



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, September 24, 2013

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street

Oakland, CA 94606

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

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

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

AGENDA

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

CLOSED SESSION (5:00 p.m.)

Topics to be discussed include:

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

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

- Conference with Legal Counsel (54956.9(a)), 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)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA, Case No. CV12-5943.
- Conference with Legal Counsel (54956.9(a)), Chop v. Peralta Community College District, etc., Case No. RG13681249.
- Conference with Legal Counsel (54956.9(a)), Emmanuel Tril v. Laney College et al., U.S. District Court, Northern District of CA, Case No. C131464 LB
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases).

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

- Director of Gateway to College, Laney College.
- Interim Director of Financial Aid.
- Consider Student Disciplinary Appeal, Sakai Bonds.

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_.

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

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

APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board may move to the Action Calendar items with public speakers.

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

1. Consider Approval of the Regular Board meeting Minutes of July 16, 2013 and September 10, 2013. Consider approval of the regular Board meeting minutes of July 16, 2013 and September 10, 2013. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:05 P.M.)

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

REPORTS (7:20 P.M.)

The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting. All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.

2. Associated Student Government Reports

Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. (Please provide your Name, College, and Position, and line-up to speak.)

3. Chancellor's Reports

Chancellor's Report

Dr. José M. Ortiz

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment and

Vice Chancellor Orkin (5 minutes)

Student Services Update

General Services

Vice Chancellor Ikharo

Human Resources

Vice Chancellor Largent

College Reports

Berkeley City College	President Budd
College of Alameda	Interim President Gravenberg
Laney College	President Webb
Merritt College	President Ambriz-Galaviz

4. Board of Trustees' Reports

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

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

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

6. Consider Approval of Resolution 13/14-21, Excusing Trustee Absence **Presenter: Trustee Gulassa**

It is recommended that Trustees approve Resolution 13/14-21 excusing Trustee Withrow from the September 10, 2013 Board meeting due to illness. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

7. Consider Approval of a Contract Extension with Oakland Community Acupuncture for PCCD **Presenter: Vice Chancellor Orkin**

Consider approval of a contract extension with Oakland Community Acupuncture (OCA) from July 1, 2013 through May 23, 2014 not to exceed \$26,400 for PCCD. OCA has been providing acupuncture and massage since November 2011 for our students. Services will be expanded this year to Berkeley City College, and College of Alameda, as well as increase hours at Merritt and Laney Colleges. All Board approved contracts

are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Student Health Fees.**

8. Consider Approval of a Contract between PCCD and LifeLong Medical Care: for Merritt College Mental Health Services **Presenter: Vice Chancellor Orkin**

Consider approval of a contract between PCCD and LifeLong Medical Care from October 1, 2013 through September 30, 2014 not to exceed \$50,000. A mental health counselor for LifeLong Medical Care will provide mental health counseling for students at Merritt College. Services will be part-time; Number of hours not to exceed dollar amount of contract. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Student Health Fees.**

FINANCIAL SERVICES

9. Consider approval of a Contract for Parking Concepts Inc. in the amount of \$250,000.00. **Presenter: President Budd**

Berkeley City College is housed in a single building that does not allow for parking. Parking Concepts Inc. is a privately owned facility that will provide daily parking for faculty, staff and visiting PCCD employees. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Unrestricted General Fund.**

10. Review of Purchase Order Report **Presenter: Vice Chancellor Gerhard**

The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the Board of Trustees every 60 days." This Purchase Order Report contains all orders issued from August 24, 2013 through September 6, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

11. Consider *Ratification* of the AP, Travel, and Consulting Contract Warrant Register **Presenter: Vice Chancellor Gerhard**

Consider *ratification* of the AP, Travel, and Consulting Contract Warrant Register from August 24, 2013 through September 6, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

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

Consider approval of budget transfer report covering the period from August 24, 2013 through September 6, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 10, 2013. The Chancellor recommends approval.

13. Consider Approval to Purchase Server from HP, and Storage Infrastructure from Netapp, and Software from VMware for the Student Financial Aid and Electronic Content Management Projects **Presenter: Vice Chancellor Gerhard**

Approval is requested to purchase server and storage infrastructure and services for Student Financial Aid and Electronic Content Management Projects from CDW-G using piggyback-able contracts Western States Contracting Alliance (WSCA) and (National Joint Powers Alliance) NJPA in the not-to-exceed amount of \$244,797.80.

