



**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 Jul 9, 2019 - CANCELLED: BOARD RETREAT

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 Jul 9, 2019 - CANCELLED: BOARD RETREAT

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**

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**Subject 2.1 Call to Order**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 2. OPEN SESSION

Type Procedural

Time: \_\_\_\_\_

**Subject 2.2 Pledge of Allegiance**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 2. OPEN SESSION

Type Procedural

**Subject 2.3 Roll Call**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 2. OPEN SESSION

Type Procedural

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

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 2. OPEN SESSION

Type Information

**Subject** 2.5 Public Communication

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

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/>

### 3. CONSENT CALENDAR - BOARD MATTERS

**Subject** 3.1 Consider Approval of Out of State Travel pursuant to Board Policy 7400. Presenter: Chancellor White

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 3. CONSENT CALENDAR - BOARD MATTERS

Type Action (Consent)

Preferred Date Jul 09, 2019

Absolute Date Jul 09, 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
Aja Butler	Burlington, VT - ACUI I-Lead Conference	July 21, 2019 - July 26, 2019
Ying-Yin Chan	Beijing, Ching - Student Chaparone - China Study Abroad	July 29, 2019 - August 9, 2019
Gisele Giorgi	St. Louis, MO - Hi-Tech: Conference on Advanced Technological Education	July 21, 2019 - July 25, 2019
Feather Ives	St. Louis, MO - Hi-Tech: Conference on Advanced Technological Education	July 23, 2019 - July 25, 2019
Candy Mintz	St. Louis, MO - Hi-Tech: Conference on Advanced Technological Education	July 21, 2019 - July 25, 2019

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

Recommend Approval

**File Attachments**

Out of State Travel approval 7-9-19.pdf (1,048 KB)

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#### **4. CONSENT CALENDAR - HUMAN RESOURCES**

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**Subject** 4.1 Consider Approval of Short-term Assignment

**Meeting** Jul 9, 2019 - CANCELLED: BOARD RETREAT

**Category** 4. CONSENT CALENDAR - HUMAN RESOURCES

**Type** Action (Consent)

**Presenter:** Interim Vice Chancellor Whittaker

Pursuant to California Education Code Section 88003, below contains the name, scope of service, position title, site location, and service end date of the candidates recommended for short-term assignments in non-academic short-term positions.

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**Rico, Ezekiel**, Lifeguard, Laney College, up to 8 hours per day, not to exceed 350 hours through June 30, 2020. The lifeguard is responsible for managing all aspects of safety around the Laney College Pool and pool participants. Duties also include monitoring of all pool activities and performance of preventative measures to ensure participant safety, and performance of any lifeguard rescues or first aid needed in an emergency. Responsible for maintaining and organizing pool equipment and monitoring pool chemical levels.

State law mandates that there must be a lifeguard certified individual over any aquatic activity in a public pool. It can be an instructor, if they have no other duties to perform other than to supervise the safety of participants in water-contact activities. (California Health and Safety Code section 116028). Laney instructors are required to take roll, perform individual testing, and instruct students individually which conflicts with the "no other duties" part of the state code.

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#### **5. ACTION ITEMS**

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**Subject** 5.1 Consider Approval of Construction Agreement with Professional Glass Installations, Inc. for the Laney College Window Repairs (Bid No. 18-19/28), in an Amount Not-to-Exceed \$20,574.66.  
**Presenter:** Vice Chancellor Sata

**Meeting** Jul 9, 2019 - CANCELLED: BOARD RETREAT

**Category** 5. ACTION ITEMS

**Type** Action

**Preferred Date** Jul 09, 2019

**Absolute Date** Jul 09, 2019

**Fiscal Impact** Yes

**Dollar Amount** \$20,574.66

**Budgeted** Yes

**Budget Source** General Fund or Redevelopment Agency Fund

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

Public Contract Code section 20651 states that a school district is required to competitively bid any public works project with a contract value over \$15,000. Accordingly, the District's Purchasing Department conducted a formal competitive bid and called for sealed bids from contractors to replace broken glass and related glazing at storefront windows at Laney College. The project information was published in a newspaper of general circulation on April 12 and April 19, 2019. A mandatory bidder's conference was held on May 1, 2019. A total of three (3) bids were received, as follows (Attachment #2).

