

#### **ADVISORY BOARD**

MEETING AGENDA Tuesday, May 10, 2022 6:00 PM

Board Room (DAEM 207), and via Zoom <a href="https://nmsu.zoom.us/j/91696084171">https://nmsu.zoom.us/j/91696084171</a>

#### **DACC Advisory Board Meeting**

Ms. Laura Salazar Flores
Ms. Kelly Brooks Mr. Erik Harrigan
Dr. Jennifer Hodges
Ms. Kelly Brooks
Dr. Mónica Torres
Dr. Mónica Torres Advisory Board Members
Dr. Mónica Torres

#### MISSION STATEMENT

DACC is a responsive and accessible learning-centered community college that provides educational opportunities to a diverse community of learners in support of academic interests, workforce development, and economic growth.

#### **VISION STATEMENT**

DACC will be a premier, inclusive college that is grounded in academic excellence and committed to fostering lifelong learning and active, responsible citizenship within the community.



#### DACC ADVISORY BOARD

MEETING MINUTES Thursday, March 3, 2022, 6:00 PM DAEM 207 & via Zoom

#### DACC ADVISORY BOARD MEETING

Gadsden School Board Members Present: Hatch School Board Members Present:

Daniel Castillo Elva Garay

Laura Salazar Flores Merlinda Hinojos

Las Cruces School Board Members Present: DACC Faculty/Staff Present:

Ray Jaramillo Shannon Bradley Jennifer Hodges
Teresa Tenorio Kelly Brooks Ike Ledesma

Joe Butler Kristi Martin
Rusty Fox Mark Nunley
Vicki Haggard Mónica Torres

Guests Present: Vicki Haggard Mónica Torres

Call to Order: Ms. Elva Garay, President, called the DACC Advisory Board meeting to order at 6:05 PM

on Thursday, March 3, 2022.

Roll Call: R. Jaramillo called roll; participants noted above were present. A quorum of the Advisory

Board was present.

Approval of Agenda: Motion to approve the agenda as presented made by R. Jaramillo; seconded by L. Salazar

Flores; no discussion, all in favor; motion carried.

**Approval of Minutes:** Motion to approve November 4, 2021 minutes as presented made by D. Castillo;

**November 4, 2021** seconded by R. Jaramillo; no discussion, all in favor; motion carried.

#### 1. Election of Board Officers (Term 2022-2024)

Key Discussion Points: Board officers for the 2022-2024 term were elected.

President – GISD – Motion to nominate and appoint Ms. Laura Salazar Flores as DACC Advisory Board President made by D. Castillo; seconded by R. Jaramillo; no discussion, all

in favor; motion carried.

Vice President – LCPS – Motion to nominate and appoint Mr. Ray Jaramillo as DACC

Advisory Board Vice President made by D. Castillo; seconded by M. Hinojos; no discussion,

all in favor; motion carried.

Secretary – HVPS – Motion to nominate and appoint Ms. Merlinda Hinojos as DACC

Advisory Board Secretary made by L. Salazar Flores; seconded by T. Tenorio; no discussion,

all in favor; motion carried.

Decision/Action: The above new board officers were elected to serve for the 2022-2024 term.

#### 2. College Update - Dr. Mónica Torres

Key Discussion Points: M. Torres noted her appreciation of the creative and innovative faculty and staff at DACC.

She provided a college update regarding the value proposition of education (individual, community, and economic impacts; and the opportunity in Doña Ana County. M. Torres highlighted areas/activities in which the college is currently participating: hiring a new VPAA – Dr. Xeturah Woodley will join DACC April 1; continuing to develop our capacity to deliver instruction and services using technology; re-engaging with Achieving the Dream; providing wrap-around services (AVANZA) to entire college; equity project – data equity, faculty fellowship, DIE center at Espina; creative campus – collaboration that promises educational opportunities for students and economic development for the region. New

projects being developed: refining our processes – Achieving the Dream will help us map our processes (student journey from recruitment to completion) and hiring a consultant to help with HR procedures; community engagement – DACC alumni event (4/8 block party), "bring them home" enrollment campaign (students here in 2021 not here now).

L. Salazar-Flores – is there assistance for those who aren't proficient readers – DACC offers a shortened pathway from developmental to credit courses, as well as integrated courses; provides a more holistic means of placing students into developmental studies; Student Accessibility Services and faculty work individually with students as well.

