



**Tuesday, May 14, 2019  
REGULAR MEETING OF THE BOARD OF TRUSTEES**

**5:30 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: <https://go.boarddocs.com/ca/peralta/Board.nsf> Link on the Peralta Board Website: <http://web.peralta.edu/trustees/> The meeting can also be viewed Live on Peralta College's YouTube link: [https://www.youtube.com/channel/UCTEVyZCQ1p\\_yqMRafmQFUww](https://www.youtube.com/channel/UCTEVyZCQ1p_yqMRafmQFUww)  
**PLEASE TURN OFF YOUR CELL PHONES DURING THE MEETING - THANK YOU!****

**1. CLOSED SESSION  
Subject**

**1.1 Public Comment on Closed Session Items**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

**1. CLOSED SESSION**

Type

**Subject**

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

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

**1. CLOSED SESSION**

Type

Information

**Subject**

**1.3 Public Employee Appointment (Government Code Section 54957)**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

Information

- Recommendation to appoint the Interim Director of Business and Administrative Services, College of Alameda.

**Subject**

**1.4 Public Employee Discipline/Dismissal/Release**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

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**

**1.5 Public Employee Evaluation**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

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

## **Subject**

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

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

#### **1. CLOSED SESSION**

Type

Information

- Conference with Legal Counsel (54956.9(a)), Toscano, et al v. Peralta Community College District, Alameda County Superior Court, Case No. RG16827433.
- Conference with Legal Counsel (54956.9(a)), Delson v. Peralta Community College District, U.S. District Court, Northern District of CA, Case No. 3:17-CV-07367-JD.
- Conference with Legal Counsel (54956.9(a)), Webb v. Peralta Community College District, Alameda County Superior Court Case No. RG18909473.
- Conference with Legal Counsel (54956.9(a)), Margoiles v. Peralta Community College District, Alameda County Superior Court Case. RG18905036.
- Stanford Health Care v. Peralta Community College Dist. Pre 7/2004 Retiree Benefit Plan, Santa Clara County Superior Court case no. 19CV342458
- Herrera v. Peralta Community College District et.al, Alameda Superior Court case no. RG18932402
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (2 cases).

#### **2. OPEN SESSION**

**Subject**

##### **2.1 Call to Order**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

#### **2. OPEN SESSION**

Type

Procedural

**Subject**

## **2.2 Pledge of Allegiance**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Procedural

### **Subject**

## **2.3 Roll Call**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Procedural

### **Subject**

## **2.4 Report of Action Taken in Closed Session**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

**Subject**

**2.5 Approval of the Agenda**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Action

**Subject**

**2.6 Approval of the Minutes**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Action

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

Budgeted

No

File Attachments

[Board Meeting Minutes - 04-23-19.pdf \(119 KB\)](#)

**Subject**

**2.7 Associated Student Government Reports**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

**Subject**

**2.8 Peralta Classified Senate Report**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

**Subject**

**2.9 District Academic Senate Report**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

## Subject

### 2.10 Public Communication

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

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/>

## Subject

### 2.11 Chancellor's Reports

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

- Enrollment Update
- May revise report
- ACCJC Report Update

File Attachments

[May Revise Report.pdf \(124 KB\)](#)

### 3. PRESENTATIONS

#### Subject

#### 3.1 Presentation on the International Student Program. Presenter: Thomas Torres-Gil

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

### 3. PRESENTATIONS

Type

Information

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

#### **Deliverables and Scope of Work:**

N/A

#### **Anticipated Completion Date:**

N/A

#### **Evaluation and Recommended Action:**

N/A

File Attachments

[May 14 2019 Board Report.pdf \(1,286 KB\)](#)

### 4. CONSENT CALENDAR - BOARD MATTERS

#### Subject

#### 4.1 Consider Approval of Out of State Travel pursuant to Board Policy 7400. Presenter: Acting Chancellor White

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

### 4. CONSENT CALENDAR - BOARD MATTERS

Type

Action (Consent)

Preferred Date



May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Budgeted

Yes

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

Name	Travel Location	Dates
Adil Ahmed	Orlando, FL - National Association of Student Financial Aid Administrators (NASFAA)	June 23, 2019 - June 27, 2019
Alejandra Bautista	Washington, DC - Young Adult Diversion Partnership Convening	June 17, 2019 - June 20, 2019
Jeejun Bertuso	New Orleans, LA - 2019 Western Association of Veterans Education Specialists	July 6, 2019 - July 10, 2019
Larry Chang	Omaha, NB - BEST Center Building Automation Workshop	June 3, 2019 - June 7, 2019
Mang-Ling Cho	Washington, DC - 2019 NAFSA Annual Conference	May 27, 2019 - June 1, 2019
Roger Chung	Washington, DC - Young Adult Diversion Partnership Convening	June 17, 2019 - June 20, 2019
Jason Cifra	Orlando, FL - National Association of Student Financial Aid Administrators (NASFAA)	June 24, 2019 - June 27, 2019
Reginald Constant	Washington, DC - 2019 American Library Association Annual Conference and Exhibit	June 20, 2019 - June 25, 2019
Peter Crabtree	Omaha, NE - BEST Center Building Automation Workshop	June 2, 2019 - June 7, 2019
Vincent Garrett	Washington, DC - Young Adult Diversion Partnership Convening	June 17, 2019 - June 20, 2019
Drew Gephart	London, Belfast, Glasgow, UK - Study Abroad, Recruitment, College Visits	June 2, 2019 - June 12, 2019
Jennifer Lenahan	New Orleans, LA - 2019 Western Association of Veteran Education Specialists	July 7, 2019 - July 11, 2019
Tomas Moniz	Baltimore, MD - 2019 NCTE Annual Convention	November 20, 2019 - November 25, 2019
Vu Nguyen	Orlando, FL - National Association of Student Financial Aid Administrators (NASFAA)	June 23, 2019 - June 27, 2019

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

Recommend Approval

File Attachments

[Out of State Travel approval 5-14-19.pdf \(2,782 KB\)](#)