CONTRACTOR	LOCATION	TOTAL BID
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Bayview Glass	Oakland, CA	\$10,575.00 – Non-responsive
<b>Professional Glass Installations, Inc.</b>	Oakland, CA	<b>\$20,574.66</b>
Pinguelo Construction, Inc.	Fairfield, CA	\$47,200.00

The lowest responsible and responsive bid was submitted by Professional Glass, Inc., in the amount of \$20,574.66. Although, Bayview Glass offered the lowest bid; their proposal was deemed non-responsive because all the required documents were not submitted.

This project requires the contractor to sign a Letter of Assent (LOA), agreeing to work under the terms of the District's Construction Project Labor Agreement (PLA). Additionally, the contractor will comply with California prevailing wage laws (SBA854) applicable to the project.

Leroy Brock III and Melvin Rucker are the owners of the company.

**Contact Information:**

**409 38<sup>th</sup> St., Suite 108**  
Oakland, CA 94609  
(510) 253-9017

**Deliverables and Scope of Work:**

At Laney College, there are many broken storefront windows campus-wide. This work was scheduled to be executed over the summer, 2019. Under this construction agreement (Attachment #1), Professional Glass Installations, Inc. will replace broken glass and associated glazing, for storefront windows and door windows at Laney College. These windows are located at various classrooms and offices throughout the campus as listed below.

<b>Buildings</b>	<b>Classroom Nos. / Locations</b>
Building "A"	Room #153, Admissions Office, #154, #179-180, #191, #152 on 10 <sup>th</sup> Street side and Room #203.
Building "B"	Room #100 on the back side, Rooms #120, #133 and #202
Building "E"	Room #255, #260, and #102 at the Bakery rear exit
Building "F"	Room #100 on the back side of the welding shop, Room #203, and Room #254 in the Accounting Office
Building "G"	Rooms #180, #181, #202 and CIS #271
Eagle Village	Bathroom window
Gym	Front door at the plaza and pool side
Pool Area	Storefront window adjacent to rear exit door
Theater	Storefront window at the courtyard side
Tower	Broken glass located in Room #250 – Health Services
Art Center	Storefront door
Student Center	3 <sup>rd</sup> floor south wall

**Anticipated Completion Date:**

The contractor will achieve Substantial Completion of the entire work within 90 Calendar Days, and achieve Final Completion within 120 Calendar Days, from the commencement date.

**Evaluation and Recommended Action:**

The Chancellor, Vice of Chancellor of General of Services, and Director of Finance and Administration recommend the approval of this Construction Agreement.

**File Attachments**

Attachment #1-Professional Glass-Agreement & Resolution.pdf (48 KB)  
Attachment #2-Bid-18-19-28-Results.pdf (135 KB)

**Subject**

**5.2 Consider Adoption of Resolution No. 19/20-03 Approving and Authorizing Agreement for Contracted Services with Mega Electric & PV, Inc., for \$23,500.00 and a 10% contingency for \$2,350.00 for a total value of \$25,850.00, to Complete Electrical Repairs at the Laney Student Center and Attesting to Futility of Soliciting Bids. Presenter Vice Chancellor Leigh Sata**

**Meeting**

Jul 9, 2019 - CANCELLED: BOARD RETREAT

**Category**

5. ACTION ITEMS

**Type**

Action

**Preferred Date**

Jul 09, 2019

Absolute Date Jul 09, 2019  
 Fiscal Impact Yes  
 Dollar Amount \$25,850.00  
 Budgeted Yes  
 Budget Source Redevelopment Agency Funds (Fund 61)

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

The District conducted a formal bid process for Laney Student Center Electrical Repair Project on 2/13/19 and received no bids. Due to the urgent nature of the work, an informal bid process was initiated and four (4) electrical firms were asked to participate. Two firms submitted proposals, and the low bid, Mega Electric & PV, Inc., was awarded the project (see attached bid results dated 3/5/19) in March. At that time, the appropriate resolution was not included. This amended request for approval includes Resolution 19/20-3.

