

# In Touch

Official Publication of the Community Bankers Association of Kansas



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BOLI, COVID-19, ELECTIONS,  
AND A NEW YEAR!

HOW ARE BANKING STRATEGIES  
EVOLVING IN 2021?

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# FLOURISH

BY REBECA ROMERO, ICBA



**"From your focus on people to the good that you do, you make a lasting impact, and that's what makes you uniquely who you are."**

When I consider what I love I get a clear visual: overlapping concentric circles with one common center. Each circle represents an element of your impact on communities, including people, culture, economic growth, personal and professional development, and more. But in the center of everything lies the human connection. Relationships — with your teams, customers and communities — sit at the very heart of all you do. This deep focus on the people behind the transaction is the secret sauce of community banking.

Whether it's a young couple closing on their first home, a ribbon-cutting ceremony at a construction project or a new line of inventory at a local business, community bankers have the fortune to stand witness to their impact. You are in this for the long haul, but your communities flourish precisely because of the small successes you make happen on a daily basis.

For example, when the Paycheck Protection Program launched amid a cloud of uncertainty, community banks didn't hesitate to take action.

Even when the rules were changing on the fly, you continued pushing loans forward, because your communities needed you. That's what makes community banking what it is: doing the right thing for community, despite challenges and difficulties.

Community banking truly is about investment in communities, far beyond solely addressing customer financial needs. When I think back to my own community banking experiences, whether it was helping a small business make the transition to its next generation of leadership, participating in community development initiatives or supporting scholarship programs, our bank was devoted to the people who made our community what

it is. I know I speak for all of us when I say community banking extends past dollars and cents.

The beauty of all of this is that it is core to ICBA as well. For 90 years, this human connection has been at the heart of all we do. It comes from mirroring the community bank culture and environment, and I hope you'll join us for ICBA Connect next month to witness it firsthand.

For now, with the backdrop of Valentine's Day, it's the perfect time to reflect on what you love about community banking and share it with your colleagues and communities. ICBA will be supporting you with its "I Love My Community Bank" campaign, emphasizing all that distinguishes you. From your focus on people to the good that you do, you make a lasting impact, and that's what makes you uniquely who you are.

## What you need to know

Share the love for community banking and join us for ICBA Connect ([icba.org/connect](http://icba.org/connect)). Bring your team and let's continue making our secret sauce together. \*



Connect with  
Rebeca @romerorainey

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## Welcome to CBA of Kansas VendorConnect!

Community Bankers Association of Kansas presents VendorConnect: a simple, proven platform to coordinate one-on-one appointments between 'buyers' and 'sellers.'

There are two stages leading up to the appointments -- requiring minimal time on your part -- to keep things organized and maximize relevant connections.

We're excited to bring bankers and vendors together to discuss products and services that can help improve bank internal processes, save time and money, and/or improve the banking customers' experience.

**Register today at: [www.cbak.com/vendorconnect](http://www.cbak.com/vendorconnect)**

**1**

### Registration | February 22 - March 26

- Select your bank and complete your profile -- we'll send you a \$5 Starbucks gift card for signing up!
- Mark your availability for appointments on April 15, 16, 19 & 20 from 9:00 am - 1:00 pm CST.
- Time required: ~ 5 minutes

**2**

### Appointment Setting | March 29 - April 9

- Request and accept appointments with vendors of interest to you.
- The one-click system test ensures you can join your scheduled appointments without any hiccups.
- Time required: ~ 10-20 minutes

**3**

### Appointments Held | April 15, 16, 19 & 20 | 9am - 1pm CST

- Appointments are 20 minutes each. Just click the button on your schedule to join each video conference.
- *For every appointment you complete you'll be registered to win one of three \$100 Amazon gift cards.*

**[www.cbak.com/vendorconnect](http://www.cbak.com/vendorconnect)**

**Questions? Contact [rbrock@thewymancode.com](mailto:rbrock@thewymancode.com)**

# BOLI, COVID-19, ELECTIONS, AND A NEW YEAR!

BY RICHARD BRATTEN, FSA, CFA, REGIONAL MANAGING DIRECTOR, BANK COMPENSATION CONSULTING, AN ENDORSED CBA PROVIDER



**2**020 has mercifully ended, and I believe that everyone is anxious for some return to normalcy in 2021 as we hope to put Covid-19 in the rearview mirror some time soon. 2020 elections are complete, and as the dust settles on an overall crazy year, community bankers continue to do what they do – work hard to support their communities. With Covid-19 still in play, different parts of the country face a wide variety of landscapes with some states/regions being far more restrictive than others. Some bank lobbies are open, some are closed (again), and it is yet to be seen how the electoral change in the political landscape will affect things going forward. In addition to potentially new approaches to Covid-19, it is likely that tax policy, monetary policy, and fiscal policy will also be impacted in 2021.