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**Subject**

**4.2 Consider Ratification of Out of State Travel pursuant to Board Policy 7400. Presenter: Acting Chancellor White**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

4. CONSENT CALENDAR - BOARD MATTERS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Budgeted

Yes

<b>Name</b>	<b>Travel Location</b>	<b>Dates</b>
Lowell Bennett	Las Vegas, NV - ACTLA Conference (Assn of Colleges for Tutoring & Learning Assistance) Merritt	April 25, 2019 - April 27, 2019
John Carranza	Las Vegas, NV - ACTLA Conference (Assn of Colleges for Tutoring & Learning Assistance) CoA	April 25, 2019 - April 27, 2019
Anna O'Neal	Las Vegas, NV - ACTLA Conference (Assn of Colleges for Tutoring & Learning Assistance) CoA	April 25, 2019 - April 27, 2019

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

File Attachments  
[Out of State Travel Ratify 5-14-19.pdf \(691 KB\)](#)

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**Subject**

**4.3 Consider Approval of a two year Independent Contract Extension for Akerman LLP. in the amount of \$144,000 to provide district legislative advocacy. Presenter: Acting Chancellor White**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

4. CONSENT CALENDAR - BOARD MATTERS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Dollar Amount

\$144,000.00

Budgeted

Yes

Budget Source

General Fund

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

Richard L. Spees has served the District in the capacity of District Legislative Advocate since 2006. Mr. Spees has performed federal representational activities, including efforts to secure federal appropriations

and agency discretionary monies and to build strategic alliances between Peralta and the federal government.

**Deliverables and Scope of Work:**

Akerman will continue to perform all representational activities for Peralta, which shall include, but are not limited to:

- Attempting to secure federal appropriations and agency discretionary monies for Peralta and its programs;
- Following all authorizing legislation of relevance to Peralta including higher education, veterans and workforce bills, and presenting Peralta's position to Congressional decision makers;
- Building strategic alliances between Peralta and the federal government.

**Anticipated Completion Date:**

February 28, 2021

**Evaluation and Recommended Action:**

The District Chancellor's office has evaluated the deliverables to date for Akerman LLP and found them to be satisfactory.

The Acting Chancellor recommends approval.

**File Attachments**

[Peralta Contract Proposal Letter 4-16-19.pdf \(966 KB\)](#)

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**Workflow**

Workflow

Apr 23, 2019 1:24 PM :: Submitted by Suzanne Kunkel. Routed to Fran White for approval.

May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**5. CONSENT CALENDAR - ACADEMIC AFFAIRS**

**Subject**

**5.1 Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Brown**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

Budgeted

No

Budget Source

N/A

**Background/Analysis:** The attached PDF entitled "Apr 2019 CIPD Report" and "Apr 2019 Program Proposals" contain course and program additions, changes and deactivations as approved by the colleges' curriculum committees and The Council for Instruction, Planning and Development (CIPD).

The Chancellor recommends approval.

File Attachments

[Apr 2019 Program Proposals.pdf \(428 KB\)](#)

[April 2019 CIPD Report.pdf \(342 KB\)](#)

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**Workflow**

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Workflow

Apr 23, 2019 3:04 PM :: Submitted by Amany ElMasry. Routed to Siri Brown for approval.

Apr 23, 2019 9:46 PM :: Approved by Siri Brown. Routed to Fran White for approval.

May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject**

**5.2 Consider Approval of Research/Work Experience Leave for Heather Dodge, Berkeley City College. Presenter: Vice Chancellor Brown**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

## 5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

Budgeted

No

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

**Professor Heather Dodge (Librarian, BCC) has been granted a Fulbright Scholarship Award to Norway as a part of the Roving Scholars Program. Upon approval, Ms. Dodge will not be paid during the year of her absence but will receive medical, dental, life, and disability coverage by the district as per the contract.**

**Leave Type: Research/Work Experience (Article 26.M.)**

**Deliverables and Scope of Work:**

**The aim of the Fulbright Program, is to increase understanding between the people of the United State and people of other countries. This is a flagship international educational exchange program sponsored by the U.S. government and is a distinguished honor for Professor Dodge and PCCD. Professor Dodge will be teaching and leading students through the discovery and analysis of primary resources, as she has with BCC's Umoja cohorts when they visited archives at the Berkeley Art Museum and UC Berkeley's Ethnic Studies library and the Oakland Museum.**

**Anticipated Completion Date:**

**Leave Date: 1 year (Fall 2019-Spring 2020 terms)**

**Evaluation and Recommended Action:**

**Approved by:**

- **College President, Rowena Tomaneng, Ed.D.**
- **Berkeley City College Professional Development Committee**

- **Chancellor: TBD**
- **BOT: TBD**

File Attachments

[EUR\\_Norway\\_Dodge, Heather \(1\).pdf \(433 KB\)](#)

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**Workflow**

Workflow

Apr 16, 2019 11:56 AM :: Submitted by Laura Leon-Maurice. Routed to Siri Brown for approval.

Apr 16, 2019 4:11 PM :: Approved by Siri Brown. Routed to Fran White for approval.

May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject**

**5.3 Consider Approval of an Agreement with Michael Patrick Partners, Inc. in the amount of \$80,000 for production of a Viewbook for BCC Career Education programs and placement of Career Education ads in multiple media outlets. Presenter: President Tomaneng**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Dollar Amount

\$80,000.00

Budgeted

Yes

## Budget Source

Grant funded: Perkins, Strong Workforce Local and Regional

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

Berkeley City College seeks to increase enrollment and develop a distinctive CTE market presence for the BCC career education programs. This will be accomplished through different marketing and advertising efforts, including transit ads placed on AC Transit buses and BART stations, development of a 32 page Viewbook with program overviews, quick facts and admissions information, and paid digital ad placements in multiple media outlets. The BCC CTE department faculty agreed to invest an additional \$80,000 from the Perkins and Strong Workforce grants for this project.

