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# STATE OF COLORADO

DEPARTMENT OF HIGHER EDUCATION  
*Colorado Commission on Higher Education*

Bill Ritter, Jr.  
Governor

David E. Skaggs  
Executive Director

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June 15, 2009

Nancy McCallin, President  
Colorado Community College System  
9101 East Lowry Blvd.  
Denver, CO 80230

Re: Performance Contract Extension

Dear President <sup>Nancy</sup>~~McCallin~~.

At its June 4<sup>th</sup> meeting, the Colorado Commission on Higher Education approved extensions to June 30, 2011, for all institutions with performance contracts with an expiration date of June 30, 2009. The attached amendment will extend the Community College System's performance contract to June 30, 2011.

As you now, the extension is intended to maintain the status quo while the Commission carries out a strategic planning effort over the next 16 months and enables the results of that effort to be reflected in possible revisions to the performance contracts that may need to be negotiated. The extension will also permit us to accommodate any statutory changes that may occur during the 2011 legislative session.

The amendments have been approved by the Attorney General, the Commission and the Department and now need to be executed by you and your board chair. Please return one signed copy to me for the Department's records.

Thank you for your assistance.

Sincerely yours,

David E. Skaggs

DES:ss  
Enclosure(s)

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT AMENDMENT NO. 1**

**1. PARTIES**

**THIS CONTRACT AMENDMENT NO. 1** (hereinafter called this "Amendment") to the Performance Contract entered into by and between the Department of Higher Education (hereinafter referred to as the "Department") and the State Board for Community Colleges and Occupational Education (hereinafter the "Original Contract"), made this 8th day of June, 2009, is entered into by and between the Department and the State Board for Community Colleges and Occupational Education (hereinafter called "Governing Board").

**2. EFFECTIVE DATE AND ENFORCEABILITY**

This Amendment shall be effective and enforceable upon signature of the parties (hereinafter its "Effective Date") and upon review and approval by the Colorado Commission of Higher Education, in accordance with its provisions. The Department shall not be liable to pay or reimburse the Governing Board for any performance hereunder, including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

**3. FACTUAL RECITALS**

The Parties entered into the Original Contract, made on May 11, 2005, in order to comply with the statutory requirements of the College Opportunity Fund Act, Title 23, Article 18, Section 101 *et seq.*

**4. CONSIDERATION**

Consideration for this Amendment consists of the payments to be made hereunder and the obligations, promises, and agreements herein set forth.

**5. LIMITS OF EFFECT**

This Amendment is incorporated by reference into the Original Contract, and the Original Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

**6. MODIFICATIONS**

The Original Contract and all prior amendments thereto, if any, are modified as follows:

- A. Section 2 of the Original Contract is amended to extend the Term of this contract by eighteen months, with the new termination date to be on June 30, 2011.

**7. ORDER OF PRECEDENCE**

In the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Original Contract, the provisions of this Amendment shall in all respects supersede, govern, and control.

8. AVAILABLE FUNDS

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT AMENDMENT NO. 1

<p style="text-align: center;"><b>GOVERNING BOARD</b> State Board for Community Colleges and Occupational Education</p> <p>BY: <u><i>Nancy J. McAllister</i></u> President</p> <p>Date: <u>6-19-09</u></p> <p style="text-align: center;">APPROVED</p> <p>BY: <u><i>Benedetta Neugebauer</i></u> Chair, State Board for Community Colleges and Occupational Education</p> <p>Date: <u>6-24-09</u></p>	<p style="text-align: center;"><b>DEPARTMENT</b> COLORADO DEPARTMENT OF HIGHER EDUCATION</p> <p>BY: <u><i>David Skaggs</i></u> David Skaggs, Executive Director</p> <p>Date: <u>9 June 2009</u></p> <p style="text-align: center;">APPROVED</p> <p>BY: <u><i>Jan S. Pollock</i></u> Chair, Colorado Commission on Higher Education</p> <p>Date: <u>12 June 2009</u></p>
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