



Agenda Item Details

Meeting	Aug 09, 2016 - GB Regular Meeting
Category	24. APPROVAL OF AGREEMENTS – NO COST/INCOME
Subject	24.4 Master Agreement between Southwestern College and the Southwestern College Foundation (Flood/Encarnacion)
Type	Action
Fiscal Impact	No
Recommended Action	Approve Agreement No. 4960.16 with the Southwestern College Foundation (Foundation), to define the scope, functions and responsibilities of the Foundation and support from Southwestern Community College District (District), effective August 9, 2016, continuous agreement unless terminated or modified by either party, at no cost to the District.

SUBMITTED BY: Tim Flood, Acting Superintendent/President

INITIATED BY: Zaneta S. Encarnacion, Executive Director of Development and Foundation

OVERVIEW

Section 59259, subchapter 4.5, of Barclays California Code of Regulations defines the scope, functions, and responsibilities for auxiliary organizations and their relationship with the governing board of a community college district. The governing body of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of the college. The district must at such time as it recognizes an auxiliary organization, submit to the Chancellor any written agreement with an auxiliary organization, as well as the articles of incorporation, bylaws, or other governing instrument of the particular auxiliary organization.

ANALYSIS:

On November 1, 1982, the College District and the Foundation entered into a Master Agreement. The Agreement was last updated on August 10, 2000.

In January 2015, the Foundation Board President worked with the Dean of Institutional Effectiveness and the Director of Procurement, Central Services & Risk Management to draft an update to the Agreement. The Foundation Board decided in October 2015 to wait on finalizing the Agreement update until a new Executive Director was hired. Updates to the Agreement resumed in January 2016 with review and input from the Foundation Board, Superintendent/President, Vice President for Business & Financial Affairs, Dean of Institutional Effectiveness, Director of Procurement, Central Services and Risk Management and the Executive Director for the Development & Foundation Office.

On February 5, 2016 the District was issued a warning letter from ACCJC that included a recommendation addressing the College District's "need to make modifications to the Agreement between the institution and the foundation in conjunction with hiring appropriate staff to facilitate foundation activities and that the District ensure that the financial resources of auxiliary services, grants and fundraising efforts are used with integrity and shall maintain internal controls and will be evaluated for effectiveness."

The updated Agreement reflects the Foundation's organizational status, identifies specialized services, responsibilities and financial considerations for both the District and the Foundation and provides compliance with the ACCJC's accreditation recommendation.

[SWCF Master Agreement 7-20-2000.pdf \(177 KB\)](#)

[Southwestern College Foundation 4960 - Agreement Revised 8-9-16.pdf \(457 KB\)](#)