There is an original contract with Michael Patrick Partners, Inc. (attached) in the amount of \$9,999 to develop the creatives for transit ads. We would like to build on that, using those ads for other media outlets like billboards, city flag pole banners, and paid social media. In addition, the BCC CTE department has decided to use these grant funds for the production of a Viewbook.

Michael Patrick Partners, Inc. is a San Francisco based creative agency with a long history of award-winning work with expertise in brand development, brand strategy and marketing campaigns. They have completed many successful enrollment campaigns for higher education clients. The original contract is complete and the Michael Patrick Partners team has been professional, responsive, and has worked exceptionally well with the BCC team. Their proposal for the Viewbook is \$62,000. The additional \$18,000 will be used for the development and programming of digital files to advertise through several media channels. Both proposals are attached.

Michael Patrick Partners, Inc.  
530 Howard Street, Suite 350  
San Francisco, CA 94105  
Dan Patrick O'Brien, Founding Partner and President

### **Deliverables and Scope of Work:**

In alignment with the Perkins and Strong Workforce metrics, Michael Patrick Partners will provide the planning and research, brand communications strategies, creative strategy, production of the Viewbook, and programming of digital files.

### **Planning and Research**

Assignment Planning  
Stakeholder Interview

### **Brand Communication Strategy**

Messaging for the Berkeley City College and CTE brands

### **Creative Strategy**

Campaign Theme Phase  
Creative Positioning and Brand Personality  
Copywriting and Copyediting  
Viewbook  
Paid Social Ads  
Billboards  
Flag Pole Banners



Original Contract Amount	New Contract Amount
\$9,999 - Creative design for transit ads	\$80,000 - Production of Viewbook and Digital Programming for Media Ad Placement
Total Contract Amount \$89,999	

**Anticipated Completion Date:**

June 30, 2019

**Evaluation and Recommended Action:**

The Berkeley City College CTE department has evaluated the deliverables to date for Michael Patrick Partners and found them to be satisfactory.

The Chancellor recommends approval.

**File Attachments**

[Prior ICC# 21558 for MPP.pdf \(1,197 KB\)](#)

[Current ICC #21560.pdf \(1,391 KB\)](#)

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**Workflow**

Workflow

Apr 24, 2019 2:06 PM :: Submitted by Karen Croley. Routed to Rowena Tomaneng for approval.  
 Apr 24, 2019 2:49 PM :: Approved by Rowena Tomaneng. Routed to Romaneir Johnson for approval.  
 Apr 26, 2019 3:28 PM :: Routed back to Rowena Tomaneng by Brenda Martinez.  
 Apr 27, 2019 12:14 AM :: Approved by Rowena Tomaneng. Routed to Romaneir Johnson for approval.  
 Apr 29, 2019 3:17 PM :: Rejected by Brenda Martinez  
 Apr 29, 2019 3:18 PM :: Submitted by Karen Croley. Routed to Rowena Tomaneng for approval.  
 Apr 29, 2019 4:01 PM :: Approved by Rowena Tomaneng. Routed to Albert Harrison for approval.  
 Apr 30, 2019 6:59 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
 May 2, 2019 2:31 PM :: Rejected by Legal Counsel  
 May 5, 2019 11:33 PM :: Submitted by Karen Croley. Routed to Rowena Tomaneng for approval.  
 May 5, 2019 11:35 PM :: Approved by Rowena Tomaneng. Routed to Albert Harrison for approval.  
 May 5, 2019 11:50 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
 May 10, 2019 3:00 PM :: Approved by Legal Counsel. Routed to Fran White for approval.  
 May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject**

**5.4 Consider Ratification of the Addendum for the Independent Contractor Consultant Elias Legacy Films, LLC in the Amount of \$25,000 for a total of \$39,950 for FY2018-19. Presenter: President Gilkerson**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

## 5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Type

Action (Consent)

Preferred Date

May 14, 2019

Fiscal Impact

Yes

Dollar Amount

\$25,000.00

Budgeted

Yes

Budget Source

AANIPISI Grant

Goals

A: Advance Student Access, Equity, and Success

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

AANAPISI awarded Laney College with a 5-year Part F grant in 2016. Under the agreement regarding approved expenditures per the Department of Education, the production of outreach videos is an allowable expense that is aligned with the grant deliverables. Elias Legacy Films LLC created an initial outreach video specifically for the Asian Pacific American Student Success (APASS) Program and subsequent discussions indicated a second general welcome video would improve student onboarding.

### **Deliverables and Scope of Work:**

Under the supervision of Laney College: Dean of Enrollment Dr. Mildred Lewis, Ed. D. and AANAPISI/APASS Director, Dr. David Lee, the Contractor will provide services to include the following as integral to the production of a Welcome Video for all new students:

Pre-Production: \$7000 Preproduction storyboarding, scripting, consulting, coordination etc.  
Field Production: \$13,000 Three days of up 8 hours of consecutive door-to-door video recording services of multiple interviews and events (some multi-camera), including lighting and sound.  
Video recording of campus as b-roll footage. Studio Production: \$N/A Talent/Location: \$0.00 Client provided. Client is responsible for coordinating with students, faculty and campus staff. Stock Video/Music: Will use existing library Post-Production: \$4,950 Non-linear video editing of two camera shoot.

### **TIMELINE AND COMPENSATION**

All deliverables shall be completed by May 2019. Hourly Rate: \$125

Number of Hours: 200 hours  
 Period: January 2019-May 2019  
 Budget: For AANAPISI budget not to exceed \$25,000.00 (total aggregate \$39,950).

Previous Cumulative Contract totaling \$14,950 for Laney College

Hourly Rate: \$125 Number of Hours: 119  
 Period: 9/1/18- 12/1/18 Total: \$14,950

Contract Summary Table:

NAME	DETAILS	VALUE
Elias Legacy Films   Original Contract	Approved by Chancellor 8.28.18	\$14,950.00
Elias Legacy Films   Addendum	Second outreach video  allowable per D.O.E grant	\$25,000.00
	TOTAL	\$39,950.00

**Anticipated Completion Date:**

Anticipated Completion Date for second film project: May 2019.