It is an urgent matter that this work be performed before the start of the fall semester, as critical mechanical equipment does not have power. Supply fans, exhaust fans, heating and hot water pumps are currently not working and there is no heat to the building.

The Board is now asked to approve a resolution declaring the futility of public bidding and the Board is also asked to re-approve the Agreement for Contracted Services with Mega Electric.

Mega Electric has been in business since 2001 and incorporated since 2015. Man Sung (Paul) Park is the President of the company. They hold a C10, California Contractor's License #777269. They have worked on various projects for Peralta Community College District over the past 5 years.

Contact Information  
 1501 Viking Street, Suite 100, Alameda, CA 94501  
 510-521-2584

**Deliverables and Scope of Work:**

The scope of work includes electrical repair work at three locations in the Student Center. At the Transformer room (132), two sets of new or refurbished Westinghouse fuse switches will be provided and replaced; new fuses will be provided in the switch gear, and all breakers/switches will be tested before being energized. At the Mechanical Room (124) the existing Westinghouse motor starter will be replaced; and all connectors, disconnects and associated parts will be cleaned and lubed. Finally, at the Mechanical Room (414), the existing oversized cables will be replaced with new appropriately sized cables, tied into an existing splice box, and connected properly. All breakers/switches at each end of the cable will be tested before being energized.

Base Bid Contract Amount \$23,500.00  
 10% Contingency \$2,350.00  
**Total Project Cost \$25,850.00**

**Anticipated Completion Date:**

Project will be completed and closed-out by December 31, 2019.

**Evaluation and Recommended Action:**

The Vice Chancellor for Department of General Services, Vice Chancellor for Finance and Administration, and Chancellor recommend approval of the Agreement for Contracted Services with Mega Electric & PV, Inc. for \$23,500.00 and a 10% contingency for \$2,350.00 for a total contract of \$25,850.00, and the resolution declaring the futility of soliciting bids for the necessary electrical repairs at the Student Center at Laney College.

**File Attachments**

Attachment #1-Mega Electric-Agreement-1.pdf (1,020 KB)  
 Attachment #2-Bid Tabulation & Sign-in Sheet.pdf (28 KB)  
 Resolution Determining Futility to Bid for Electrical Repair Work at Laney Student Center (Mega Electric).pdf (16 KB)

**Subject** **5.3 Consider Adoption of Resolution No.19/20-04 Declaring the Futility of Public Bidding for Work Arising Out of Unforeseen Conditions, and Approving Amendment No. 2 to the Laney College Beginner's Inn Exhaust System Modifications Agreement to Allow for Marina Mechanical to Complete Additional Construction Services in an Amount Not to Exceed \$5,447.00. Presenter Interim Vice Chancellor Department of General Services Leigh Sata.**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 5. ACTION ITEMS

Type Action

Preferred Date Jul 09, 2019

Absolute Date Jul 09, 2019

Fiscal Impact Yes  
 Dollar Amount \$5,447.00  
 Budgeted Yes

Budget Source General Obligation Bond Measure A (Fund 63)

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

On 9/24/18 the District entered into a contract with Marina Mechanical to provide construction services for the Beginner's Inn Kitchen Equipment Exhaust Modification Project at Laney College (see attached "Contract\_Marina Mechanical").

On March 26, 2019, the Board approved Change Order No. 1 in the amount of \$11,384.00, approved as Amendment No. 1 to the District's Agreement with Marina Mechanical (see attached "Change Order 1\_Marina Mechanical")

The Board is now asked to approve a resolution declaring the futility of public bidding for work arising from unforeseen conditions, as amendment No. 2 to the contract to cover the work set forth in Change Order No. 2 (see attached "Futility Resolution Marina Mechanical" and "Amendment #2 to Agreement for Marina Mechanical" and "Marina Mechanical - Proposal and CO #2").