R. Jaramillo – like the model of mapping the pathway for students and would like to discuss further, possibly taking back to districts to see how their paths are mapped. LCPS talking about how to support students with lower GPAs; how to improve how all students see the next level of education. This is not just a DACC issue, but rather a community issue (there is a need to educate parents that there are other options than just a 4-year degree). Please refer to the March 3, 2022 Meeting Binder on the DACC Advisory Board's website for complete presentation (https://dacc.nmsu.edu/about/advisory-board/advisory-

board.html).

Decision/Action:

#### 3. Budget Update - Ms. Kelly Brooks

**Key Discussion Points:** 

K. Brooks provided a budget update to the Board. Exact dollar amounts are not yet known, but a brief update was provided on <u>higher education items from the legislative session</u>.

- faculty and staff compensation increase (3% for last qtr of FY22; ~4% increase in FY23; \$15/hr minimum wage for state employees (not students);
- new I&G Funding (~3%, with 1% withheld subject to submission and approval of enrollment strategic plan);
- RPSP funding for Dental Hygiene and Nursing expansion;
- Opportunity Scholarship (one-time and recurring funds); dual credit; work-study funds for students in high demand fields.

<u>Institutional impacts that were highlighted</u>: enrollment decline; compensation gap; fringe benefit increases; local minimum wage increase; positions/existing commitments; local mil levy growth.

#### Proposals that impact students:

- 135-mile waiver NMSU is already using, DACC proposes using it as well (it will decrease tuition significantly for out-of-district students (students who may attend Sunland Park, but live in El Paso from \$236 per credit to \$90 per credit));
- academic services fee, effective fall 22 (eliminated distance education fee of \$25 per credit, implementing an Academic Services Fee of \$20 per credit hour to most all courses (some exceptions like practicum/clinicals and dual credit) projected revenue increases of ~\$1.2M, fees still less than majority of peer institutions);
- integrated access bookstore fee (Follett Access) flat fee per credit hour to cover all books/materials for all courses currently students pay about \$36 per credit for books/materials, we propose \$24/credit hour. Fall 2022 when student registers for course they are also charged for books/materials; all part of tuition and fees so students have all materials needed to be successful the first day of classes. Currently, active for about 200 courses. Students will have the option to opt out but that would be for all classes that semester, can't opt out for just one or two classes. Faculty still have academic freedom to choose materials that best fit course curriculum. This is a 3-year commitment for the college, prices guaranteed for 2 years; we do have the option to pull out high-cost programs and charge separate fee.

Decision/Action:

Please refer to the March 3, 2022 Meeting Binder on the DACC Advisory Board's website for complete presentation (<a href="https://dacc.nmsu.edu/about/advisory-board/advisory-board/advisory-board/html">https://dacc.nmsu.edu/about/advisory-board/advisory-board/advisory-board/html</a>).

#### 4. Accreditation Update - Dr. Jennifer Hodges

**Key Discussion Points:** 

Pathway which is a 10-year cycle. There will be a multi-location visit April 28-29, 2022 for the Espina Campus and the Alta Vista Early College High School. The comprehensive evaluation for reaffirmation visit will take place March 25-26, 2024. Specialized accreditation updates: Nursing Assistant program approval reviewed 12/2021 good for 2 years; Fall 22 Automotive Technology and Building Construction Technology programs will be reviewed. HLC institutional update is due 3/28/22 (this update consists mostly of data from NMSU). Accreditation steering committee is working on the assurance argument and evidence file, which are due to NMSU January 2024, and to HLC in February 2024. J.

Institutional accreditation (Higher Learning Commission) – DACC is on the Standard

Hodges has been accepted into the HLC Peer Corps as a peer reviewer.

Decision/Action: Please refer to the March 3, 2022 Meeting Binder on the DACC Advisory Board's website

for complete presentation (https://dacc.nmsu.edu/about/advisory-board/advisory-

board.html).

#### 5. Next Advisory Board Meeting

Key Discussion Points: Next regularly scheduled Advisory Board meeting conflicts with DACC Commencement

(May 5, 2022). The Advisory Board meeting will be rescheduled to Tuesday, May 10, 2022

at 6:00 PM.

Decision/Action: None

#### 6. Events

Key Discussion Points: Upcoming DACC events:

Alumni Block Party – Friday, April 8, 2022

DACC Commencement – Thursday, May 5, 2022

Decision/Action: None.

