



Tuesday, November 27, 2018

BOARD RETREAT AGENDA

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 KGPC, 96.9FM, and Peralta TV on Cable Channel 27 in Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont and Channel 99 on AT&T U-Verse. 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 BoardDocs:

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

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

1. PUBLIC COMMENT ON CLOSED SESSION ITEMS

2. CLOSED SESSION

Subject

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

Meeting

Nov 27, 2018 - BOARD RETREAT AGENDA

Category

2. CLOSED SESSION

Access

Public

Type

Information

Subject

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

Meeting

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Category

2. CLOSED SESSION

Access

Public

Type

Information

- Conference with Legal Counsel (54956.9(a)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396.
- 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)), R. Young v. Peralta Community College District, Case No. 14-cv-05351-JD.
- Conference with Legal Counsel (54956.9(a)), Nunez et al. v. Peralta Community College District et al.; Case No. RG16827433
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (2 cases)

Subject

2.3 Public Employee Appointment (Government Code Section 54957)

Meeting

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Category

2. CLOSED SESSION

Access

Public

Type

Information

Subject

2.4 Public Employee Discipline/Dismissal/Release

Meeting

Nov 27, 2018 - BOARD RETREAT AGENDA

Category

2. CLOSED SESSION

Access

Public

Type

The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.

Subject

2.5 Public Employee Evaluation

Meeting

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Category

2. CLOSED SESSION

Access

Public

Type

The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.

- Chancellor

3. OPEN SESSION

Subject

3.1 Pledge of Allegiance

Meeting

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Category

3. OPEN SESSION

Access

Public

Type

Procedural

Subject

3.2 Roll Call

Meeting

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Category

3. OPEN SESSION

Access

Public

Type

Procedural

Subject

3.3 Report of Action Taken in Closed Session

Meeting

Nov 27, 2018 - BOARD RETREAT AGENDA

Category

3. OPEN SESSION

Access

Public

Type

Information

Subject

3.4 Public Communication

Meeting

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Category

3. OPEN SESSION

Access

Public

Type

Information

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/>

4. RETREAT AGENDA (7:00 P.M.)

Subject

4.1 Acceptance of the BRJ Report and DGS/Finance Reorganization Cost Analysis. Presenter: Bonnie James, BRJ & Associates

Meeting

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Category

4. RETREAT AGENDA (7:00 P.M.)

Access

Public

Type

Action (Consent), Discussion, Information

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Mr. Bonnie James, President, along with his Executive Vice President Mark Edwards and Senior Project Manager Brooke Duncan, presented their findings to the Board at the May 8, 2018 board meeting to include recommendations and an implementation plan. The proposal has been shared with District personnel and appropriate Shared Governance bodies.

Deliverables and Scope of Work:

Structural Changes (annual District costs) to the organizational structure of District Divisions; and

Implementation Consultation (1-time consulting costs) for services to guide the organizational structure changes.

Details and Cost Impacts outlined in attached document (11/27/18)

Evaluation and Recommended Action:

Consider Acceptance of the BRJ Report and DGS/Finance Reorganization and Approve Implementation of Select Recommendations from the Organizational Review & Recommendations

File Attachments

[Cost Impact of Org Review Recommendations 11-27-18.pdf \(1,523 KB\)](#)

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.

Subject

4.2 Bond Presentation/Student Housing Update. Presenter: Chancellor Laguerre

Meeting

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Category

4. RETREAT AGENDA (7:00 P.M.)

Access

Public

Type

Discussion, Information

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Bond Presentation

The Board will hear a presentation on the District Bonds projects. The presentation will be divided into three parts:

- * An update on the current bond and its projects – Emphasis to finish the projects funded through Measure A – and projects that will combine Measure A and Measure G

- * Measure G

- o Review of the measure and its content

- o Tentative list of projects

- o Timeline and steps to roll out the measure

- * Timeline

- o Competitive selection of Bonds staff

- o Competitive selection of expert companies to support the Bond roll out

This will be the first on a series of workshops for the community, the board and the district to partner for an effective design of the Bonds projects. The presentation will feature considerations on housing and public private partnerships.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

N/A

File Attachments

[Bond Timeline.pdf \(153 KB\)](#)

[Peralta Measure G Bond Resolution.pdf \(359 KB\)](#)

Subject

4.3 Information Technology One Peralta Report. Presenter: Vice Chancellor Lam

Meeting

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4. RETREAT AGENDA (7:00 P.M.)

Access

Public

Type

Background/Analysis:

Information Technology Report (OnePeralta)

- Assessment of OnePeralta
 - Challenges/Considerations

- Development of Governance Structure
 - District/Colleges Involvement
- Next steps to make the project successful

Subject

4.4 Laney Leak Repairs Status. Presenter: Vice Chancellor Ikharo & President Gilkerson

Meeting

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4. RETREAT AGENDA (7:00 P.M.)

Access

Public

Type

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Laney Leak Remediation Phase 1 & 2 Projects - Buildings A, B, F, and G and Walkway Between B and C Are Substantially complete.