Change Order No. 2 addresses further unforeseen conditions within the project. During the commissioning process, it was found that the exhaust system was not properly connected to the existing make-up air unit #7. Unit #7 is located in the ceiling space of the bakery kitchen with very poor access. After investigating many possible causes of the improper air balance, it was determined that the internal components of unit #7 had failed and the pulley system and belts require replacement. The cost of these repairs will exceed the 10% allowable contingency, but it was determined that it is more efficient for the existing contractor to perform the work, as they understand the issue and are already mobilized on-site.

Presently, there is inadequate air circulation within the bakery kitchen and the space is not suitable to conduct class. The goal is to complete work before the beginning of the fall semester.

This is the final change order to the contract. Once the work is performed the project can be closed out.

Marina Mechanical is the General Contractor and has been in business since 1958. Carl Koos is the current President of the company. California Contractor's License #416198 C2, C4, C10, C20, C36, C38, and C43.

Contact Information  
 799 Thornton Street, San Leandro, CA 94577  
 510-614-7500  
[www.team-marina.com](http://www.team-marina.com)

**Deliverables and Scope of Work:**

Perform repairs on existing MAU No. 7 located in the ceiling space of the bakery kitchen in Building E, specifically replacing the pulley system, replacing the belts, and re-engaging the motor.

Contract	Approved Amount	Time Extension	Board Approval Date
Original Contract	\$116,090.00	N/A	5/7/18
Amendment No. 1	\$11,384.00	62 days	3/26/19
Amendment No. 2	\$5,447.00	153 days	pending
<b>New Contract Sum</b>	<b>\$132,921.00</b>		

**Anticipated Completion Date:**

Project is anticipated to be completed by 9/30/19 including testing and commissioning, punchlist, and closeout.

**Evaluation and Recommended Action:**

The Vice Chancellor of Department of General Services, Vice Chancellor of Finance and Administration, and Chancellor recommend approval of the resolution declaring the futility of public bidding for work arising from unforeseen conditions allowing for the above-described 2<sup>nd</sup> Amendment to the Agreement with Marina Mechanical in an amount not to exceed \$5,447.00, on the Beginner's Inn Kitchen Equipment Exhaust Modification Project at Laney College.

**File Attachments**

Amendment #2 to Agreement for Marina Mechanical Agreement (Beginner's Inn).pdf (417 KB)  
 Futility Resolution Marina Mechanical.pdf (18 KB)  
 ChangeOrder1\_Marina Mechanical\_\$11384.00\_(FWapproved5-14-19).pdf (5,783 KB)  
 Contract\_Marina Mechanical - 127518 agreement with cover.pdf (7,602 KB)

**6. RETREAT AGENDA (5:00 P.M.)**

**Subject 6.1 General Obligation Bond - RFP/RFQ Update. Presenter: Vice Chancellor Sata**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 6. RETREAT AGENDA (5:00 P.M.)

Type

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

Status of RFP. Next steps.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

**Evaluation and Recommended Action:**

**Subject 6.2 Procurement and Procedural Update. Presenter: Vice Chancellor Sata**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 6. RETREAT AGENDA (5:00 P.M.)

Type

**Background/Analysis:**

Vice Chancellor Sata will provide a status update on a joint procedure development between Finance, Legal and DGS.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

N/A

**Subject 6.3 Other Post-Employment Benefits (OPEBs) and OPEB Bonds - Information and Updates**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category 6. RETREAT AGENDA (5:00 P.M.)

Type Information

**Background/Analysis:**

Retirement Board Counsel, Bond Counsel and the District's Financial Advisors will provide a brief summary to the District of the District's OPEBs, the Retirement Board's responsibilities and the related trusts, the OPEB Bonds, payment obligations and sources of payment.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A



**Evaluation and Recommended Action:**

N/A

**Subject**                    **6.4 BREAK (6:30 P.M.)**

Meeting                    Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category                    6. RETREAT AGENDA (5:00 P.M.)