**Evaluation and Recommended Action:**

Ratify the Addendum for the Independent Contractor Consultant Elias Legacy Films, LLC in the Amount of \$25,000 for a total of \$39,950 for FY2018-19.

**File Attachments**

[elias legacy\\_icc\\_addendum\\_final.pdf \(1,205 KB\)](#)

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**Workflow**

Workflow

Apr 22, 2019 6:04 PM :: Submitted by Cassandra Upshaw. Routed to Tammeil Gilkerson for approval.  
 Apr 22, 2019 8:46 PM :: Rejected by Tammeil Gilkerson  
 Apr 29, 2019 8:39 PM :: Submitted by Cassandra Upshaw. Routed to Tammeil Gilkerson for approval.  
 Apr 30, 2019 2:42 AM :: Approved by Tammeil Gilkerson. Routed to Albert Harrison for approval.  
 Apr 30, 2019 7:04 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
 May 2, 2019 4:38 PM :: Rejected by Brenda Martinez  
 May 6, 2019 7:51 PM :: Submitted by Cassandra Upshaw. Routed to Tammeil Gilkerson for approval.  
 May 6, 2019 8:38 PM :: Approved by Tammeil Gilkerson. Routed to Albert Harrison for approval.  
 May 7, 2019 12:07 PM :: Approved by Albert Harrison. Routed to Fran White for approval.  
 May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**6. CONSENT CALENDAR - FINANCE**

**Subject**

**6.1 Consider Approval of Measure A Bond Budget Transfer and Appropriations for Program Management (No. 125). Presenter: Vice Chancellor Harrison**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. CONSENT CALENDAR - FINANCE

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

Dollar Amount

\$582,934.00

Budgeted

Yes

Budget Source

Measure A General Obligation Bond (Fund 63)

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

Merritt College, and its constituents have agreed to transfer Measure Funds to allocate funds for the Merritt Child Care Center Project which was part of the June 26, 2009 Board Approved projects to renovate the Merritt Child Care Center. A portion of this project is State funded. We will be using Measure A, and Measure G (once a sale of the bond has occurred), considered the District Cost of \$11,570,340, and State Funding of \$5,119,440 for a total of \$16,689,780 This Budget transfer is in line with the desires of the College(s) and the permitted uses of Measure A and Measure G.

#	Project Name	Current Budget	Revised Budget	Transfer Amount
<b>Measure A Transfer To:</b>				
2425	Merritt Child Development Center	0	582,934	582,934
<b>Total Transfer:</b>				<b>582,934</b>
<b>Measure A Transfer From:</b>				
2324	Merritt Library/Learning Center	7,237,181	7,154,247	82,934
2473	Merritt Health Clinic	400,000	0	400,000
2487	Merritt Pathway Lighting	100,000	0	100,000

		<b>Total Transfer</b>		<b>582</b>

Budget Transfer No. 125 Measure A \$582,934 is apportioned from Measure A Bond Funds to pay for internal bond program and construction (e.g., program mobilization, bid and award, construction, commission and close-out for projects). This allotment is transferred from Merritt Library/Learning Center Project (#2324) \$82,934, Merritt Health Clinic Project (#2473) \$400,000, and Merritt Pathway Lighting Project (#2487) \$100,000 to Merritt Child Care Center Project (#2425) \$582,934 to start the project to ensure we are in line with the State timeline and do not risk losing the State funding.

This project meets the Bond Guidelines (See Funds Section).

**Source of Funds (and Fiscal/Budgetary Impact):**

Measure A, approved by the voters in Peralta’s constituency and authorized under in Resolution 05/06-45, Exhibit A-1 (attached), District-Wide support services for the “acquisition, construction, repair, refurbishment, equipping, upgrading and modernization of classrooms, campuses, buildings, facilities, and grounds throughout the District.”

**Deliverables and Scope of Work:**

A new 8,661 ASF facility to support demonstration, instructional and administrative space for an educational program designed to support 64 children; 40 Preschoolers and 24 Infant/Toddlers. It also expands participation in the Lab Program from 36 to 50 students. A permanent structure will be built on the Merritt campus in a location that will allow for safe and efficient `direct auto access` for dropping off and picking up the children. This facility will comply with current building codes and Community College Guidelines & Standards.

**Anticipated Completion Date:**

The anticipated budget transfer completion date is within 30 days of Board Approval.

**Evaluation and Recommended Action:**

N/A

**File Attachments**

[Measure A Exhibit A-1.pdf \(14 KB\)](#)

[Measure A Budget Transfer - 125 - Merritt Child Development Center.pdf \(1,250 KB\)](#)

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**Workflow**

Workflow

Feb 21, 2019 6:16 PM :: Submitted by Andrea Stokes. Routed to Romaneir Johnson for approval.

Mar 4, 2019 4:58 PM :: Rejected by Romaneir Johnson

Apr 25, 2019 6:54 PM :: Submitted by Andrea Stokes. Routed to Albert Harrison for approval.

Apr 30, 2019 7:11 PM :: Approved by Albert Harrison. Routed to Fran White for approval.

May 10, 2019 5:10 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject**

**6.2 Community College Financial Statement (CCFS) 320 Apportionment Attendance Report (P2) FTES Update. Presenter: Vice Chancellor Harrison & Vice Chancellor Brown**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. CONSENT CALENDAR - FINANCE

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Budget Source

N/A

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

Per BP 6300 Fiscal Management and Accounting, the Chancellor shall establish procedures to assure that the District's fiscal management is in accordance with the principles contained in Title 5, § 58311.

In compliance with Title 5, § 58003.2, the District Registrar is responsible for the reporting of Full-time Equivalent Students (FTES) during the first reporting period (P1 -between July 1 and December 31), second reporting period (P2 - between July 1 and April 15), and annual reporting period (between July 1 and June 30).

The first reporting period contains actual FTES data for late summer and fall 2018. The second reporting period expands the actual data by including FTES for census-based classes in spring 2019. The P2 report also includes refined projections for spring late start and courses using the actual attendance hours accounting method and early summer courses. The annual report contains actual FTES data for all courses.