These projects are Priority A projects under the "Back Office Efficiency" section of the IT Strategy:

Project 3.7 of the District's *Information Technology Strategy*, Student Financial Aid System, calls for the implementation of PeopleSoft Financial Aid module to increase efficiency of operations and reduce operating costs.

Project 3.2 of the District's *Information Technology Strategy*, Document Management, calls for a document management scanning platform that can be used to reduce cost and increase efficiency in many areas including bond program documentation, purchasing, student transcript management, AP, and other areas that have a combination of electronic and manual notation.

The existing server and storage infrastructure and software licensing will not accommodate the increased demand of computing resources required by the Student Financial Aid and Electronic Content Management Projects. Therefore, new server, storage, and software licenses are needed to support this increase. A request for piggyback-able WSCA, NIPA, and NJPA contract quotes was conducted for these projects by CDW-G. The requirements were specified and a solution was presented utilizing the following manufacturers: HP and Cisco for servers; Netapp and EMC for storage; VMware for virtualization software. CDW-G met with the Information Technology Department and formulated the required equipment necessary to provide stable and effective support for the required functions of both the Student Financial Aid and Electronic Content Management Projects. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measures A and E.**

14. Consider Approval of the Contract Augmentation with ERP Analysts PeopleSoft Interface Redesign for Admission, Advising, and State Reporting **Presenter: Vice Chancellor Gerhard**

Consider approval of the contract augmentation with ERP Analysts to complete the redesign of the PeopleSoft interfaces between CCC Student Admissions Application, State MIS Reporting, and Academic Advising. Approval of an augmentation in the amount of \$8,540 for a total of \$68,540 is being requested. The interface system redesign will aid in providing core matriculation services and improving student education planning support services.

ERP Analysts is an IT Professional Services firm specializing in PeopleSoft Implementation/Upgrade/Support consulting services. Since 1999, ERP has successfully assisted mid-size and large organizations with software implementations, IT staffing, business process management, and document and workflow management. ERP is certified as an Oracle Platinum Partner, Minority Owned Company, and Disadvantaged Business Enterprise. Mr. Srikanth Gaddam is the President of ERP Analysts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Unrestricted and Restricted General Funds.**

HUMAN RESOURCES

15. 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
Cisneros	Rebecca	9/25/13	5/23/14	Athletic Trainer/Equip Mgr	L
Davis	Alison	9/25/13	6/30/14	Library Technician I	B
Evans	Kevin	9/25/13	5/23/14	Inst Asst/P.E.	L
Fihe	Lauren	9/25/13	6/30/14	Inst Asst/English	B
Gonfa	Teferi	9/25/13	11/29/13	Inst Asst/Radiological Sci	M
Greene	Allison	9/25/13	6/30/14	Library Technician I	B
Ishii	Adena	9/25/13	6/30/14	Inst Asst/English	B
Kahil	Si Yazid	9/28/13	12/21/13	Inst Asst/Diesel Mechanics	A
Kaplan	Adina	9/25/13	6/30/14	Interpreter, Fully Certified	All
Lehman	Michi	9/25/13	6/30/14	Lifeguard	L
Luckett	Aaron	9/25/13	6/30/14	Inst Asst/English	B
Pankratz	Alex	9/25/13	12/13/13	Lifeguard	L

Planell	Lindsay	9/25/13	6/30/14	Inst Asst/Biology	L
Stites	Sarah	9/25/13	6/30/14	Inst Asst/Multimedia	B
Stotler	Amber	9/25/13	11/29/13	Inst Asst/Radiological Sci	M
Tracy	Robert	9/25/13	6/30/14	Inst Asst/Biology	L
Turner	Teneya	9/25/13	1/10/14	Staff Asst/Admin (General)	D

16. Consider Approval of Request for faculty to Participate in Reduce Workload Program. **Presenter: Vice Chancellor Largent**

Recommendation to approve a request from Becky Sanchez, a full-time faculty member at College of Alameda, DSP&S Counselor, to participate in the Reduced Workload Program, also known as the “Willie Brown Act,” in accordance with California Education Code Section 87483, and Article 27 of the Collective Bargaining Agreement between the District and the Peralta Federation of Teachers, beginning January 21, 2014, through May 23, 2014, to be served as follows:

67% for Spring 2014 Semester

Ms. Sanchez meets the requirements to participate in the Reduced Workload Program.

