who has the project oversight. She's watched many IT mistakes, and feels that IT is a black hole. She asked for more information before continuing to throw funds at this system. She feels there may be less expensive modules we could use. She doesn't think there is any rush for this. VC Gerhard updated the Board on this work. The projects are listed in our IT strategic plan. We don't have these skills available internally to match these deliverables. He believes that past consultants weren't always made to be held accountable. A project manager and management team is critical to keep the implementation accountable for delivery deadlines, which is now in place. Going forward we have a very strong approach related to IT, to ensure that past failures don't repeat themselves. The scope is to upgrade the existing modules for payroll, HR, and the student administration side, and we're running out of support. This is a priority A project for our IT strategy plan. Student financial aid system is also a part of this package. We have only implemented a small portion of the PeopleSoft system. We currently have to do manually what could be done quickly with these suggested systems, to help us during these underfunded times. We're at a critical point as there is limited and costly support to use the legacy system. We need the specs that this project will produce, which will include an analysis of the system. Trustee Handy is concerned about a lack of project management, and she feels Mr. Madlock is inheriting this system. She would suggest that we slow this process down to look closer at what we're doing, how much we're spending, with a deadline and an internal analysis. She'd rather Oracle support the system, rather than hire another company. VC Gerhard had a follow-up report on the implementation of priority A plans on the IT strategy. The upgrade portion is urgent to continue on the timeframe. The Chancellor shared there is urgency to upgrade to the People Soft system when we lose Oracle support. Mr. Madlock shared that this upgrade needs to occur, as we don't have the current support, which could make the system and the District go down. We don't have qualified staff to do this type of upgrade. At a minimum, he'd suggest that the upgrade continue. We could do a complete assessment of the financial aid model, mapping the process to properly evaluate whether we should go with this model or not. LACCD went with PeopleSoft where they had a process mapped out to make an informed decision. Mr. Madlock would go to other schools that have done this in the past.

Trustee Guillen shared this is a very complicated plan. He asked that the Board address this at their Board retreat in October, as well. Planning will continue for the Financial aid upgrade. The

Board requested a workshop on a strategic map on what's going on in IT.

Trustee Handy feels that Mr. Madlock has a grasp of what is needed. She asked what the consultants have been doing up to now and why the issue is just now going to the Board. Mr. Madlock will be responsible for oversight, and there will be staff development. Trustee Gonzalez Yuen appreciated the update that was given. He asked to understand where it fits in the plan, with a flowchart and a timeline, identifying what was done already. He asked who for a list of the everge principles, who they are, and our contract length for all such future contracts. We've had a contract with them for the last year for database administrator support. The most recent expert has been assisting with the student administrative side on the long-standing glitches we've had, related to how we implemented the module. Student enrollment had a hard time creating the user names and log-in information. The Board requested more information on any IT matters in the future.

Trustee Guillen abstained.

32. Consider Approval of Bid Number 11-12/20 Purchase of Personal Computer Desktops and Laptops for the District Presenter: Vice Chancellor Gerhard Consider approval to accept bid from EDX Information Systems Personal to provide Computer Desktops and Laptops for a one year period. Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

HUMAN RESOURCES

33. Consider Ratification to Approve a Contract between Association of Community College Trustees and the District for the Interim Services of Dr. Patricia Stanley as the Interim President for Merritt College Presenter: Vice Chancellor Trudy Largent The District requests Board ratification to approve an agreement between the Association of Community College Trustees (ACCT) and the Peralta Community College District for the interim services of Dr. Patricia Stanley as the Interim President of Merritt College. This interim appointment shall be ratified for the period commencing August 27, 2012 through December 31, 2012, while the District conducts a recruitment for a new President for Merritt College. The consultant services fee for Dr. Stanley will be \$14,417 per month and the retainer fee for ACCT will be \$1,375 per month over the term of the agreement. This contract was approved by the Chancellor under his authority during Board recess, so returns to the Board at this time for ratification. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

MOTION: Motion by Trustee Bill Withrow, second by Trustee Bill Riley to approve to extend the meeting time by ten minutes.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

35. Sunshine of a Proposed Contract Revision for the Inclusion of Short-term Employees to the Memorandum of Understanding by the International Union of Operating Engineers Local 39 to the Peralta Community Colleges District Presenter: Vice Chancellor Largent Pursuant to Article 29 of the Collective Bargaining Agreement and the Educational Employment Relations, Section 3575, the International Union of Operating Engineers (IUOE) Local 39 gives public notice of its proposed contract revision regarding the inclusion of short-term employees to the Memorandum of Understanding (MOU). In order to satisfy the Sunshine requirements the Union wishes to open and negotiate the following articles of the MOU: 1) Article 26, Pay and Allowances. The Union will propose fair and equitable wage increases for all short-term employees; and 2) Article 24, Health and Welfare Benefits. The Union will propose fair and equitable benefits for all short-term employees. All Board recommended contracts are subject to negotiation and execution by the Chancellor.