The District's FTES reporting update schedule is designed to keep the Board informed of the District's progress toward and/or achievement of its state allocated FTES target as evidenced in the three reporting periods. This update reflects the second period report submitted to the California Community Colleges Chancellor's Office and the District's current status towards achieving the 2018-2019 target of 7,875.00 residential FTES for fall 2018.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

The Chancellor recommends approval.

File Attachments

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## **Workflow**

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Workflow

Apr 23, 2019 4:09 PM :: Submitted by Richard Ferreira. Routed to Romaneir Johnson for approval.

Apr 24, 2019 4:37 PM :: Rejected by Richard Ferreira

Apr 26, 2019 12:53 PM :: Submitted by Richard Ferreira. Routed to Albert Harrison for approval.

Apr 26, 2019 5:28 PM :: Approved by Albert Harrison. Routed to Fran White for approval.

May 10, 2019 5:11 PM :: Forced Approval by Brenda Martinez as the document publisher.

## **7. CONSENT CALENDAR - FACILITIES**

### **Subject**

**7.1 Consider Ratification of Change Order No. 2 for Bay Construction Co. for the Laney College Chemistry Lab Plumbing Upgrade (Bid No. 17/18-27). Presenter: Vice Chancellor Sata.**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

7. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Dollar Amount

\$9,699.08

Budgeted

Yes

Budget Source

Measure A Bond, Fund 63

**Background/Analysis**

The Governing Board approved a construction contract with Bay Construction on February 27, 2018. The project was upgrading the plumbing in a Chemistry Lab at Laney College, and replacement of glass pipe (See Attachment #1). Specific scope of work included:

- The replacement of faucets and installation of vacuum breakers;
- Installation of an existing reverse osmosis machine;
- The repair of leaks and cleaning of glass piping from the Chemistry Lab sink drains in A235, A236, A237, and A277 to rooms A152, A153, A154, A179, and A179A;
- The demolition and offsite disposal of equipment and material;
- The installation of “non-potable water” signage at each non-potable water faucet;
- The installation of “gas” signage near gas spouts and “vacuum” signage near vacuum spouts.

Change Order #1 was approved by the Board on December 11, 2018. The Change Order #1 recognized a price increase for labor and material due to escalation and market conditions at that time.

A summary of the original contract and change orders are provided. Backup material is attached.

<b>Contract</b>	<b>Approved Amount</b>	<b>Cumulative Change Order %</b>	<b>Board Approval Date</b>
Original Contract	\$280,026.00		February 27, 2018
Change Order No. 1	\$12,456.00	4.45%	December 11, 2018
Change Order No. 2	\$9,699.08	7.91%	<b>Pending Approval</b>
<b>New Contract Sum</b>	<b>\$301,538.08</b>		

Yong Kay is the owner of Bay Construction Co., located in Oakland, CA. The contractor signed a Letter of Assent (LOA) agreeing to work under the terms of the District’s Project Labor Agreement (PLA). Additionally, the contractor complied with California prevailing wage laws applicable to this project.

Location of Company:  
4026 Martin Luther King Jr. Way  
Oakland, Ca 94609  
510-658-7225

**Deliverables and Scope of Work for this approval:**

Change Order #2 for Bay Construction Co. addresses an unforeseen condition within the existing fume hoods. Replacement of existing hose bibs within the fume hoods was needed to meet current plumbing codes, and the drawings did not match the existing site conditions. Materials, labor, delivery, and markup costs were included with the price (see Attachment #3).

**Anticipated Completion Date:**

This project was completed on April 3, 2019 and this is a retroactive ratification. This is the final Change Order for this project.

**Evaluation and Recommended Action:**

The Vice Chancellor of General Services, Vice Chancellor of Finance and Administration, and Chancellor recommend approval of Change Order #2.

**File Attachments**

- [Attachment#1-BayConstructionExecutedAgreement \\$280,026.00.pdf \(925 KB\)](#)
- [Attachment#2-BayConstruction ExecutedCO#1 \\$12,456.pdf \(2,280 KB\)](#)



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### **Workflow**

Workflow

Apr 26, 2019 12:35 PM :: Submitted by Chandevy Eng. Routed to Leigh Sata for approval.  
May 6, 2019 10:08 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.  
May 7, 2019 12:09 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
May 9, 2019 3:03 PM :: Routed back to Leigh Sata by Brenda Martinez.  
May 9, 2019 9:57 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.  
May 9, 2019 10:31 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
May 10, 2019 3:05 PM :: Approved by Legal Counsel. Routed to Fran White for approval.  
May 10, 2019 5:11 PM :: Forced Approval by Brenda Martinez as the document publisher.

### **Subject**

**7.2 Consider Approval of KONE Inc. Agreement incorporating facility repair and maintenance contract for District-wide elevator maintenance, repair, and modernization through June 30, 2019, in the amount of \$32,552.12. Presenter: Vice Chancellor Sata**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

7. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Budgeted

Yes

## Budget Source

### General Fund

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

In Fiscal Year 2018-19, the District has entered into four elevator maintenance, repair and modernization contracts with Kone, Inc., totaling \$485,422.67. The contracts are listed in the following table.

Description	Amount	Board Approval Date
Districtwide elevator load testing	\$12,7602.12	October 9, 2018
Laney College elevator repair	\$40,029.60	September 25, 2018
Districtwide elevator maintenance and inspection program ending September 30, 2019	\$127,602.12	October 9, 2018
Districtwide elevator maintenance and inspection program included in bridging agreement from November 1, 2018 to March 31, 2019.	\$85,550.65	November 13, 2018
Amendment #1 - Extension of services from April 1, 2019 to June 30, 2019 for known repair work.	\$22,775.64	April 23, 2019
Total approved to date:	\$485,422.67	
This request (through June 30, 2019):	\$32,552.12	<b>pending</b>
Total of Kone contract (including this request):	\$535,422.67	

The business is managed by Andrew Betzina (Branch Manager) and Gabriel Hernandez-Paz (Branch Service Manager).