Chancellor Ortiz recommends approval.

FACILITIES

17. Consider a Request to Extend Existing Contracts for Securitas Security Services USA, Inc. (Securitas) and American Guard Services to Provide District-Wide Security Services on an On-Going Month-to-Month Basis **Presenter: Vice Chancellor Ikharo**

Approval is requested to extend existing contracts for Securitas Security Services USA, Inc. (Securitas) and American Guard Services to provide District-wide security services on an on-going month-to-month basis, starting October 1, 2013. Both security service contracts will end when the Chancellor and the governing Board of Trustees make final approval on the current Request of Proposal (RFP No. 12-13/19). This request for District-wide security services is critical because current contracts with Securitas and American Guard Services will end September 30, 2013 and existing security services cannot be disrupted.

Previously, on June 25, 2013, the Board of Trustees approved an extension of existing contracts for both firms to continue their services on a month-to-month basis for the period from July 1, 2013 to September 30, 2013. Securitas is a California corporation located in Oakland, California. The business is managed by Geoff White (Branch Manager). Also, American Guard Services is a California corporation and their corporate office is located in Carson, California; the business is managed by Alan Stone (Operational Manager). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: General Fund.**

18. Consider an Approval to Enter into a Contract Award for the College of Alameda Cougar Village Expansion Modular Bid Submittal Package, Increment1 (Bid No. 12-13/17), Mobile Modular Inc. **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a Contract Award for College of Alameda Cougar Village Expansion Modular Bid Submittal Package, Increment 1 with Mobile Modular Inc. for the lease and construction of portable modular buildings, in the amount not-to-exceed \$1,688,947. The District already owns a number of portable buildings in the Cougar Village complex. However, the existing Cougar village portables only meet one-third of the needed space requirements. In addition to the existing spaces, an additional fifteen (15) portable buildings are required. This Cougar Village Expansion Package is needed to provide appropriate interim housing, (Swing Space) for the educational programs. This interim housing is for classrooms, faculty and staff offices that will be displaced during the construction of the new Buildings C and D project. Mobile Modular Inc. will construct and lease the buildings to the District at a cost of \$1,688,947 for a period of three (3) years. The recommendation to lease these portable modular buildings instead of outright purchase, (Ownership), is to reduce the overall projects construction cost as these recent acquisitions are a temporary phenomenon to meet a short term need. The firm will pay their employees prevailing wage as required by the California Department of Industrial Relation's regulations. The anticipated completion date for this service is June 2014. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Fund.**

19. Consider Approval to Enter into an Agreement with Noll and Tam Architects and Planners to Provide Architectural Design Services for the Laney College Breezeways-Drainage and Pavement Project **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Noll and Tam Architects to provide architectural design services for the Laney College Breezeway – Drainage and Paving Refurbishment Project. In addition, Noll and Tam will serve as the Architect of Record with the Division of the State Architect (DSA) all for the not-to-exceed fee of \$118,864.

Under this agreement, Noll and Tam will provide a topographical survey, construction documents, technical specifications required for public bidding, and a cost estimate at 95% completion of the construction documents. Design work will begin immediately after receiving approval from the Chancellor and the Governing Board of Trustees. The construction work is anticipated to begin while Laney College is on their 2013-2014 Winter-break. Construction work will begin in December 2013 and is estimated to be completed by the third week of January 2014.