#### 7. Board Announcements and Comments

**Key Discussion Points:** 

R. Jaramillo – thankful COVID numbers are decreasing, thank you for providing high quality education even during the pandemic.

T. Tenorio – glad to officially be on the board.

L. Salazar-Flores – LCPS Spring Literacy Extravaganza on 4/14/22.

**Next Board Meetings** 

- Tuesday, May 10, 2022
- Thursday, September 1, 2022
- Thursday, November 3, 2022

Decision/Action:

M. Torres closed by thanking board members for their attendance.

**Adjournment:** Motion to adjourn the DACC Advisory Board meeting made by E. Garay; seconded by R. Jaramillo; no discussion, all in favor; motion carried. Meeting adjourned at 7:39 PM.

Respectfully submitted,	
Secretary	
DACC Advisory Board	

# Doña Ana Community College

Finance Plan Update

5/10/2022

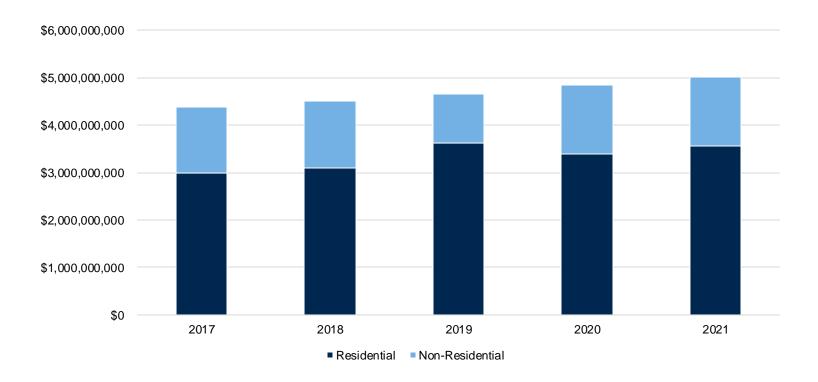
STRICTLY PRIVATE AND CONFIDENTIAL



## History of Assessed Valuation

	2017	2018	2019	2020	2021
Residential	\$2,998,803,460	\$3,090,064,154	\$3,625,533,070	3,397,980,487	3,562,434,853
Non-Residential	1,377,351,860	1,414,522,446	1,034,541,593	1,450,724,579	1,442,891,892
Total	\$4,376,155,320	\$4,504,586,600	\$4,660,074,663	\$4,848,705,066	\$5,005,326,745
% Growth	3.12%	2.93%	3.45%	4.05%	3.23%
5 Year Average Growth Rate	3.36%				
10 Year Average Growth Rate	2.85%				