The Laney Leak Remediation Phase 1 and 2 Projects are approximately 96% complete. Outstanding work includes the mortar repair and water repellent work and punch list items. The punch list was generated on 10/29/18 and presently is approximately 97%

complete. One aspect of the overall project which could not be completed on schedule pertains to mortar demo and repair on two walls at the western courtyard of Building F. Due to classes being in session this work cannot take place due to noise and dust. It has been rescheduled to take place during Winter Break; 12/14/18 – 1/16/19. All the mortar repointing is scheduled to take place during this time frame as well. After another 30 days when the mortar fully cures, they can apply the alter repellent. Final completion date would then be toward the end of February, 2019.

Phase I of project which is primary Building B quad is 100% complete. Phase II project began immediately after Memorial Day on 5/29/18. The purpose of the project was to remediate the leaks at Buildings A, F, and G as well as the leaks below the walkway between B and C. The scope of work included demolition of planters at courtyards A, F, and G; demolition of topping slabs at courtyards A, F, and G; replacing the waterproofing system at these courtyards; installation of perimeter stainless steel flashing, installation of Hot Rubber Asphalt (HRA), pouring of new topping slab, glazing at windows, installation of new door thresholds, and installation of new area drains at the courtyards and associated plumbing at the interior spaces directly below the courtyards. The majority of the work was performed during the Summer months prior to students returning on 8/20/18, but additional detailed work has been on-going since then. This has been a complex job and much has been accomplished thus improving the infrastructure of the campus. The areas where work occurred are fully waterproofed, and prepared for any rains taking place this Winter 2018 and beyond.

Deliverables and Scope of Work:

Anticipated Completion Date:

Evaluation and Recommended Action:

5. ACTION ITEMS

Subject

5.1 Consider Approval of Resolution 18/19-40 for Censure of Trustee Gonzalez Yuen. Presenter: Trustee Withrow

Meeting

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5. ACTION ITEMS

Access

Public

Type

Action

Preferred Date

Nov 27, 2018

Absolute Date

Nov 27, 2018

Fiscal Impact

No

Budgeted

No

Recommended Action

Motion to Approve Resolution 18/19-40 for Censure of Trustee Gonzalez Yuen.

Background/Analysis:

The Peralta Governing Board has spent a considerable amount of time over the past couple of years to ensure that the Board is cohesive and that each trustee has the opportunity to practice excellent trusteeship. Each board member is provided

- Funds to attend conferences or meetings;
- Workshops by experts in the field of equity to learn the best way to treat one another;
- Board workshops on trusteeship;
- Retreats to acquaint the Board with issues and Board members are asked to propose what they may be interested in learning more about;
- The review of the Board handbook and an opportunity to propose changes that would make the Board function better.

Despite these opportunities and advice provided by Board leadership, Trustee González Yuen continues to behave in ways that are not conducive to good trusteeship and to demean the Board and the Peralta Administration. This action is meant to send a message to Trustee González Yuen, the Peralta Community College District employees and the community at large that the Board as a body wants to uphold the oath and the trust the public has put in it to lead the District and to be good public servants and to focus on the success of students.

The Community College League of California Trustee Handbook explains the role and functions of trustees as follows:

“Trustees are elected to a board that is responsible to represent the general citizenry for whom they hold the college in trust. The board should understand the values of its communities and should strive for decisions that incorporate the variety of external interests. Trustees come from all professions, including education, but are not on the board to practice their profession or represent a single interest.

Trustees have authority only when they are meeting as a board. The board as a whole is the legal governing unit. Trustees contribute their collective talents, skills, and perspectives to their boards, but have no individual power. Individual trustees have no authority to direct any college staff, make no statements representing the board (unless they are reports of adopted board positions and policy), and support board decisions once they are made.”

(Trustee Handbook, p. 22, Community College League of California)

The Peralta Governing Board has spent a considerable amount of time over the past couple of years to ensure that the Board is cohesive and that each trustee has the opportunity to practice excellent trusteeship. Each board member is provided

- Funds to attend conferences or meetings;
- Workshops by experts in the field of equity to learn the best way to treat one another;
- Board workshops on trusteeship;
- Retreats to acquaint the Board with issues and Board members are asked to propose what they may be interested in learning more about;
- Training on The Peralta Board Handbook and an opportunity to propose changes that would make the Board function better.

Despite these opportunities and advice provided by Board leadership, Trustee González Yuen has continued to act in a manner that is not consistent with the role and duty of a community college trustee by directing staff, demeaning the Board and the Peralta Administration and acting to undermine rather than support board decisions once they are made. It is the responsibility of the Board to uphold the oath and the trust the public has put in it to lead the District and to be good public servants and to focus on the success of students. The Board will discuss a censure vote regarding Trustee González Yuen’s failure and refusal to act in accordance with the role and function of a community college trustee.

File Attachments

[Public Censure of Trustee Yuen.18.19.40.pdf \(100 KB\)](#)

6. ADJOURNMENT

Subject

6.1 Meeting Adjournment

Meeting

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6. ADJOURNMENT

Access

Public

Type

Action

Recommended Action

Meeting adjourned at