

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of May 11, 2010

ITEM # 10

ITEM TITLE: *Consider Approval of a Contract Increase for External Auditors Vavrinek, Trine, Day & Co., LLP in an amount not to exceed \$73,450 through June 30, 2010 in order to complete the current audit. This is a third amendment. The previous amendment of \$30,000 increased total fees from \$94,500 to \$124,500. This new contract increase will increase total fees to \$197,950.*

SPECIFIC BOARD ACTION REQUESTED:

ITEM SUMMARY: SEE ATTACHED LETTER.

BACKGROUND/ANALYSIS:

ALTERNATIVES/OPTIONS:

EVALUATION AND RECOMMENDED ACTION:

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ NO _____

COMMENTS:

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM? YES _____ NO X

_____ IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

(*****Board contract approval is subject to negotiation and execution by the Chancellor.)

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: *D. Benavides* Date: 5/4/2010
[Dominique Benavides, Interim Executive Asst. for Budget & Finance]

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: *R. Michael Lenahan* Date: 5/4/10
[R. Michael Lenahan, Interim Vice Chancellor of Finance & Administration]

FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: *R. Michael Lenahan* Date: 5/4/10
Finance and Administration Approval

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved

Signature: _____ Date: _____
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: *E. Harris* Date: _____
Elihu Harris, Chancellor



April 5, 2010

Mr. Bill Withrow
Audit Committee Chair
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Dear Mr. Withrow:

As you know, the Peralta Community College District has contracted with Vavrinek, Trine, Day & Co., LLP to provide for the annual audit of the District for the year ended June 30, 2009. As specified in our engagement letter dated April 2, 2009, the total fees for the audit services were contracted to not exceed \$94,500. Due to the delays in the District's final close of the financial activity for the year ended June 30, 2009, and the related audit reporting process, we have incurred, and will continue to incur, additional time in the completion of your audit.

At this time, we have estimated the total time remaining to complete the audit based upon information that has been provided to us both from District staff and the Recovery Team. We have based our estimated timetable to provide a final draft copy of the annual audited financial statements no later than May 31, 2010, and will work to provide our audit services to both economically and efficiently complete the audit. At this time, the total additional estimated hours for the audit engagement are 585 for the period April – May 2010. This estimate is contingent upon no further delays in the closing process and no unanticipated events occurring in the conduct of our audit procedures. Our fees for these hours will be estimated to not exceed \$73,450. We ask that you bring this addendum to the Board for approval to allow for the completion of the audit and the related invoicing to be processed efficiently by the District.

If you agree with the addendum as described in this letter, please sign one copy where indicated below and return to my attention. If you have any questions, please call me.

Very truly yours,

Heidi E. White
of VAVRINEK, TRINE, DAY & CO., LLP

HEW/kks

The above addendum to the 2008-2009 audit contract with Vavrinek, Trine, Day & Co., LLP is approved:

Signature

Date



April 2, 2009

Board of Trustees
Peralta Community College District
333 East Eighth Street
Oakland, CA 94606

We are pleased to confirm our understanding of the services we are to provide Peralta Community College District (the District) for the year ended June 30, 2009.

We will audit the financial statements of the business-type activities, which collectively comprise the basic financial statements of Peralta Community College District as of and for the year ended June 30, 2009. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the District's basic financial statements. As part of our engagement, we will apply certain limited procedures to the District's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Schedule of Other Postemployment Benefits (OPEB) Funding Progress and Employer Contributions

Supplementary information other than RSI, such as the Schedule of Expenditures of Federal Awards, and schedules required under the State System's Office *Contracted District Audit Guide*, such as the Schedule of Expenditures of State Awards and the Schedule of Workload Measures for State General Apportionment, also accompanies the District's basic financial statements. We will subject this supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements.

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditors' report will disclaim an opinion.

- 1) Individual Fund Balance Sheets, Statements of Revenues, Expenditures, and Changes in Fund Balance for Governmental Fund Types, Balance Sheets, Income Statements, and Statements of Cash Flows for Proprietary Funds and Fiduciary Fund Balance Sheets and Statements of Revenues, Expenditures, and Changes in Fund Balance presented on the modified accrual basis of accounting.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.
- Compliance with laws and regulations in accordance with the California State System's Office *Contracted District Audit Guide*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies and, if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major programs in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the business-type activities of the Peralta Community College District and the respective changes in financial position and, where applicable, cash flows in conformity with accounting principles generally accepted in the United States of America; and for federal award program compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for the basic financial statements and all accompanying information, as well as all representations contained therein.