### Company Information:

15021 Wicks Blvd.  
San Leandro, CA 94577  
510-351-5141

### Deliverables and Scope of Work:

The District is seeking Board approval for two KONE Inc. elevator repair proposals totaling \$32,552.12, to repair elevator 1 and elevator 5 at Berkeley City College. The Board is asked to approve the agreement incorporating facility repair and maintenance contract for District-wide elevator maintenance, repair, and modernization through June 30, 2019. The agreement is included as attachment 1.

For information, the Board is provided with two KONE elevator estimates for the work at Berkeley City College, totaling \$32,552.12. This information is provided as attachment 2, and incorporated into the contract as Exhibit "A".

For information, the Board is provided with the Kansas City, MO contract, RFP, addendums, publication notification and other information related to the RFP for elevator maintenance, repair and modernization on behalf of the US Communities Government Purchasing Alliance contract, referenced in this contract as Exhibit B. This information is provided as attachment 3.

### Anticipated Completion Date:

This contract and award will terminate on June 30, 2019.

### Evaluation and Recommended Action:

The Vice Chancellor of Finance and Administration, Vice of Chancellor of General Services, and Chancellor recommend this contract.

[Attachment #1-KoneAgreementIncorporatingRepair&MaintenanceContract\(Kansas City\) 3397741 1\(DMS\).pdf \(220 KB\)](#)

[Attachment #2-KONEproposals BCCElevator#1&elevator#5.pdf \(497 KB\)](#)

[Attachment #3-Piggyback UScommunities MasterContract KCAgreement RFP Combined.pdf \(2.025 KB\)](#)

*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.*

## **Workflow**

Workflow

Apr 24, 2019 7:24 PM :: Submitted by Chandevy Eng. Routed to Leigh Sata for approval.

Apr 24, 2019 8:06 PM :: Rejected by Chandevy Eng

Apr 24, 2019 8:07 PM :: Submitted by Chandevy Eng. Routed to Leigh Sata for approval.

Apr 25, 2019 7:37 PM :: Rejected by Brenda Martinez

Apr 26, 2019 8:29 PM :: Submitted by Chandevy Eng. Routed to Leigh Sata for approval.

May 6, 2019 10:07 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.

May 7, 2019 11:38 AM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.

May 9, 2019 3:03 PM :: Routed back to Leigh Sata by Brenda Martinez.

May 10, 2019 2:00 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.

May 10, 2019 4:50 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.

May 10, 2019 7:57 PM :: Routed back to Leigh Sata by Legal Counsel.

May 10, 2019 8:52 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.

May 10, 2019 11:46 PM :: Forced Approval by Brenda Martinez as the document publisher.

## **Subject**

**7.3 Consider Approval of Amendment #1 to Agreement for Contracted Services to replace a 12KV-480 V 2500 A distribution switchgear and provide temporary power and lighting to Laney College while emergency electrical repair work is underway. Presenter: Vice Chancellor Sata**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

7. CONSENT CALENDAR - FACILITIES

Type

Action

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

Yes

Dollar Amount

\$104,100.00

Budgeted

Yes

Budget Source

Measure A

### Background/Analysis:

In a special Board meeting on April 15, 2019, the Governing Board of Trustees approved an emergency service contract with Rosendin Electric, in the amount of \$220,108.00 to complete the following scope of work:

1. Replace the 12KV-480V 2500A distribution switchgear and install an emergency generator to power building "F" and the Student Center. The scope of work included engineering design and third party testing. The emergency generator provided temporary power and lighting to the buildings.

Contract	Approved Amount	Board Approval Date
Original Contract	\$220,108.00	April 15, 2019
Change Order No. 1	\$104,100.00	Pending Approval
Total Cost:	<b>\$324,208.00</b>	

### Deliverables and Scope of Work:

After the switchgear was repairs, the transformed was tested as part of the overall due diligence process before restoring power to Building "F" and the Student Center. Findings from the test showed that the transformer was damaged, which was not readily apparent when the first scope of work was submitted. The recommendation is to replace the transformed. Due to the age of the equipment, the availability of part, the lead time to complete this work and the fact that Rosendin Electric, Inc. is the most familiar with the project, the staff recommends that the scope of work under this Change Order #1 be approved as the most efficient means to complete the work.

Rosendin's Scope of Work Under Change Order #1 will include the following:

1. A \$1,500.00 allowance is included for permit and inspections.
2. Safe off, rig out and dispose of (1) existing 12KV-277/480V switchgear lineup.
3. Engineering and design.
4. Seismic calculations and anchorage details for new equipment.
5. Furnish, rig, install and anchor (1), one reconditioned 1500/2,000 kva dry type transformer, 12,000V primary 480/277V secondary, 3-phase, 60hz, 150 C temperature rise, Primary Taps: 2+/2.5%, impedance: 5.44%, cooling class: AA/FFA. Aluminum winding, Nema 1 enclosure. (1) 2500 A, 480-277V switchgear with (1), 1600A/3P and (1), 1000A/3P distribution breakers 65kaic with rodent barriers, (1) Reconditioned, 15kv load interrupter switch, 600A, 60hz, 3-Phse, 3\_wire, 40KA AIC rating Nema-1 enclosure.
6. De-terminate, remove and dispose of (1) 100A and (1) 1000A power feeds from existing conduits.
7. Blow and mandrel existing conduits prior to the install of new feeders.

8. Furnish and install new 1600A and 1000A feeder wire in existing conduits based on provided footages complete with terminations.
9. Tie in new 2500A distribution into existing grounding system.
10. Assist owner in submitting and coordination with PG&E.

**Anticipated Completion Date:**

Project is anticipated to be complete by August 30, 2019.

**Evaluation and Recommended Action:** The College President, the Vice Chancellor for the Department of General Services, the Vice Chancellor of Finance and Administration, and Chancellor recommend approval of this Amendment Number 1 to authorize scope of work set forth in Change Order #1.