Type

**Subject**                    **6.5 FCMAT Action Plan Update. Presenter: Chancellor White**

Meeting                    Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category                    6. RETREAT AGENDA (5:00 P.M.)

Type                        Information

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

The Peralta Community College District received the Fiscal Crisis and Management Assistance Team (FCMAT) Report on June 28, 2019. The report provides a financial review and fiscal health risk analysis for the college district. There are sixty-nine (69) recommendations that must be addressed. This is a task that will require an Action Plan and timelines for completion.

The administration is creating a matrix to fully address the FCMAT recommendations. Along with addressing the FCMAT recommendations, recent reports such as the Collaborative Brain Trust (CBT) Report and the ACCJC letter will be aligned with FCMAT recommendations to decipher where there are similarities in the recommendations to be addressed. The FCMAT Action Plan Matrix will include the recommendations and crosswalk with CBT and ACCJC; the responsible lead manager; timeline for completion; update, and comments. This matrix is in development now and will be shared with the Board on July 23, 2019.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

N/A

**Subject**                    **6.6 Consider Approval of a First Reading and planning process for Collaborative Brain Trust (CBT) Phase II implementation. Presenter: Chancellor White**

Meeting                    Jul 9, 2019 - CANCELLED: BOARD RETREAT

Category                    6. RETREAT AGENDA (5:00 P.M.)

Type

- IT Proposed Reorganization

**File Attachments**

Peralta\_Fiscal Improvement Plan Services\_Project-Phase II Proposal\_FINAL\_06.27.19.pdf (281 KB)

**Subject**                    **6.7 Budget Review Process 2020-2021. Presenter: Vice Chancellor Harrison**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT  
 Category 6. RETREAT AGENDA (5:00 P.M.)  
 Type Discussion, Information

Vice Chancellor Harrison will be providing the Board with a brief description of the proposed budget development process for the 2019/20 fiscal year. This proposed process shall include participation at all levels including, participatory governance, time frames, development of financial assumptions, and the development of the Tentative and Final budgets. The Board adopting goals and objectives will signal the start of the budget development cycle.

**File Attachments**  
[PROPOSED BUDGET PROCESS 20-21.pdf \(59 KB\)](#)

**Subject 6.8 BREAK (7:30 P.M.)**  
 Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT  
 Category 6. RETREAT AGENDA (5:00 P.M.)  
 Type

**Subject 6.9 Consider Approval of nominations from constituency groups to form the Chancellor Selection Committee in accordance with Board Policy 2431 Chancellor Selection. Presenter: Board President Bonilla**  
 Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT  
 Category 6. RETREAT AGENDA (5:00 P.M.)  
 Type Action (Consent), Discussion  
 Preferred Date Jun 25, 2019  
 Absolute Date Jun 25, 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.)**

In accordance with Board Policy 2431, the following constituency groups have submitted nominations of representatives to serve on the Chancellor Selection Committee, which will be representative of the District and all four colleges for the Board's consideration: Academic Senate and Peralta Federation of Teachers jointly nominated four (4) representatives; SEIU Local 1021, IUOE Local 39, and the Classified Senate jointly nominated three representatives. The Chancellor nominated two administrators; Student Trustees nominated 1-2 students; and three (3) community members at large were nominated by the Board. Upon the approval of the nominations by the Board of Trustees, the Chancellor Selection Committee will begin its work by attending an orientation meeting, which will be held August 27, 2019.

**Deliverables and Scope of Work:**

N/A

**Anticipated Completion Date:**

N/A

**Evaluation and Recommended Action:**

N/A

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## 7. ADJOURNMENT

**Subject 7.1 Meeting Adjournment**

Meeting Jul 9, 2019 - CANCELLED: BOARD RETREAT  
Category 7. ADJOURNMENT  
Type Action