Source: Dona Ana Assessor's Office and Otero Assessor's Office

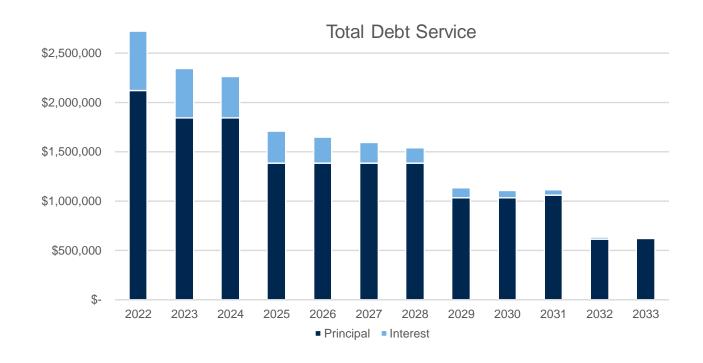


## History of Tax Rates

With	in 20 Mill Limi	t for General F	urposes		
	2021	2020	2019	2018	2017
State of New Mexico	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Dona Ana County	9.114	9.222	9.253	9.137	9.055
Dona Ana Community College	1.230	1.245	1.250	1.250	1.250
City of Las Cruces	4.774	4.805	4.841	4.776	4.732
Las Cruces Schools	0.339	0.342	0.344	0.340	0.337
Total	\$15.457	\$15.614	\$15.688	\$15.503	\$15.374
Over 20 Mi	III Limit - Intere	est, Principal, .	Judgment, etc.		
	2021	2020	2019	2018	2017
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.360	\$1.360
Dona Ana County	0.096	0.099	0.098	0.108	0.108
Dona Ana Community College (DS)	0.750	0.750	0.750	0.750	0.350
City of Las Cruces	4.002	3.994	4.007	3.994	1.970
Las Cruces Schools	9.593	9.604	9.605	9.600	9.581
Total	\$15.801	\$15.807	\$15.820	\$15.812	\$13.369
	Tota	al Levy			
	2021	2020	2019	2018	2017
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.360	\$1.360
Dona Ana County	9.210	9.321	9.351	9.245	9.163
Dona Ana Community College	1.980	1.995	2.000	2.000	1.600
City of Las Cruces	8.776	8.799	8.848	8.770	6.702
Las Cruces Schools	9.932	9.946	9.949	9.940	9.918
Total Residential in Las Cruces	\$31.258	\$31.421	\$31.508	\$31.315	\$28.743
Total Non-Residential in Las Cruces	\$34.573	\$34.554	\$34.540	\$34.546	\$32.147
Total for Town of Mesilla					
Residential	\$23.490	\$23.638	\$23.688	\$23.574	\$23.077
Non-Residential	\$27.763	\$27.765	\$27.753	\$27.760	\$27.367
Total for Town of Hatch					
Residential	\$30.683	\$30.843	\$30.891	\$30.593	\$30.110
Non-Residential	\$33.642	\$33.646	\$33.674	\$33.676	\$33.233
Total for City of Sunland Park					
Residential	\$35.593	\$35.870	\$35.754	\$35.625	\$35.074
Non-Residential	\$39.739	\$39.739	\$39.712	\$39.780	\$39.378
Total for City of Anthony					
Residential	\$34.477	\$31.371	\$31.833	\$29.231	\$28.677
Non-Residential	\$34.497	\$34.184	\$34.612	\$32.130	\$31.728

Source: New Mexico Department of Finance & Administration

		Original Par	Amount	Callable Amount			Final	
Issue	Bond Type	Amount	Outstanding	Outstanding	Call Date	Coupons	Maturity	Purpose
2015 Bonds	Fixed Rate	\$8,800,000	\$2,300,000	\$1,700,000	8/1/2023 @ 100%	3.00%	2028	New money
2018 Bonds	Fixed Rate	6,200,000	4,230,000	2,550,000	8/1/2025 @ 100%	3.00% - 5.00%	2031	New Money
2021 Bonds	Fixed Rate	9,995,000	9,145,000	2,440,000	8/1/2028 @ 100%	2.00% - 5.00%	2033	New money
	TOTAL		\$15,675,000	\$6,690,000				



### Key Points of Debt Management Plan

- To meet current capital needs, voters approved the issuance of \$16,000,000 in general obligation bonds In November 2019 to be sold over a period of four years.
  - \$8,000,000 sold in early 2021
  - Original plan of finance had remaining \$8,000,000 to be sold in 2022
  - Sale of bonds is structured to maintain tax rate of 0.75 mils.
    - Maintain current tax rate
  - 13-year final maturity (20-year maximum).

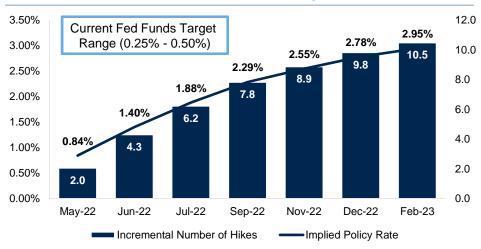
2021 Assessed Valuation	\$ 5,005,326,745
Constitutional Debt Limitation (3% of Assessed Valuation)	150,159,802
Less Current Outstanding Debt	(15,675,000)
Available Debt Capacity	\$ 134,484,802
% Bonded to Capacity	10.44%

### Bond Sale Timing, Considerations and Election Timing

- Original plan of finance has remaining \$8 million of voter authorized bonds to be issued in 2022.
- Voter authorization is good through November 2023
- DACC has until October 2023 to issue any remaining bonds and not lose authorization
  - When issuing bonds there are several factors to consider
    - How quickly can the funds be spent
      - There has to be a reasonable expectation that the proceeds can be spend within a three year period
      - After the issuance of bonds DACC has three years to expend 85% of the proceeds
    - Market conditions
      - Interest rates are currently experiencing significant volatility along with rates rising at a rapid pace
      - Rates are impacted to a certain degree by the uncertainty of how quickly the federal reserve will raise rates for the remainder of the year
      - The impact of supply chain issues from the Russian and Ukraine war and a resurgence of COVID and Lockdown in China
        - Supply chain issue are expected to further exacerbate inflation through tightening of the money supply by the Federal Reserve with more aggressive rate hikes.
      - While the market have priced in fairly aggressive Federal Reserve rate hikes, rates are expected to be higher next yearThe impact of supply chain issues from the Russian and Ukraine war and a resurgence of COVID and Lockdown in China

