

**REGULAR MEETING OF THE BOARD OF TRUSTEES (Tuesday, September 27, 2022)**

Generated by Sasha Amiri on Tuesday, September 28, 2022

**Members Present**

Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Meeting called to order at 4 PM**

1. Agenda Items denoted with \*\*\* reflect agreements approved by the Chancellor during the Board's recess in August 2022 pursuant to the delegation of Authority to ensure operational continuity granted to her at the July 26, 2022 Board Meeting

**2. CLOSED SESSION**

Discussion: 2.1 Conference with Labor Negotiator, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government § 54957.6) (40 minutes)

Information: 2.4 Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

**3. OPEN SESSION**

Procedural: 3.1 Call to Order

Procedural: 3.2 Pledge of Allegiance

Procedural: 3.3 Roll Call

Procedural: 3.4 Affirmation of the Statement of Cooperation

Information: 3.5 Report of Action Taken in Closed Session

**Action: 3.6 Approval of the Agenda**

Recommend Approval of the September 27, 2022 Board agenda and to move item 9.8 to after the Chancellor's reports.

Motion by Cindi Napoli-Abella Reiss, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action, Minutes: 3.7 Approval of the Minutes**

Motion to approve the September 13, 2022 Board Minutes.

Motion by Bill Withrow, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

Not Present at Vote: Sarah Latino

**Information: 3.8** Associated Student Government Reports. Presenters: Natay Myers (CoA), Mazin Saeed (BCC), Student Trustee Leesa Hogan (Merritt)

**Information: 3.9** Peralta Classified Senate Report. Presenter: Terrence Fisher

**Information: 3.10** District Academic Senate Report. Presenter: Donald Moore

**Information: 3.11** Public Communication

**Information: 3.12** Chancellor's Reports

#### **4. PUBLIC HEARING & ACTION**

**Action: 4.1** Public Hearing and Consider Approval of the Peralta Community College District 2022/23 Adopted Budget under Resolution 22/23-78. Presenter: Dr. Nathaniel Jones III, Acting Vice Chancellor  
The 2022/23 Adopted Budget and Resolution 22/23-78 are presented for approval.

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

#### **5. CONSENT CALENDAR - CHANCELLOR'S OFFICE**

**Action (Consent): 5.1** Approval of All Consent Items

Resolution: Approval of All Consent Items

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action (Consent): 5.2** Consider Approval of Out of State Travel. Presenter: Interim Chancellor Dr. Jannett N. Jackson

Resolution: Approve Out of State Travel.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

#### **6. CONSENT CALENDAR - ACADEMIC AFFAIRS**

**Action (Consent): 6.1** Consider Approval of Sub-Contract Grant Agreement Between the Cerritos Community College District and the Peralta Community College District/College of Alameda to Receive \$61,000 in Funding to Purchase Equipment and California Energy Commission Electric School Bus. Presenter: Acting COA President Dr. Bajrami  
Resolution: Approve the Sub-Contract Grant Agreement Between the Cerritos Community College District and the Peralta Community College District/College of Alameda to Receive \$61,000 in Funding to Purchase Equipment and California Energy Commission Electric School Bus

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

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

**Action (Consent): 7.1** \*\*\*Consider Ratification of Amendment No. 1 to the Independent Consultant Agreement for Professional Services with Equity Consulting LLC to Clarify Personnel Responsible for Providing the Financial Consulting Services set forth in the Agreement and Memorialize Updated Timeline for Completion of Services. Presenter: Interim Vice Chancellor Smith\*\*\*

Resolution: Ratify Amendment No. 1 to the Independent Consultant Agreement for Professional Services with Equity Consulting LLC to clarify personnel responsible for providing the financial consulting services set forth in the Agreement and memorialize updated timeline for completion of services.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action (Consent): 7.2** Approve an Independent Consultant Agreement for Professional Services with Davillier-Sloan, Inc. for Project Labor Agreement Management Services for the District's Bond Program in an Amount Not to Exceed \$360,000.00. Presenter: Interim Vice Chancellor Smith

Resolution: Approve an Independent Consultant Agreement for Professional Services with Davillier-Sloan, Inc. for Project Labor Agreement Management Services for the District's Bond Program in an amount not to exceed \$360,000.00.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action (Consent): 7.3** \*\*\*Consider Ratification of Amendment No. 3 to the Independent Consultant Agreement for Professional Services with Fugro USA Land, Inc. to Allow for the Provision of Additional Geotechnical Engineering Services for the Laney College Library and Learning Resource Center Project, the Incorporation of a Commensurate Increase to the Fee for Services Rendered by \$184,813.00, and an Accompanying Extension to the Term of the Agreement. Presenter: Interim Vice Chancellor Smith\*\*\*

Resolution: Ratify Amendment No. 3 to the Independent Consultant Agreement for Professional Services with Fugro USA Land, Inc. for the provision of additional geotechnical engineering services for the Laney College Library and Learning Resource Center Project and a commensurate increase to the fee for services rendered by \$184,813.00, and an accompanying extension to the Term of the Agreement.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action (Consent): 7.4** \*\*\*Consider Ratification of Change Order No. 2 to the Agreement for Construction Services with W.E. Lyons Construction Co. for the Laney College Waterproofing Repairs Phase III Project (Bid No. 20-21/12) in the Amount of \$102,427.98 and to Allow for a 94-Day Time Extension. Presenter: Interim Vice Chancellor Atheria Smith\*\*\*