[Background Materials](#)

[Background Materials](#)

36. Consider Approval and Ratification 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 approved the first list of names under his authority during Board recess, so it now returns to the Board for ratification. The second list requires Board approval. The Chancellor recommends approval. Requires Board Ratification: Requires Board Ratification:
- | Last Name | First Name | Date of Hire | End Date | Position Title | Site | |
|-------------------------|------------|--------------|----------|--|-----------------------------|---|
| Chong | Micah | 8/20/12 | 6/30/13 | Instructional Assistant/Machine Technology | L | |
| Glasscock | Brian | 8/20/12 | 6/30/13 | Stage and Production Assistant | L | |
| Guessoum | Hayat | 8/15/12 | 10/12/12 | Clerical Assistant II | L | |
| Holt | Audrey | 8/20/12 | 6/30/13 | Instructional Assistant/Biomedical Engineering | L | |
| Huynh | Hue | 8/17/12 | 6/30/13 | Clerical Assistant II | B | |
| Lehman | Michi | 8/20/12 | 6/30/13 | Lifeguard | L | |
| Lyons | Jeffrey | 8/20/12 | 6/30/13 | Instructional Assistant/Machine Technology | L | |
| Roisen | Kathi | 8/20/12 | 6/30/13 | Instructional Assistant/Basic Skills | Rojas | |
| Liliana | | 8/17/12 | 6/30/13 | Clerical Assistant II | Roriz | |
| Julia | | 8/20/12 | 6/30/13 | Lifeguard | L | |
| Sammel | Chelsea | 8/17/12 | 6/30/13 | Instructional Assistant/Welding | L | |
| Tran | Kevin | 9/4/12 | 12/21/12 | Senior Clerical Assistant/Typing | A | |
| Requires Board Approval | | | | | | |
| Last Name | First Name | Date of Hire | End Date | Position Title | Site | |
| Fauerskov | Helle | 9/12/12 | 6/30/13 | Interpreter, Fully Certified | All | |
| Glaim | Darleen | 9/12/12 | 6/30/13 | Interpreter III | All | |
| Harper | Virginia | 9/12/12 | 6/30/13 | Staff Assistant/Admin (Grants) | M | |
| Harshaw | Dolores | 10/1/12 | 12/14/12 | Instructional Assistant I/DSPS | B | |
| Hedberg | Sheri | 9/12/12 | 6/30/13 | Instructional Assistant II/DSPS | A | |
| Hernandez | Alegria | 9/12/12 | 12/12/12 | Instructional Assistant/ADN Program Skills Lab | M | |
| Ingle | Harris | 9/12/12 | 6/30/13 | Science Lab Tech/Bio | Science | |
| Lee | Tammy | 9/17/12 | 6/30/13 | Senior Clerical Assistant | A | |
| Ly | Mai | 10/1/12 | 6/30/13 | Account Clerk I | L | |
| Nelson | Ronald | 10/15/12 | 6/30/13 | Instructional Assistant III/DSPS | M | |
| Rehman | Uzma | 9/12/12 | 12/14/12 | Instructional Assistant III/DSPS | B | |
| Rippberger | Bonnie | 9/12/12 | 12/14/12 | Instructional Assistant/Child Development | M | |
| Thaxton | II | Levon | 9/12/12 | 12/14/12 | Instructional Assistant/EMT | M |
| Ward | James | 9/12/12 | 6/30/13 | Instructional Assistant/Math | B | |

Item 36 has additional names for approval, as read into the agenda under agenda approval:

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Herrera	Catalina	9/12/12	6/30/13	Staff Assistant/Admin (Grants)	B
Johnson	Patricia	9/12/12	12/14/12	Clerical Assistant	I L
Page	Carolyn	9/13/12	6/30/13	Staff Services Specialist/Employee Relations	D
Whisenton	Ericka	9/12/12	12/14/12	Clerical Assistant	I L

