

November 20, 2012 Board Meeting – IRS Tax & Securities Compliance

Detail: The IRS now requires specific compliance standards for all issuers of tax-exempt debt. Minimum post-issuance tax compliance standards are required to be adopted by any entity entering into tax exempt financing. The Board of Trustees is required to adopt these procedures for past and future financing in order to be in compliance with the regulations.

Recommendation: It is recommended that the Board of Trustees approve resolution 12-02, the adoption of tax and securities compliance procedures.

RESOLUTION NO. _12-02_

A RESOLUTION PROVIDING FOR THE ADOPTION OF TAX AND SECURITIES COMPLIANCE PROCEDURES RELATING TO OBLIGATIONS ISSUED AND TO BE ISSUED BY BARTON COUNTY COMMUNITY COLLEGE.

WHEREAS, the Barton County Community College, (the “Issuer”) is a community college district, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”); and

WHEREAS, the Issuer is authorized, pursuant to the Constitution and statutes of the State to issue bonds, notes, leases, certificates and other instruments that evidence indebtedness (collectively, the “Obligations”) to finance certain improvements, projects and programs of the Issuer (collectively, the “Project Facilities”); and

WHEREAS, the Issuer has heretofore issued certain Obligations and anticipates future issuances of additional Obligations by the Issuer or another governmental entity on behalf of the Issuer, the interest on which is intended to be excluded from gross income for federal income tax purposes or which is subsidized by the federal government (*e.g.* build America bonds) (the “Tax-Advantaged Obligations”); and

WHEREAS, the Internal Revenue Code of 1986, as amended and regulations promulgated thereunder (collectively, the “Code”), impose ongoing requirements related to the investment, use and expenditure of proceeds of Tax-Advantaged Obligations and related funds and restrictions on use of the Project Facilities financed by such Tax-Advantaged Obligations; and

WHEREAS, pursuant to rules promulgated by the Securities and Exchange Commission (the “SEC”), the Issuer has entered into or anticipates entering into continuing disclosure undertakings to provide for the submission of annual reports and notices of certain material events relating to the Tax-Advantaged Obligations for Project Facilities; and

WHEREAS, in certain situations, another governmental entity, such as a public building commission, may issue Tax-Advantaged Obligations on behalf of the Issuer and the Issuer is charged with the responsibility of maintaining compliance with provisions of the Code and regulations of the SEC; and

WHEREAS, the Issuer is committed to full compliance with all such requirements with respect to the Tax-Advantaged Obligations.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF BARTON COUNTY COMMUNITY COLLEGE.

Section 1. Compliance Procedures. In order to comply with the requirements of the Code and directives of the Internal Revenue Service and SEC and to improve tax compliance and documentation, the governing body of the Issuer hereby adopts the Tax and Securities Compliance Procedures, dated as November 20, 2012 (the “Compliance Procedures”).

Section 2. Permanent Record. A copy of the Compliance Procedures shall be placed in the permanent records of the Issuer and shall be available for public inspection during regular business hours of the Issuer.

Section 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]