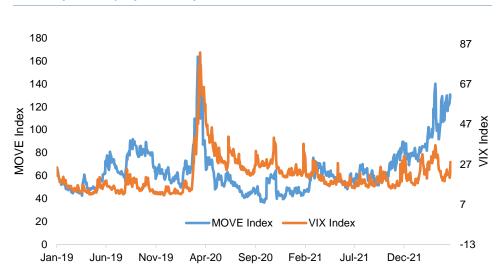
## Economic Overview Reflects Increased Volatility – Invasion of Ukraine and Monetary Policy Focus

#### **Futures Market – Fed Funds Rate Hike Probability**



Source: Bloomberg, as of market close April 22, 2022

#### Treasury and Equity Volatility has Increased Over the Last Several Months



#### Shift in "AAA" MMD Since April 2021



#### April 1, 2021 to Present

	10 Year	20 Year	30 Year
Maximum	2.68%	2.90%	3.03%
Minimum	0.81%	1.12%	1.32%
Average	1.22%	1.53%	1.71%

Source: RBC Economics

6



STRICTLY PRIVATE AND CONFIDENTIAL



### Overview of Key US Market Themes

#### **Municipal Markets Commentary**

- Hawkish comments by numerous Federal Reserve officials, including Fed Chair Powell, pushed rates in the fixed income markets noticeably higher last week
- The short end of the yield curve was particularly hard hit with the Treasury curve flattening materially as a result
  - The spread between 2yr and 10yr Treasury yields fell to 23 basis points on Friday from 37 basis points a week earlier
  - By the close of the week, US Treasuries were 14 basis points higher in the five year range, seven basis points higher in the ten year range, and three basis points higher in the thirty year range
- While municipals generally followed the lead of Treasuries last week, they underperformed despite a light new issue calendar
  - Continued large mutual fund outflows have been pressuring municipals for weeks and have pushed 30yr municipal/Treasury yield ratios past 100%
  - The Municipal Market Data AAA yield closed 19 basis points higher week/week in the five year range and 22 basis points higher in the ten and thirty year ranges
- Municipal supply totaled \$5.3bn last week and is expected to top \$12bn this week, marking the heaviest calendar of 2022
- New issues have been pressured by volatility in the Treasury market, sizable fund outflows, and secondary selling pressure
  - Transactions continue to price with concessions in order to appeal to an investor base with limited cash
- Secondary market bid-wanted volumes topped \$8.4bn last week, averaging \$1.7bn on a daily basis
- Municipal bond funds reported net outflows of \$3.548bn last week, marking the 10th straight week of outflows
  - Outflows have been reported in 13 of the last 14 weeks, with cumulative outflows totaling \$26bn during that period

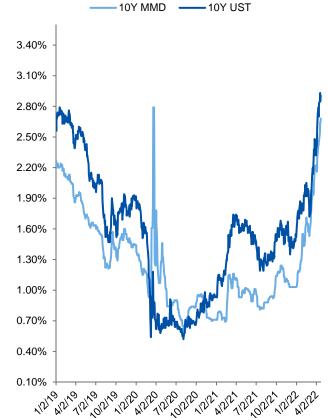
Source: RBC Capital Markets, Thomson Reuters and Bloomberg. For more sources, see disclaimer slide.