Noll and Tam was selected from the previously approved short list of architects authorized by the Board to do business with the District. Chris Noll, Janet Tam, Meredith Marschak, Bonnie Blake-Drucker, and Norma Ochoa are the principals at Noll and Tam. Chris Noll will oversee the proposed work for the Laney College Breezeway –

Drainage and Paving Refurbishment Project. Recently, this firm assisted the District with submitting Initial Project Plans (IPPs) and Final Project Plan (FPPs) successfully to California State Chancellor's Office. The anticipated completion date is January 17, 2014. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Redevelopment Funding for Capital Projects.**

20. Consider Approval to Enter into an Agreement with Benchmark Inspections for Division of the State Architect, (DSA) Certified Inspection Services for the College of Alameda Cougar Village Expansion Modular Bid Submittal Package 1 & 2 (Bid No. 13-14/02) **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Benchmark Inspections for Division of the State Architect,(DSA) certified inspection services for the College of Alameda Cougar Village Expansion Modular Bid Submittal Package 1 & 2, in a total amount not-to-exceed \$64,350. The Cougar Village Expansion Package is needed to provide appropriate interim housing, (Swing Space) for the educational programs. This interim housing is for classrooms, faculty and staff offices that will be displaced during the construction of the new Buildings C and D project. Under provisions of the California Code of Regulations and the Education Code, the State of California Division of the State Architect (DSA) reviews plans and oversees construction projects for community college districts to ensure that plans, specifications and construction comply with the State Building Code (Title 24) and accessibility regulations. For each project subject to DSA review, a qualified and certified inspector must be hired by the District and approved by DSA. Benchmark Inspections is a DSA certified inspector. Benchmark Inspections will bill for services at a total amount not-to-exceed \$64,350.00 for this service. The anticipated completion date of this service is June 2014. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

21. Consider Approval of Amendment No. 1 to the Agreement for Construction Services with FieldTurf for the Laney College Football Field Refurbishment Project (RFP No. 13-14/04) **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the agreement for construction services with FieldTurf for the Laney College Football Field Refurbishment Project (RFP No. 13-14/04), in the amount not-to-exceed \$64,500. On July 16, 2013, the governing Board of Trustees approved for the District to enter into an agreement with FieldTurf (RFP No. 13-14/04), in the amount of \$814,105. However, staff negotiated a lower amount of \$697,311 with FieldTurf's agreement based on selected construction items outlined in the original bid form. Additional services for drainage pipe replacement are needed as the existing pipes have deteriorated. The existing drain pipes need to be replaced so that the drainage system can function properly to handle surface and sub-surface water from the surrounding area. The firm will perform additional services under the terms and conditions of the original Agreement. Including this Amendment No. 1, the total contract amount is **\$761,811.00.**

(Bid Alternates Laney College)

A3. Perimeter Drain Pipe	\$56,437.50
A4. Perimeter Drain Pipe Fittings	\$2,150.00
A5. Perimeter Drain Pipe Conditions	\$5,912.50
TOTAL:	\$64,500.00

Prices of bid alternatives were included in the original bid form. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure E Bond Funds.**

22. Consider Approval to Enter into an Agreement with Mondo USA, Inc. (Mondo) to Mitigate the Deterioration of District-wide Tracks at Laney College, College of Alameda and Merritt College Presenter: Vice Chancellor Ikharo

Approval is requested to enter into an agreement with Mondo USA, Inc. to mitigate the deterioration of district-wide tracks at Laney College, College of Alameda and Merritt College, in the amount not-to-exceed \$1,400,000. This agreement is an exception to competitive bidding that is allowable pursuant to Shore v. Central Contra Costa Sanitary District (1962) 208 Cal.App.2d 465 and Graydon v. Pasadena Development Agency (1980) 104 Cal.App.3d 631. The District and Mondo entered into mediation, since all three tracks in the District suffered a production defect because Mondo used a red dye (a non-Mondo product), which when mixed with the Mondo surface material created a chemical reaction that was deleterious to the tracks. This reaction caused the untimely deterioration of all track surfaces. The premature deterioration consisting of brittleness, dryness, and substantial chipping of the surface layers occurred within the Mondo five-year warranty period. Additionally the defect affected the college's track and training program and caused a complete alteration of the college's training program. Peralta and Mondo mediated the dispute and reached the following agreement effective September 24, 2013, subject to the approval of the Chancellor and Board of Trustees. Under the Settlement Agreement and Mutual General Release, Mondo's scope of work shall include but is not limited to the following: Removal of the existing track surface, and manufacture, supply and install a new track surface, track and field line and event marking using a minimum 13.5 mm thick Super-X Performance track surfacing system with hexagonal backing. Installation shall be performed by expert specialized proprietary certified installers assisted by general laborers. Removal and disposal of the existing track surfacing and preparation/leveling of the exposed asphalt base suitable to receive the new track surfacing. All asphalt slabs to receive track surfacing must be installed, on a minimum 12-mil polyethylene moisture barrier membrane, in accordance with accepted industry standards to protect the asphalt from infiltration of water from the sub-grade. Install a topical moisture reduction barrier (TMRB) to protect the asphalt from infiltration of water from natural or artificial causes. Use Aquafin Vaportight Coat SG2 applied at a rate of 160 sq. ft. per 2.1 gallon kit. Commence resurfacing work on the tracks by Mondo as soon as possible. The critical path for the work at each school is four weeks. The track resurfacing project for each school, including the track and field line and event marking, shall be completed no later than the dates stipulated in the agreement. Comply with all applicable California project labor agreement (PLA) and prevailing wage requirements. Mondo's standard