You are responsible for management decisions and functions. As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with *Government Auditing Standards*, you will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Management is responsible for making all financial records and related information available to us, including identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review during the preliminary phase of our audit.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the District's major programs. The purpose of those procedures will be to express an opinion on the District's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Audit Administration, Fees, and Other

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide 60 copies, an original, and print-ready PDF master of our reports to the Peralta Community College District and will submit copies of the report to the agencies specified within your distribution list. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of VAVRINEK, TRINE, DAY & CO., LLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the State System's Office, the Federal Oversight Agencies or designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of VAVRINEK, TRINE, DAY & CO., LLP personnel.

Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the District. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Our Firm has three (3) non-CPA partners. While these individuals are not anticipated to be assigned to your audit engagement, we will properly inform you of any services provided by them. Our non-CPA partners all work in our Rancho Cucamonga Office and provide ancillary consulting services to our governmental clients.

We expect to begin our audit at a mutually agreeable time and to issue our reports no later than December 30, 2009. Our fee for these services is currently estimated to range between \$79,500 and \$94,500 provided unexpected circumstances will not be encountered during the audit and the State System's Office will not expand the requirements for compliance within the 2009 *Contracted District Audit Guide*. We will provide additional updates as to the timing and pricing as the audit progresses.

We have reviewed the State System's Office *Contracted District Audit Guide* and have determined there is no significant increase in the compliance requirements or other required information for the current year. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2005 peer review has been previously provided to you as part of our 2006-2007 audit.

We appreciate the opportunity to be of service to Peralta Community College District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Heidi E. White
of VAVRINEK, TRINE, DAY & CO., LLP

HEW/kks
Enclosure
090138

RESPONSE:

This letter correctly sets forth the understanding of Peralta Community College District.

By: _____

Title: _____

Date: _____

The following individuals have been designated to oversee the audit and will have responsibility for the completeness of the information presented for audit:

Name: _____

Title: _____

AYES: Trustee Gulassa, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy,
Trustee Withrow, and Trustee Riley.
NOES: None
ABSTAIN: None
ABSENT: and Trustee Hodge.

Trustee Gonzalez Yuen voted no on Item 10.

4. Consider Nominations to the CCCT Board Presenter: Trustee Withrow At tonight's meeting, Trustee Withrow will bring forward any nominations from the Peralta Board for the CCCT Board prior to the February 15 deadline. After a slate is forwarded by CCLC, candidates will be recommended for appointment to the Board, between March 10 and April 25.

Trustee Withrow shared that Trustee Gulassa has agreed to be a candidate for this slate this year, as well. He requests that Trustee Gulassa be the only candidate coming forward from this Board.

MOTION: Motion by Trustee Riley, second by Trustee Gonzalez Yuen to approve.

AYES: Trustee Gulassa, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Hodge,
Trustee Handy, Trustee Withrow, and Trustee Riley.
NOES: None
ABSTAIN: None
ABSENT: None

5. Consider Proclamation to Support Census 2010 Participation Consider proclamation to support participation in the 2010 census. The Chancellor recommends approval.

Background Materials

Signed resolution

6. Consider Approval of a Contract Increase for External Auditors Vavrinek, Trine, Day & Co., LLP Presenter: Chancellor Harris Consider approval of a contract increase for Vavrinek, Trine, Day & Co., LLP, external auditors in an amount not to exceed \$30,000 through June 30, 2010 in order to complete the current audit. The current engagement letter dated April 2, 2009 total fees were contracted at \$94,500. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Materials

Background Materials 2

7. Consider Approval of Resolution 10/11-7 on Student Health Fees Presenter: Associate Vice Chancellor Bracy Consider approval of Resolution 10/11-7 on student health fees. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Material

hazardous and toxic waste handling," and "Security systems, fencing, site improvements." All Board recommended contracts are subject to negotiation and execution by the Chancellor. This item was discussed at a meeting of the Board Facilities and Land Use Planning Committee on January 21, 2010. The Chancellor recommends approval.