**File Attachments**

[Attachment #1-RosendinElectricAgreement\\_LaneyCollege\\_\\$220,108.80.pdf \(139 KB\)](#)

[Attachment #2-RosendinElectric\\_ChangeOrder#1 - \\$104,100.00.pdf \(551 KB\)](#)

**Workflow**

Workflow

May 7, 2019 6:02 PM :: Submitted by Chandevy Eng. Routed to Leigh Sata for approval.  
May 7, 2019 7:11 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.  
May 7, 2019 7:14 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
May 9, 2019 3:04 PM :: Routed back to Leigh Sata by Brenda Martinez.  
May 10, 2019 2:12 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.  
May 10, 2019 4:51 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.  
May 11, 2019 12:02 AM :: Forced Approval by Brenda Martinez as the document publisher.

**8. CONSENT CALENDAR - HUMAN RESOURCES**

**Subject**

**8.1 Consider Approval of a Request from Hungwen Chang to participate in the Reduced Workload Program (RWP). Presenter: Vice Chancellor Whittaker**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

8. CONSENT CALENDAR - HUMAN RESOURCES

Type

Action

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

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

The Office of Human Resources and Employee Relations reviewed the request from Mr. Chang to participate in the RWP and determined that Mr. Chang meets the qualifications pursuant to Education Code Section 87483 as follows:

- Mr. Chang is at least 55 years old.
- He has been a full-time instructor for ten (10) years.
- He has been employed on a full-time basis in an academic position for at least five years, with no break in service.

Mr. Chang's request for a reduced workload at 70% shall become effective in the Fall 2019 semester and 70% in the Spring 2020 semester. This request for approval of the RWP Agreement is in accordance with Article 27, Paragraph C.1 of the Collective Bargaining Agreement, which directs qualified employees to "initiate this procedure by formal written request to the Board of Trustees delivered to the College President."

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

End of the 2020 Spring Semester.

**Evaluation and Recommended Action:**

The Chancellor recommends approval.

File Attachments

[Reduced Workload Program CALSTRS Circular.pdf \(194 KB\)](#)

**Workflow**

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Workflow

Apr 25, 2019 1:46 PM :: Submitted by Socorro Taylor. Routed to Chanelle Whittaker for approval.

Apr 26, 2019 6:41 PM :: Approved by Chanelle Whittaker. Routed to Fran White for approval.

May 10, 2019 5:11 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject**

**8.2 Consider Approval of a Request from Indra Thadani to participate in the Reduced Workload Program (RWP). Presenter: Vice Chancellor Whittaker**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

8. CONSENT CALENDAR - HUMAN RESOURCES

Type

Action

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

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

The Office of Human Resources and Employee Relations reviewed the request from Ms. Thadani to participate in the RWP and determined that Ms. Thadani meets the qualifications pursuant to Education Code Section 87483 as follows:

- Ms. Thadani is at least 55 years old.
- She has been a full-time instructor for 19 years.
- She has been employed on a full-time basis in an academic position for at least five years, with no break in service.

Ms. Thadani's request for a reduced workload at 50% shall become effective in the Fall 2019 semester and 50% in the Spring 2020 semester. This request for approval of the RWP Agreement is in accordance with Article 27, Paragraph C.1 of the Collective Bargaining Agreement, which directs qualified employees to "initiate this procedure by formal written request to the Board of Trustees delivered to the College President."

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

End of the 2020 Spring Semester.

**Evaluation and Recommended Action:**

The Chancellor recommends approval.

File Attachments

[Reduced Workload Program CALSTRS Circular.pdf \(194 KB\)](#)

**Workflow**

Workflow

Apr 25, 2019 1:47 PM :: Submitted by Socorro Taylor. Routed to Chanelle Whittaker for approval.  
Apr 26, 2019 5:09 PM :: Rejected by Chanelle Whittaker  
Apr 26, 2019 6:44 PM :: Submitted by Socorro Taylor. Routed to Chanelle Whittaker for approval.  
Apr 26, 2019 6:46 PM :: Approved by Chanelle Whittaker. Routed to Fran White for approval.  
May 10, 2019 5:11 PM :: Forced Approval by Brenda Martinez as the document publisher.

**9. ACTION ITEMS**

**Subject**

**9.1 Consider Approval of Bank Signers Resolution No. 18/19-57. Presenter: Vice Chancellor Harrison**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

9. ACTION ITEMS

Type

Action (Consent)

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Budget Source

N/A

**Background/Analysis:**

This Resolution No. 18/19-57 is needed to identify those employees who have authority to access and interact with all banking institutions for the District. This will also grant these employees the authorization to sign checks on behalf of the Peralta District.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Alternatives/Options:**

N/A

**Evaluation and Recommended Action:**

Recommend approval of resolution number 18/19-57.

**File Attachments**

[Resolution - Bank Signers 042319.pdf \(9 KB\)](#)

*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.*



**Workflow**

Workflow

Apr 4, 2019 4:47 PM :: Submitted by Richard Ferreira. Routed to Romaneir Johnson for approval.  
Apr 4, 2019 5:01 PM :: Approved by Romaneir Johnson. Routed to Legal Counsel for approval.  
Apr 12, 2019 11:45 AM :: Rejected by Brenda Martinez  
Apr 24, 2019 4:36 PM :: Submitted by Richard Ferreira. Routed to Romaneir Johnson for approval.  
Apr 25, 2019 9:04 PM :: Rejected by Richard Ferreira  
Apr 25, 2019 9:05 PM :: Submitted by Richard Ferreira. Routed to Albert Harrison for approval.  
Apr 26, 2019 5:24 PM :: Approved by Albert Harrison. Routed to Fran White for approval.  
May 10, 2019 5:15 PM :: Forced Approval by Brenda Martinez as the document publisher.

**Subject****9.2 Consider Approval of Resolution Number 18/19-66 in Support of Compliance with Amended Consent Decree. Presenter: Vice Chancellor Sata**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

9. ACTION ITEMS

Type

Action

Preferred Date

May 14, 2019

Absolute Date

May 14, 2019

Fiscal Impact

No

Budgeted

No

Budget Source

N/A

**Background/Analysis:**

The Peralta Community College District ("District") is the Defendant in the civil action entitled *Janice Payne v. Peralta Community College District*, United States District Court, Northern District of California.