limited/specified warranty conditions, five years on the synthetic surface and one year on the line markings, will be extended to ten years on the synthetic surface at all three colleges. Mondo U.S.A. Inc. was incorporated in 1989 and is based in Conshohocken, Pennsylvania. Federico Stroppiana is the president of the corporation. Mondo will commence the track resurfacing work as soon as possible and the critical path for work at each college is four weeks. The track resurfacing project for each college, including the track and field line and event parking, shall be complete by the following dates: Colleges Completion Dates Merritt College October 30, 2013 Laney College November 27, 2013 College of Alameda January 9, 2014 with the flexibility to extend to April 1, 2014 due to weather interferences. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Funding Source: Measure A.

23. Consider Approval to Enter into an Agreement with Gale Associates, Inc. to Provide Engineering, Design and Construction Specification for Waterproofing and Water Intrusion Remediation at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Gale Associates Inc. to provide engineering, design, construction specifications for waterproofing and water intrusion remediation at Laney College, for the amount not-to-exceed \$99,500. Under this agreement, Gale Associates Inc. will provide engineering, design, construction specification for waterproofing and water intrusion that will be utilized for the purpose of public bidding. Design work will begin immediately after receiving approval from the Chancellor and the Governing Board of Trustees.

On September 3, 2013, an informal request for proposal was issued to five (5) engineering firms and Gale Associates Inc. was selected because they received the highest score of 172 points. The firm specializes in forensic building design. Gale Associates utilizes state of the art equipment to properly diagnose facilities with moisture and water infiltration issues. The firm's ownership consists of Edward Madden and John Lindberg, the two main principals; Alan Burnett and James Saizan are associates. The company project experience includes Santa Clara Unified School District, Stanford University, University of San Francisco and Virginia Tech just to name a few. The anticipated completion date is November 1, 2013. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

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.

1. Consider Approval of the Tentative Agreement between the District and SEIU 1021 Permanent Employees. **Presenter: Vice Chancellor Largent**

Recommendation to approve the 2012-2015 Successor Agreement contract re-opens Tentative Agreement between the District and SEIU Local 1021. Permanent Employees.

On Sept 11, 2013, the District and SEIU 1021 reached a Tentative Agreement on contract re-opens for the 2012-2015 Successor Agreement for Permanent Employees.

On September 18, 2013, Employees of SEIU Local 1021 voted to ratify the Tentative Agreement, as follows:

**THE PERALTA COMMUNITY COLLEGE DISTRICT and
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021**

**Permanent Employees Contract
Tentative Agreement on Re-openers for Successor Agreement
For the period July 1, 2012 through June 30, 2015**

The Peralta Community College District ("District") and the Service Employees International Union Local 1021 (Union) have met in good faith and hereby agree to the following:

Article 5 Evaluation Procedures:

Article 5.1 (c) (Addition)

The unit member has the right to submit a rebuttal to an annual evaluation within ten (10) working days.

Article 5 (c) (Amended language)

For permanent employees, the evaluation shall occur annually during the month in which the employee attains permanency in his or her present position, but no later than 30 working days thereafter.

Article 5.1 (d)

For permanent employees returning from a leave, and where the unit member's annual evaluation was to take place while they were on leave, the first-level manager will have the right to conduct the annual evaluation no sooner than thirty (30) working days and within sixty (60) working days after the unit member's return.