#### Interest Rate Movements

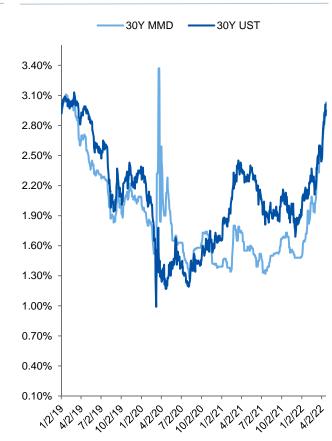
#### Relative Performance of Municipal Yields Versus Treasury Yields

## 

#### 10 Year MMD and 10 Year UST



#### 30 Year MMD and 30 Year UST



#### Change in 5 Year MMD and UST

0.40%

0.10%

	Current	2.41	Current	2.94
	Values	∆ MMD (bps)	Values	∆ UST (bps)
3 Months	0.91	150	1.54	140
6 Months	0.6	181	1.22	172
1 Year	0.36	205	0.81	213
2 Years	0.94	147	0.37	257

#### Change in 10 Year MMD and UST

	Current	2.68	Current	2.9
	Values	∆ MMD (bps)	Values	∆ UST (bps)
3 Months	1.28	140	1.75	115
6 Months	1.24	144	1.66	124
1 Year	0.93	175	1.57	133
2 Years	1.18	150	0.63	227

#### Change in 30 Year MMD and UST

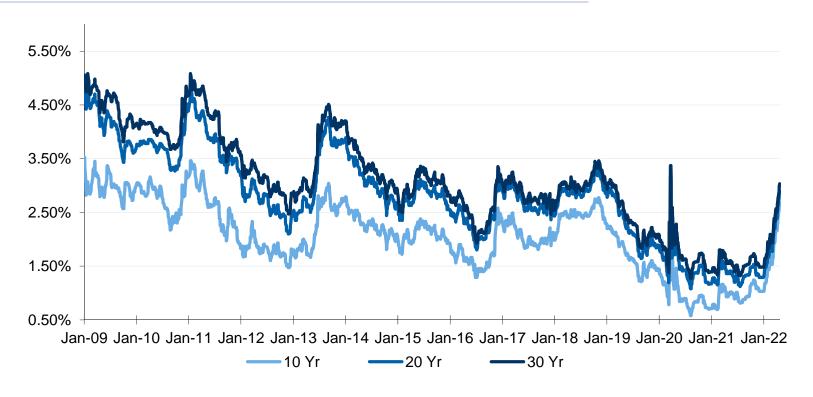
	Current	3.03	3.03 Current	
	Values	∆ MMD (bps)	Values	∆ UST (bps)
3 Months	1.72	131	2.07	88
6 Months	1.73	130	2.08	87
1 Year	1.55	148	2.24	71
2 Years	2.03	100	1.22	173

(1) MMD stands for Municipal Market Data; which is the daily index off of which all municipal bonds are priced. Source: Thomson Reuters

### Current Municipal Market Conditions: "AAA" MMD

After closing at 2.81% the previous week, 30-year "AAA" MMD increased 22 bps on the week

#### "AAA" MMD January 1, 2009 to Present



January 1, 2009 to Present

	10 Y	'ear	20 Year		30 Year	
Maximum	ium 3.53% 4.89%		5.0	8%		
Minimum	0.58%		1.08%		1.27%	
Current	2.6	2.68%		2.90%		3%
Shift in 30	-year "AA	A" MMD				
2014	2015	2016	2017	2018	2019	2020
-1.34%	-0.01%	0.27%	-0.51%	0.47%	-0.93%	-0.68%

Source: TM3, Thomson Reuters 10, 20, and 30 year "AAA" MMD shown to represent different average lives of municipal transactions Rates as of April 22, 2022

## Municipal Bond Fund Flows

• For the week ended April 20, 2022, Lipper reported weekly municipal bond fund outflows of \$3.5 billion compared to the previous week's \$4.1 billion of outflows.



#### Disclaimer

Sources include: <a href="https://www.rbccm.com/assets/rbccm/docs/uploads/2017/RBCCM\_Muni\_Markets\_Weekly\_Newsletter.pdf">https://www.rbc.com/assets/rbccm/docs/uploads/2017/RBCCM\_Muni\_Markets\_Weekly\_Newsletter.pdf</a>, <a href="https://www.rbc.com/economics/">https://www.rbc.com/economics/</a>, RBC Capital Markets.

This communication is not a research report or a product of RBC Capital Markets' Research Department. This communication is intended for institutional investors and may not be independent of RBC Capital Markets' proprietary interests. RBC Capital Markets may trade the securities discussed in this communication for its own account and on a discretionary basis on behalf of certain clients.