FACILITIES

37. Consider Ratification of Contract Award, District-Wide Drinking Fountain Project (Bid No. 11-12/24), JUV Inc. Presenter: Vice Chancellor Ikharo Ratification is requested of the contract award to JUV Inc. for the District-Wide Drinking Fountain Project (Bid No. 11-12/24), in the amount of \$483,700. Funding Source: Bond Measures A and E. The project replaces 35 drinking fountains on 4 campuses, using the District standard of Haws Hi/Low drinking fountains and El Kay Bi-Level drinking fountains with bottle filling stations. The scope of work includes: Provide and install 16 exterior and 19 interior replacement drinking fountains in new or existing locations Provide and install stainless steel ADA compliant handrails at each location as designed on the drawings Remove and dispose of existing drinking fountain fixtures Modify piping and install new ADA compliant drinking fountains with bottle fillers Modify existing, or extend from existing nearest available source as required to provide power to drinking fountains Provide structural backing and modification to existing wall framing to support wall-hung drinking fountains Construct metal stud framing with structural backing and gypsum board finish furred walls at existing concrete walls to support wall-hung drinking fountains Concrete saw cutting/trenching and repair where necessary to extend plumbing and electrical utilities A formal Request for Bids (Bid No. 11-12/24) was conducted for this project, and a bid opening was held on July 30, 2012. Five (5) bids were received, as follows: CONTRACTOR LOCATION TOTAL BID JUV Inc. Oakland, CA \$483,700 BHM Construction, Inc. Vallejo, CA \$490,700 Calstate Construction, Inc. Oakland, CA \$549,600 Bay Construction Co. Oakland, CA \$673,000 Rodan Builders, Inc. Burlingame, CA \$696,000 The lowest responsible and responsive bid was submitted by JUV Inc., in the amount of \$483,700. The contract award was approved by the Chancellor during the Board recess, permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This was necessary so that the work could commence during the Board recess period, allowing the project construction to begin on schedule and provide chilled drinking water bottle fillers to each campus. Board ratification of the contract award is now requested. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Materials](#)

[Background Materials](#)

38. Consider Ratification of Contract Award, Electrical Connection to Building - L at Merritt College (Bid No. 11-12/22), Dan Electric Presenter: Vice Chancellor Ikharo Ratification is requested of the contract award to Dan Electric for the Electrical Connection to Building - L at Merritt College (Bid No. 11-12/22), in the amount of \$1,000,000. Funding Source: Bond Measure A. The project consists of the alteration of electrical infrastructure for service to the renovated Building L (Library/Learning Resource Center) and the future Merritt College Science and Allied Health Building. The scope of work includes: Provide and install underground conduit and cabling to provide electrical power to Building L, and provide and install conduit pathways and pullboxes for future service to the upcoming Merritt College

Science and Allied Health Building. Provide and install manholes and switches for medium voltage distribution. Provide and install Unit Substation E for electrical service to Building L, including support structure, security/sight wall with access and lighting, high voltage section, transformer and low voltage distribution section. Provide an underground electrical and telecommunications survey to include underground locator services that will document existing active electrical and telecom services and distribution within the areas of work and as shown on the contract drawings. Provide marked-up site plan to engineer showing locations of all electrical and telecom duct banks in designated area and identifying service of each duct bank (electrical or telecom). Work includes extensive trenching and earthwork for the installation of duct banks, manholes, foundations and equipment pads. Site conditions are considered extremely rocky, and trenching/digging operations were considered and priced accordingly. A formal Request for Bids (Bid No. 11-12/22) was conducted for this project, and a bid opening was held on July 9, 2012. Three (3) bids were received, as follows: CONTRACTOR LOCATION TOTAL BID Dan Electric San Leandro, CA \$1,000,000 Steiny and Company Vallejo, CA \$1,142,000 Central Sierra Electrical Jackson, CA \$1,196,242 The lowest responsible and responsive bid was submitted by Dan Electric, in the amount of \$1,000,000. The contract award was approved by the Chancellor during the Board recess, permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This was necessary so that the work could commence during the Board recess period, allowing the project construction to begin on schedule and not impact the work to be performed on the renovated existing Library/Learning Resource Center and new Science Building on the Merritt College campus. Board ratification of the contract award is now requested. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Materials](#)

[Background Materials](#)

39. Consider Ratification of Change Order No. 6, Laney Tower Modernization Project, AJF/BHM, A Joint Venture Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 6 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, in the amount of \$70,012. Including the previously Board approved Change Orders No. 1, 2, 3, 4 and 5, the cumulative change order total to date is \$370,068, which is 9.3% of the original contract amount of \$3,997,351. Funding Source: Bond Measure A. The change order items are primarily due to the following reasons: Division of the State Architect (DSA) requests to ensure code compliance required the addition of added smoke dampers The result of architect/engineer omissions requiring the installation of additional light fixtures, control valves, filler racks and condensate pumps Owner request for the deletion of window film from a number of windows, resulting in a deduction to the contract price of (\$43,000) In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 6 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Materials](#)