For unit members returning from leave and who return after their anniversary/evaluation date, the unit member can only be evaluated for the time worked during the evaluation period in the previous year.

In the event that the unit member was supervised by more than one first-level manager during their evaluation period due to organizational changes or extenuating circumstances, the evaluation shall contain a statement explaining the division of time between first-level managers included in the evaluation. Each first level manager's evaluation shall be limited to the time they supervised the unit member.

Article 5.2

For permanent employees, where there are performance deficiencies by a unit member, the first-level manager shall provide the employee with a written notice of the deficiencies. A reasonable period of remediation shall be granted before the annual performance evaluation is given and the unit member shall make a reasonable effort to improve their performance in accordance with the performance improvement plan.

If a performance deficiency is noted by a first-level manager, it shall be brought to the unit member's attention in a specific manner, so as to give the unit member a clear notice of the problem. The first-level manager shall offer suggestions for improvement, may offer training opportunities for improvement, and shall do so in writing. The unit member will then be given a reasonable opportunity to correct the problem before any further action is taken against him/her.

When a deficiency is satisfactorily corrected, the unit member shall be so informed in writing. It shall be presumed that the unit member's performance continues to be satisfactory, unless the unit member has been otherwise notified in writing of less than satisfactory performance and/or a need to improve.

For the purpose of this Article, the term "performance deficiencies" does not include circumstances involving potential workplace violence or alleged violation of the District's Unlawful Discrimination and Sexual Harassment Complaint and Investigation Procedures for Employees and Students.

Unit members have the right to rebut a performance improvement plan and submit it to Human Resources within ten (10) working days after receipt of the plan.

Article 10.2 Pay Rates:

- A. The District will provide SEIU Local 1021 the equivalent of a 3% across-the-board salary increase effective July 1, 2013, on the permanent employees' Salary Schedule for fiscal year 2013-2014, only for employees employed with the District on or after July 1, 2013.

- B. In addition, for fiscal year 2013-2014, the District will provide SEIU Local 1021 a one-time sum of the equivalent of 1% of prior year (2012-2013) PERS earned wages credit. This credit is off the salary schedule and will be used by SEIU to partially offset anticipated Delta Dental employee costs in 2013-2014.

Me too Clause

If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of SEIU Local 1021 the same salary increase paid to other employee groups.

Fiscal Year 2014-2015

Re-opener on the allocation of COLA as identified and funded by the State for Fiscal Year 2014-2015, and any Restoration funding from the State for Fiscal Year 2014-2015.

New Article 10.8 (a) Desk Audits/Classification Studies:

The unit member has the right to submit a desk audit/classification review request to the District's Human Resources department. The unit member shall submit the Desk Audit form to their first-level manager for acknowledgement purposes only. The first-level manager has ten (10) days to sign the form and forward it to Human Resources, and may include any comments he or she believes to be relevant. It is Human Resources' responsibility to notify the employee, first-level manager, and the Union of the desk audit/classification review results.

The District's Human Resources department shall complete a desk audit/classification review within ninety (90) days after submission by the unit member, unless an extension is mutually agreed on by the Union and District.

Article 11 Health & Welfare Benefits:

Dental Plan – District's Maximum Contribution

The District's maximum contribution for dental expense shall be based on premium cost for United Healthcare (UHC) Dental family rate for the duration of this agreement. The SEIU Local 1021 members shall pay the cost for Delta Dental as follows:

- A. For Fiscal Year 2013-14:
 - a. The credit as described in Article 10.2 Pay Rate (Section B); and
 - b. Employees shall contribute 12 hours and 15 minutes of unpaid hours ("absent from work" as defined by CalPERS) that will be taken by Union members as follows: 4 hours and 15 minutes in October, 2013, and 8 hours in June 2014.

For 2014-2015, the existing language in the 2012-2015 Successor Agreement remains unchanged regarding dental costs.

Article 18.3 Notification Rights:

Permanent classified employees affected by layoff shall be notified by certified mail at the last known address no less than 60 calendar days from the date of postmark of the certified letter. All notices of layoff shall be issued to the Union simultaneously with notice to the affected employee. Any layoff notices sent to the Union shall include an up-to-date District-wide seniority list and a list of all vacancies authorized for filling.