This announcement is not an offer, solicitation, commitment or recommendation to buy or sell the bonds and does not purport to be a complete statement of all material facts relating to the bonds. The offering is made only by means of the Official Statement, copies of which may be obtained from RBC Capital Markets. This communication is not, and under no circumstances should be construed as, a solicitation to act as securities broker or dealer in any jurisdiction by any person or company that is not legally permitted to carry on the business of a securities broker or dealer in that jurisdiction. Bonds are subject to availability and price or yield may differ, as applicable.

Products and services are offered through RBC Capital Markets or RBC Wealth Management, as applicable. RBC Capital Markets may buy from or sell to customers on a principal basis in the securities or related derivatives that are the subject of this communication. RBC Capital Markets has or may have proprietary positions in the securities or in related derivatives that are the subject of this communication. RBC Capital Markets may have been manager or co-manager of a public offering of securities of the issuer within the past twelve months. Additional information is available upon request.

All information contained in this communication constitutes RBC Capital Markets' judgment as of the date of this communication, and is subject to change without notice and is provided in good faith but without legal responsibility. The information contained in this communication has been compiled by RBC Capital Markets from sources believed to be reliable, but no representation or warranty, express or implied, is made by RBC Capital Markets, its affiliates or any other person as to its accuracy, completeness or correctness.

The material contained herein is not a product of any research department of RBC Capital Markets or any of its affiliates. Nothing herein constitutes a recommendation of any security or regarding any issuer; nor is it intended to provide information sufficient to make an investment decision.

RBC Capital Markets is not acting as a fiduciary or as a municipal, financial, commodity or investment adviser. The information provided is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934. Nothing in this communication constitutes legal, accounting or tax advice or individually tailored investment advice. This material has been prepared without regard to the individual financial circumstances and objectives of persons who receive it and such investments or services may not be suitable for all investors. Past performance is not a guide to future performance, future returns are not guaranteed, and a loss of original capital may occur. Potential investors are advised to consult with their own legal, accounting, tax, financial and other advisors, as applicable, to the extent appropriate.

This document may not be reproduced, disclosed, distributed or summarized, whole or in part, to any third party without the prior consent of RBC Capital Markets. To the fullest extent permitted by law neither RBC Capital Markets, nor any of its affiliates, nor any other person, accepts any liability whatsoever for any direct or consequential loss arising from any use of this communication or the information contained herein.

This advertisement is for informational purposes only. RBC Capital Markets is the global brand name for the capital markets business of Royal Bank of Canada and its affiliates, including RBC Capital Markets, LLC (member FINRA, NYSE and SIPC). ®/™ Trademark(s) of Royal Bank of Canada. Used under license. © Copyright 2022. All rights reserved.

#### Disclaimer

This presentation was prepared exclusively for the benefit of and internal use by the recipient for the purpose of considering the transaction or transactions contemplated herein. This presentation is confidential and proprietary to RBC Capital Markets, LLC ("RBC CM") and may not be disclosed, reproduced, distributed or used for any other purpose by the recipient without RBCCM's express written consent.

By acceptance of these materials, and notwithstanding any other express or implied agreement, arrangement, or understanding to the contrary, RBC CM, its affiliates and the recipient agree that the recipient (and its employees, representatives, and other agents) may disclose to any and all persons, without limitation of any kind from the commencement of discussions, the tax treatment, structure or strategy of the transaction and any fact that may be relevant to understanding such treatment, structure or strategy, and all materials of any kind (including opinions or other tax analyses) that are provided to the recipient relating to such tax treatment, structure, or strategy.

The information and any analyses contained in this presentation are taken from, or based upon, information obtained from the recipient or from publicly available sources, the completeness and accuracy of which has not been independently verified, and cannot be assured by RBC CM. The information and any analyses in these materials reflect prevailing conditions and RBC CM's views as of this date, all of which are subject to change.

To the extent projections and financial analyses are set forth herein, they may be based on estimated financial performance prepared by or in consultation with the recipient and are intended only to suggest reasonable ranges of results. The printed presentation is incomplete without reference to the oral presentation or other written materials that supplement it.

IRS Circular 230 Disclosure: RBC CM and its affiliates do not provide tax advice and nothing contained herein should be construed as tax advice. Any discussion of U.S. tax matters contained herein (including any attachments) (i) was not intended or written to be used, and cannot be used, by you for the purpose of avoiding tax penalties; and (ii) was written in connection with the promotion or marketing of the matters addressed herein. Accordingly, you should seek advice based upon your particular circumstances from an independent tax advisor.