[Background Materials](#)

40. Consider Approval of Change Order No. 3, District-Wide Security and Safety Camera Project,

Increment 2 (Cameras, Servers & Infrastructure), Central Sierra Electric Company Inc. Presenter: Vice Chancellor Ikharo Approval is requested for Change Order No. 3 to the contract with Central Sierra Electric Company Inc. for the District-Wide Security and Safety Camera Project, Increment 2 (Cameras, Servers & Infrastructure). This change order provides for a time extension of 87 days, at no cost. Funding Source (for the project): Bond Measures E (30%) and Measure A (70%). The time extension is necessary for the installation of the AT&T GigaMAN loop required for the final uplink and connections for the surveillance system integration. Additional time required by AT&T is approximately nine (9) weeks for the service to be installed and tested prior to final uplink and integrations to the Peralta's (Sheriff) Police Command Center and security and safety cameras. Previously Board approved Change Order Nos. 1 and 2 total \$211,759.47, which is 4.0% of the original contract amount (\$5,282,849.00). This Change Order No. 3 is at no cost and will not change the total contract amount. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

41. Consider Approval of Amendment No. 1 to Agreement with Anthonio, Inc. for DSA Certified Inspection Services for the District-Wide Security and Safety Camera Project Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the agreement with Anthonio, Inc. for DSA (Division of the State Architect) certified inspection services for the District-Wide Security and Safety Camera Project, in the not-to-exceed amount of \$26,625. Funding Source: Bond Measures E (30%) and Measure A (70%). This amendment is required because the project schedule was extended to November 9, 2012, due to the six-week schedule delay for the installation of the AT&T GigaMAN loop. Installation of the GigaMAN loop will require additional inspection services. The amendment also covers inspection services performed during weekends and nights to work around college class schedules. These additional services were not included in the original agreement. The original agreement with Anthonio, Inc. is dated July 18, 2011, in the amount of \$59,250. Including Amendment No. 1, the total amount of the agreement with Anthonio, Inc will be \$85,875. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

42. Consider Approval of Amendment No. 4 to Agreement with The Consulting Group (TCG) for District-Wide Security and Safety Camera Project Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 4 to the agreement for professional services with The Consulting Group (TCG) for the District-Wide Security and Safety Camera Project, in the amount of \$61,200. Funding Source: Bond Measure A. The increased fee is due to: Additional construction support of the project change orders Coordination and negotiation of the AT&T GigaMAN loop The project punch list Close-out documentation Training of the Sheriff's Command Center staff The above services are based on an extended project completion date of November 9, 2012, due to the six-week schedule delay for the installation of the AT&T GigaMAN connectivity loop. The remaining scope of work for TCG includes construction management support, contract administration, project acceptance and coordination of AT&T services between campus locations. The original agreement with TCG, in the amount of \$280,000, was approved at the Board meeting of May 20, 2008. The

original scope included design and preparation for the wireless security and safety camera system and construction management services during construction. Amendment No. 1, in the amount of \$309,046, was approved at the Board meeting of January 26, 2010. It included an increase of 119 additional cameras from the original contract and the addition of the design work required for the Police Services Control Center renovations. Amendment No. 2, in the amount of \$35,750, was approved at the Board meeting of January 18, 2011. It included the addition of security cameras for the Smart Classroom project and construction administration for that scope of work. Amendment No. 3, in the amount of \$180,177, was approved at the Board meeting of September 27, 2011. It included a major expansion of the bid and re-bid pre-qualification process, additional design work, and an increase in the project duration due to the smart classroom implementation. Including Amendment No. 4, the total amount of the agreement with The Consulting Group will be \$866,173. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

43. Consider Approval of Amendment No. 3 to the Agreement for Consulting Design Services with Carrier Johnson + Culture for the District-Wide Wayfinding and Room Identification Signs, Phase II Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 3 to the Agreement for Consulting Design Services with Carrier Johnson + Culture for the design of the District-Wide Wayfinding and Room Identification Signs, Phase II, in the amount of \$24,280. Funding Source: Bond Measure A. Under this amendment, Carrier Johnson + Culture will provide the additional design services for four (4) electronic media marquee signs to be located at College of Alameda, Laney College, Merritt College and Berkeley City College. The scope of work will include: Response to initial Division of the State Architect (DSA) review comments Bid support services Construction administration support services DSA close-out support services The original agreement, in the amount of \$98,000, was approved at the Board meeting of January 21, 2008. Amendment No. 1, in the amount of \$95,000, approved at the Board meeting of October 14, 2008, was necessary due to additional scope changes and design services at four campus locations. Amendment No. 2, in the amount of \$12,000, approved at the Board meeting of January 12, 2010, was necessary to provide structural calculations for the Berkeley City College sign installation and structural support design for the marquee signs at College of Alameda, Laney and Merritt Colleges. Including Amendment No. 3, the total amount of the agreement with Carrier Johnson + Culture will be \$229,280. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials](#)