Resolution: Ratify Change Order No. 2 to the Agreement for Construction Services with W.E. Lyons Construction Co. for the Laney College Waterproofing Repairs Phase III Project (Bid No. 20-21/12) in the amount of \$102,427.98 and to allow for a 94-day time extension.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

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

**Action (Consent): 8.1** Consider Approval of Classified Personnel Items. Presenter: Interim Vice Chancellor Ronald McKinley

Resolution: Approve classified personnel items.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action (Consent): 8.2** Consider Approval of an Academic (Faculty) Personnel Item. Presenter: Interim Vice Chancellor Ronald McKinley

Resolution: Approve an academic personnel item.

Approval of All Consent Items

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

## **9. ACTION ITEMS**

**Action: 9.1** Consider Adoption of Resolution No. 22/23-80. Authorizing the Purchase of Microsoft Software Licenses Pursuant to FCCC Microsoft Campus Agreement 2022 (Year 3 of 4) in the Amount of \$202,768.00. Presenter: CTIO Antoine Mehouelley

Motion to Adopt Resolution No. 22/23-80 Approve Purchase of Microsoft Software License Renewals Under the FCCC Microsoft Campus Agreement in the Amount of 202,768.00.

Motion by Bill Withrow, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.2** Consider Approval of a Cost of Living Adjustment for Confidential Employees of 6% Effective July 1, 2022; Salary Increase of 4% Effective January 1, 2023; An Additional Salary Step Effective January 1, 2023; Multilingual Pay; and Longevity Pay for Confidential Employees. Presenter: Interim Vice Chancellor Dr. McKinley

Motion to Approve Items 9.2 & 9.3.

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.3** Consider Approval of a Cost of Living Adjustment of 6% for Administrators, Effective July 1, 2022; and Salary Increase of 2% for Administrators, Effective January 1, 2023. Presenter: Interim Vice Chancellor Dr. McKinley

Motion to Approve Items 9.2 & 9.3.

Motion by Nicky Gonzalez Yuen, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.4** Consider Adoption of Resolution 22/23-82 Terminating District's Contract with Trustmark Anthem for Self-Insured PPO Traditional and PPO Lite Health Insurance Plans Effective December 31, 2022, Terminating the District's Contract with Kaiser for HMO Health Insurance Effective December 31, 2022, and Authorizing Execution of Contracts with Self-Insured Schools of California III (SISC III) for PPO and HMO Health Insurance Plans, and with Retiree First/Labor First for Retiree Healthcare and Medicare Benefit Support Effective January 1, 2023. Presenter: Interim Vice Chancellor Dr. McKinley

Approve Resolution 22/23-82 Terminating District's Contract with Trustmark Anthem for Self-Insured PPO Traditional and PPO Lite Health Insurance Plans, Terminating the District's Contract with Kaiser for HMO Health Insurance, and Authorizing Execution of Contracts with Self-Insured Schools of California III (SISC III) for PPO and HMO Health Insurance Plans, and with Retiree First/Labor First for Retiree Healthcare and Medicare Benefit Support, Effective January 1, 2023.

Motion by Bill Withrow, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.5** Consider Approval of a Tentative Agreement between the Peralta Community College District and Local 39 - International Union of Operating Engineers. Presenter: Interim Vice Chancellor Dr. McKinley

Approve the attached Tentative Agreement between the Peralta Community College District and Local 39.

Motion by Bill Withrow, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.6** Consider Approval of a Tentative Agreement for a Side Letter between the Peralta Community College District and the Service Employees International Union (SEIU) Local 1021. Presenter: Interim Vice Chancellor Dr. McKinley

Motion to Approve Items 9.6 & 9.7.

Motion by Nicky Gonzalez Yuen, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.7** Consider Approval of a Tentative Agreement for a Side Letter between the Peralta Community College District and the Peralta Federation of Teachers (PFT). Presenter: Interim Vice Chancellor Dr. McKinley

Motion to Approve Items 9.6 & 9.7.

Motion by Nicky Gonzalez Yuen, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.8** Final Reading and Adoption of the ACCJC Follow-Up Reports Due October 1, 2022 for BCC, COA, Laney & Merritt College. Presenter: Dr. Janet Fulks

Motion to Adopt the ACCJC Follow-Up Reports Due October 1, 2022 for BCC, COA, Laney & Merritt College.

Motion by Bill Withrow, second by Dyana Delfin Polk.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

**Action: 9.9** Consider Second Reading and Approval of the PCCD OPEB Actuarial Study and Death Benefit Opinion Letter.  
Presenter: Interim Vice Chancellor, Dr. McKinley  
Second Reading and Approval of the PCCD OPEB Actuarial Study and Death Benefit Opinion Letter.

Motion by Bill Withrow, second by Nicky Gonzalez Yuen.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk

## **10. REPORTS**

Information: 10.1 Board of Trustees' Reports

## **11. ADJOURNMENT - MEETING ADJOURNED AT 8:47PM**

Procedural: 11.1 Meeting Adjournment

12. \*\*\*NOTICE\*\*\*