Article 20.1 District Compliance (New Language)

The District shall create a District-wide working environment free from hostility and intimidation pursuant to Board Policy 7380 and Administrative Procedure 7380: Ethics, Civility and Mutual Respect, or any subsequent related policy approved by the Board of Trustees.

Article 21.3.3 Level III Grievance Procedures (New Language):

- **Chancellor's Review:**
If the grievant is not satisfied with the results of his/her grievance at Level II, he/she may continue to Level III. The grievant shall fill out and file Level III of the Grievance Form with the Chancellor or his or her designee within ten (10) days of the written response by the grievant's first level manager.
- The Chancellor or his/her designee shall provide his/her response in writing to the grievant and College President, or appropriate District Vice Chancellor, within ten (10) days.

New Article 21:3.4 Level IV Mediation:

- A. It is the understanding of the District and the Union that the State Mediation and Conciliation Service (SMCS) is at no cost. In the event the SMCS charges for these services in the future, the District and the Union will share the cost equally.
- B. If there is no mutual agreement for mediation between the District and the Union within 15 days of the Level III decision, the District or the Union may proceed to Level V, Binding Arbitration.

21.3.5 Level V Binding Arbitration:

- Existing contract language remains the same regarding Binding Arbitration.

Chancellor Ortiz recommends approval.

2. Consider Approval of the Tentative Agreement between the District and SEIU 1021 Short-term (Hourly) Employees. **Presenter: Vice Chancellor Largent**

Recommendation to approve the 2012-2015 Successor Agreement contract re-opens Tentative Agreement between the District and SEIU Local 1021 for Short-term (Hourly) Employees.

On Sept 11, 2013, the District and SEIU 1021 reached a Tentative Agreement on contract re-openers for the 2012-2015 Successor Agreement for Short-term (Hourly) Employees.

On September 18, 2013, Employees of SEIU Local 1021 voted to ratify the Tentative Agreement, as follows:

**THE PERALTA COMMUNITY COLLEGE DISTRICT and
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021**

**Short-term (Hourly) Employees Contract
Tentative Agreement on Re-openers for Successor Agreement
For the period July 1, 2012 through June 30, 2015**

Article 9.2 Pay Rates

- A. The District will provide SEIU 1021 the equivalent of a 3% across-the-board salary increase effective July 1, 2013, on the short-term (hourly) employees' Salary Schedule for fiscal year 2013-2014.
- B. In addition, for fiscal year 2013-2014, and effective July 1, 2013, the District will provide SEIU 1021 the equivalent of a 1% one-time only, off the salary schedule payment of prior year (2012-2013) regular earnings for short-term (hourly) employees who are employed with the District on or before August 19, 2013.

Me too Clause

If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of SEIU Local 1021 the same salary increase paid to other employee groups.

Fiscal Year 2014-2015

Re-opener on the allocation of COLA as identified and funded by the State for Fiscal Year 2014-2015, and any Restoration funding from the State for 2014-2015.

Article 13.1 District Compliance (New Language)

The District shall create a District-wide working environment free from hostility and intimidation pursuant to Board Policy 7380 and Administrative Procedure 7380: Ethics, Civility and Mutual Respect, or any subsequent related policy approved by the Board of Trustees.

Article 14.1 Grievance Procedures (New Language)

- **Chancellor's Review:**
If the grievant is not satisfied with the results of his/her grievance at Level II, he/she may continue to Level III. The grievant shall fill out and file Level III of the Grievance Form with the Chancellor or his or her designee within ten (10) days of the written response by the grievant's first level manager.
- The Chancellor or his/her designee shall provide his/her response in writing to the grievant and College President, or appropriate District Vice Chancellor, within ten (10) days.

New Article 21:3.4 Level IV Mediation:

- A. It is the understanding of the District and the Union that the State Mediation and Conciliation Service (SMCS) is at no cost. In the event the SMCS charges for these services in the future, the District and the Union will share the cost equally.
- B. If there is no mutual agreement for mediation between the District and the Union within 15 days of the Level III decision, the District or the Union may proceed to Level V, Binding Arbitration.

Chancellor Ortiz recommends approval.

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.