44. Consider Approval of Amendment No. 1 to Independent Contractor/Consultant Services Contract with Inspection Services, Inc. for Testing and Inspection Services for the Photovoltaic (PV) System at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the independent contract with Inspection Services, Inc. (ISI) for Division of the State Architect (DSA) required testing and inspection services for the Photovoltaic (PV) System project at Merritt College, in the not-to-exceed amount of \$6,310. Funding Source: Bond Measure A. Independent Contractor/Consultant Services Contract 14117, in the not-to-exceed amount of \$9,728, was issued to ISI for special inspection and material testing services for the Photovoltaic System project. ISI based their original estimate in part on the anticipated use by the contractor of local metal fabricators. The actual metal

fabricator was located in Fresno, thus increasing the cost of materials testing and inspection services provided by ISI. The testing was performed December 9 and 10, 2011, but invoices were not received by the District until now and exceeded the balance remaining in the independent contract. Board approval of this amendment is required because the amount of the total purchase orders issued to ISI exceeds the annual threshold. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Material

34. Request Board Authorization to Increase Independent Contractor's Agreement for Professional Services for Renne, Sloan, Holtzman & Sakai, LLP. Presenter: Vice Chancellor Largent. District administration requests Board authorization to increase an existing professional services agreement with Renne Sloan Holtzman & Sakai, LLP for neutral fact finding reports and investigations for the Office of Human Resources and Employee Relations. The District is required by state and federal law to conduct fair, neutral, and impartial investigations into complaints of alleged discrimination and sexual harassment filed by employees and students. This firm does not provide legal services to the District. The current contract approaches its limit of \$25,000, therefore, the District requests an increase by an additional \$125,000 for a contract not to exceed \$150,000 limit for fiscal year ending June 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Material

(This item was moved to the Action Calendar by the Board.)

Speaker Conners shared that there is some history related to this item. Prior concerns were raised about the quality of the investigators, and incomplete reports. She felt that these investigations wouldn't be needed once a VC of HR was hired. She reviewed some information that had been provided in past years and past minutes. She is concerned about this large budget, and she would like to know the cost per case, and per hour. She asked why this work isn't done in-house, and asked for an accountability tool prior to spending these public funds.

Speaker Young has experienced the investigative processes here, and he feels the processes are never completed. He suggested we find another way to do the investigations, as they are mostly involve form letters that are not well done. He also thinks the work should be done in-house.

Trustee Handy shares the same concerns as the speakers. She's concerned that the work is increasing so much. She feels the position of VC of HR was created to eliminate expenses such as this, and she asked where the oversight is for the contractor. She feels the listed names the investigator was given were never contacted. Trustee Gonzalez Yuen asked how we could bring this work in-house. VC Largent shared that her office already has huge responsibilities. In 2011-12 there were 60 complaints, and some were handled in-house. We are legally required to conduct these investigations on a timeline. We did have a Director of HR position in the past. There are some cases where HR shouldn't do the investigation, where it should be outsourced. Trustee Withrow is more comfortable having an outsourced body conduct the investigation in an objective manner. Trustee Riley supports the administration's request to outsource this work in order to be as objective and fair as possible.

MOTION: Motion by Trustee Nicky Gonzalez Yuen, second by Trustee Bill Withrow to approve Agenda Item 34.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Marcie Hodge, and Trustee Cy Gulassa.
NOES: Trustee Abel Guillen, Trustee Linda Handy, and Trustee Nicky Gonzalez Yuen.
ABSTAIN: None
ABSENT: None

The motion passed.

Announcements

1. The next regular Board meeting will be held on September 25th on the road in Berkeley at the Himalayan Flavors 1585 University Ave, with a public reception from 6-7 p.m. with information posted on the Peralta Board website. 2. The Board is planning a special retreat for the weekend of October 26 – 27 with further details to follow. 3. The Board welcomes back our students to the Fall semester, and wishes everyone a Happy Fall, and a Happy upcoming Jewish New Year. 4. The Board remembers 9/11. The Board extends sympathy to the family and friends of Loretta Hernandez, long-time and beloved Laney instructor and counselor. Thank you for closing the meeting with a moment of silence in her memory.

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.

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