The Plaintiff filed a complaint on August 4, 2016, to enforce provisions of the Americans with Disabilities Act of 1990 (ADA) and the California civil rights laws to obtain recovery of damages for alleged

discriminatory experiences, denial of access, and denial of civil rights against the District, relating to disability discrimination at Defendant's public accommodations as of February 6, 2016.

In order to avoid the costs, expense, and uncertainty of litigation, the Defendant and Plaintiff agreed to enter into a consent decree and order for injunctive relief, ordered by the Court on March 29, 2018, with the intent of resolving all claims without the need for protracted litigation. On October 23, 2018, an amended consent decree was agreed upon by the Parties and ordered by the Court to include a single exhibit, attached to this resolution as Exhibit A.

By entering into the amended consent decree, the parties eliminated the need for trial or further adjudication of the issues.

#### **Evaluation and Recommended Action:**

The administration of the Peralta Community College District is asking therefore, that the Board of Trustees reinforce the gravity of an order from the Court and the amended consent decree, by directing Acting Chancellor Frances L. White, Ph.D. and Interim Vice Chancellor, Leigh Sata in carrying out all actions necessary to comply with any and all remaining provisions of the Amended Consent Decree, with haste and as permitted by law.

Specifically, the Board approves and recommends that the District expedite the retention of experts for purposes of completing and or maintaining the corrective work as provided in the amended consent decree. For the reasons stated above, public bidding of the work required to comply with the amended consent decree would not produce an advantage to the District, and would produce a net burden and distinct disadvantages to the District. Based on the foregoing, it would be incongruous, futile, and unavailing to publicly bid the work required to comply with the Amended Consent Decree. The Board hereby accepts, endorses, and recommends implementation of the attached administrative procedures, attached hereto as Exhibit B. The Board hereby approves the Vice-Chancellor's formation of the ADA Compliance Strike Team with reports regarding the status of compliance with the Amended Consent Decree to be provided at every Board meeting.

Specific contracts addressing this issue will be brought to the Board for approval or ratification at future meetings, with reference made to this resolution.

The Chancellor recommends approval.

#### **File Attachments**

[Board Resolution Re. Consent Decree \(DWK.5.10.19\)\\_3397724\\_2\(DMS\).pdf \(195 KB\)](#)

#### **Workflow**

Workflow

May 9, 2019 8:35 PM :: Submitted by Leigh Sata. Routed to Leigh Sata for approval.

May 10, 2019 2:07 PM :: Approved by Leigh Sata. Routed to Albert Harrison for approval.

May 10, 2019 2:08 PM :: Approved by Albert Harrison. Routed to Legal Counsel for approval.

May 11, 2019 12:12 AM :: Forced Approval by Brenda Martinez as the document publisher.

#### **10. SUNSHINING - HUMAN RESOURCES**

##### **Subject**

**10.1 Sunshine Initial Proposal to Negotiate Re-openers for FY 2019-2020 from the International Union of Operating Engineers (IUOE) Local 39 for Regular and Hourly Employees. Presenter: Vice Chancellor Whittaker**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

10. SUNSHINING - HUMAN RESOURCES

Type

Information

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

The duration of the current Collective Bargaining Agreement (CBA) between the District and IUOE Local 39 (Union) is through June 30, 2019. The District and the Union will begin the negotiations process for Successor Agreements upon the completion of the requirement of receiving public comments on the topics to be discussed. Pursuant to Government Code 3547, Board Policy 7140, and Article 29 of the CBA between the Union and the District, the Union hereby introduces ("sunshines") to the District the following contract re-openers for the Fiscal Year 2019-2020:

**For Regular Local 39 Employees:**

- Article 9 Leaves
- Article 10 Filling of Vacancies
- Article 12 Hours of Work
- Article 15 Position Audits/Classification Study
- Article 17 Vacation Pay
- Article 18 Holiday Schedule
- Article 21 Transfers
- Article 24 Health and Welfare
- Article 26 Pay and Allowances

**For Hourly Local 39 Employees:**

- Article 8 Hours and Overtime
- Article 9 Pay and Allowance
- Article 19 Negotiations/Duration

The Union reserves the right to amend, modify, change, add to, or subtract from, the above-listed Articles.

Public comments on such proposals shall be received at the next regular Board meeting of May 28, 2019.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

Receive initial proposal to negotiate re-openers for FY 2019-2020, from the International Union of Operating Engineers (IUOE) Local 39 for regular and hourly employees.

All Board-recommended contracts are subject to negotiations and execution by the Chancellor.

**File Attachments**

[Local 39's Proposals for Regular Employees for Sunshine 2019.pdf \(79 KB\)](#)

[Local 39's Proposals for Hourly Employees for Sunshine 2019.pdf \(351 KB\)](#)

**Workflow**

Workflow

Apr 16, 2019 1:44 PM :: Submitted by Socorro Taylor. Routed to Chanelle Whittaker for approval.  
Apr 23, 2019 3:19 PM :: Approved by Chanelle Whittaker. Routed to Legal Counsel for approval.  
May 10, 2019 5:12 PM :: Rejected by Brenda Martinez  
May 10, 2019 5:42 PM :: Submitted by Socorro Taylor. Routed to Chanelle Whittaker for approval.  
May 10, 2019 5:48 PM :: Approved by Chanelle Whittaker. Routed to Fran White for approval.  
May 10, 2019 6:47 PM :: Forced Approval by Brenda Martinez as the document publisher.

## **11. REPORTS**

### **Subject**

#### **11.1 Board of Trustees' Reports**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

11. REPORTS

Type

Information

## **12. ANNOUNCEMENTS**

### **13. ADJOURNMENT**

#### **Subject**

#### **13.1 Meeting Adjournment**

Meeting

May 14, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

13. ADJOURNMENT

Type

Action