Background Materials

15. Consider Approval of Amendment No. 2 to Agreement for Architectural Services with Colland Jang Architecture for Berkeley City College Modernization and Short-Term Projects Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 2 to the agreement for architectural services with Colland Jang Architecture for the Berkeley City College Modernization and Short-Term Projects, in the amount not to exceed \$6,000. Changes in the scope of work necessitated additional design and consultant services including the restructuring of occupancy of spaces, which requires multiple punch lists and extra meetings at DSA, primarily for ADA accessibility modifications. A time extension until June 30, 2010 has also been requested. The extension will allow the architect to complete project closeout and invoice processing. The original agreement with Colland Jang Architecture, in the amount of \$67,500, was approved at the Board meeting of September 16, 2008. Amendment No. 1, in the amount of \$15,000, was approved at the Board meeting of March 24, 2009. Including this Amendment No. 2, the total agreement amount will be \$88,500. Funding Source: Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Berkeley City College "Equipment, technology upgrades and facility and classroom improvement and expansions." All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Materials

16. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees on an Emergency Basis Presenter: Chancellor Harris Pursuant to AB500, attached is a report that contains the name, classification, and date of hire, assignment end date, hourly rate, classification, position title, location, background and experience department, and fund source of candidates recommended for short-term assignments in non-academic classified positions. Below are the names and classifications of these candidates. Each candidate's assignment will not exceed the District's established fiscal-year limit of 184 days. All Board negotiated contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Last Name First Name Date of Hire End Date Position Title Site Boucher Lucas 1/21/10 6/30/10 Instructional Asst III/DSPS B Diaz Margarita 2/01/10 5/30/10 Instructional Asst/Child Development M Fertado Robin 1/27/10 6/30/10 Interpreter/Fully Certified A Henderson Wesley 1/27/10 5/28/10 Instructional Asst I/DSPS M Joshua James 2/1/10 6/30/10 Student Personnel Svcs. Spec. M Navarro Carmen 1/27/10 5/28/10 Instructional Asst IV/DSPS M Pickett Sierra 1/21/10 5/28/10 Interpreter I B Pickett Sierra 1/27/10 6/30/10 Interpreter I A Rehman Uzma 1/21/10 6/30/10 Instructional Asst III/DSPS B Sims Delane 1/27/10 6/30/10 Instructional Asst/LRC B Thompson Karla 1/21/10 6/30/10 Instructional Asst I/DSPS B Trieu Linda 1/21/10 5/30/10 Instructional Asst I/DSPS B

CONSENT/CALENDAR (FOR ACTION) 8:15 PM All action items are to be considered to be a part of a consent calendar. Trustees are given the opportunity to pull specific items off of the consent calendar for discussion and action. All items that have not been pulled by a Trustee will be considered in a block for comments by the public and action by the Board. All Board recommended contracts are subject to negotiation and execution by the Chancellor.

MOTION: Motion by Trustee Handy, second by Trustee Riley to approve the consent calendar, including agenda items 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

AYES: Trustee Gulassa, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Withrow, and Trustee Riley.
 NOES: None
 ABSTAIN: None
 ABSENT: and Trustee Hodge.

Trustee Gonzalez Yuen voted no on Item 10.

- 4. Consider Nominations to the CCCT Board Presenter: Trustee Withrow At tonight's meeting, Trustee Withrow will bring forward any nominations from the Peralta Board for the CCCT Board, prior to the February 15 deadline. After a slate is forwarded by CCLC, candidates will be recommended for appointment to the Board, between March 10 and April 25.

Trustee Withrow shared that Trustee Gulassa has agreed to be a candidate for this slate this year, as well. He requests that Trustee Gulassa be the only candidate coming forward from this Board.

MOTION: Motion by Trustee Riley, second by Trustee Gonzalez Yuen to approve.

AYES: Trustee Gulassa, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Hodge, Trustee Handy, Trustee Withrow, and Trustee Riley.
 NOES: None
 ABSTAIN: None
 ABSENT: None

- 5. Consider Proclamation to Support Census 2010 Participation Consider proclamation to support participation in the 2010 census. The Chancellor recommends approval.

Background Materials

Signed resolution

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Background Materials 2

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Background Material