It may be hard to recall, but in 2020 the 10 Year Constant Maturity Treasury Rate (daily) started the year at 1.88%. With the growing impact of Covid-19, rates plummeted to 0.54% by March 9. After significant volatility through August when the rate hit a new low of 0.52%, rates began to slowly rise through the rest of 2020, with the current 10 Year Treasury spot yield cresting over 1.00% at the time of this writing (1/7/2021). After spiking back in March, corporate spreads over Treasurys generally trended back down over the course of the year. With PPP and uncertainty in the air, many bank's found their balance sheets growing and liquidity rising throughout 2020.

In this environment, Bank Owned Life Insurance (BOLI) has continued to be a valuable, rock-steady asset for banks. Many banks with BOLI portfolios added to their holdings in 2020. Some opted to wait and see what 2020 brought, and are now looking to add in 2021. The prospects of higher tax rates make BOLI look that much better as the leverage of tax-deferred/tax-free earnings increases with rising tax rates. For example, a net BOLI yield of 2.50% with a C-corp tax rate of 21% plus state tax rate of 5% means you have a tax equivalent yield (TEY) of 3.38%. Proposals to increase the corporate rate to 28% would mean a TEY of 3.73% on that same BOLI asset. Sub-S shareholders could potentially see an increase in their top marginal rate plus the implementation of Social Security taxes on income over \$400,000, increasing the tax leverage impact of BOLI for them as well.

Here is a question that I've gotten many times over the 20+ years that I've been involved in this market: "If rates are going to go <up/down>, is now a good time to buy BOLI?" My response has always been the same: 1) If you really did have the ability to KNOW that rates are going <up/down>, you would own a large island somewhere without a care in the world, and you wouldn't

be standing here talking to me, LOL! 2) BOLI is not a market-timing decision, it is a structural decision. Let's unpack what I mean by that.

Insurance companies are in a similar business to banks – the spread management business. They take in money, invest it, and payout returns to their premium-paying "depositors." The biggest difference they have from banks is that they also charge some mortality costs in order to pay off death claims. Other than that, they are more similar to banks than you might think. Take in money, invest it, and credit interest.

What is this structural decision I mentioned? 1) Insurance companies have far more leeway in where they can invest their money. Banks are highly restricted in where they can invest their money. This structural difference means insurers have access to more asset classes and higher returns. 2) Life insurers have very long investment horizons. Death claims are not expected to be paid, on average, for a very long time. Banks do not have the luxury of investing with a 30-year investment horizon. 3) While an insurer can actively manage a portfolio in a changing rate environment, the bank only sees a credited rate applied to their policy so there are no mark-to-market fluctuations on their BOLI policies. 4) The structural difference in taxation cannot be overstated. Because BOLI is life insurance, it qualifies for beneficial tax treatment – annual earnings are tax-deferred, and when held until the life insurance benefit is paid out, all of those accumulated earnings PLUS an additional death benefit are both completely tax free.

Over the expected life of a BOLI policy interest rates will go up and interest rates will go down. These structural advantages (and there are more than the four I listed) are why banks utilize BOLI to offset ever-increasing increasing, benefit expenses such as health insurance or 401(k) expenses. It is a rock-steady asset that also provides very valuable life insurance coverage for bank officers. The bottom line is that however the interest rate environment changes in the future, the structural advantages of the BOLI asset remain, and that's something that a majority of banks count on more than ever in uncertain times. \*



*Rich has worked in the Executive Benefits and Bank-Owned Life Insurance markets for over two decades and is an Endorsed Provider for the CBA. You can call Rich any time at 307-763-0070 or email him at rich.bratten@bcc-usa.com to discuss a new plan or to get advice on your existing situation!*



# Do's Don'ts and Maybes:

## A set of simple rules to streamline portfolio management in 2021

BY JIM REBER, ICBA SECURITIES



If my recent aggregate conversations with investment managers are an indication, there is still a lot of seat-of-the-pants decision-making going on out there when it comes to portfolio strategies. And I hasten to add this is not a criticism; it's merely an observation. Why should we expect anything else?

Banks are still sitting on a lot of cash. The bond market is giving mixed signals, with short rates being anchored at near-zero levels while the Treasury yield curve is its steepest in three years. Bond portfolios still have substantial unharvested gains, and net interest margins are at record lows. PPP 2.0 has been launched, as a new wave of fiscal stimulus is about to be unleashed on consumers and governments.

Given this bewildering set of variables, perhaps we can create a (relatively) simple set of ground rules that portfolio managers can refer to while trying to make sense of it all. I would like to emphasize that "maybe" is the unspoken theme to these guidelines, as every community bank has its own risk/size/earnings/ownership profiles. But here goes:

**Do:** Stay invested. Cash yields zero, and will remain there for the remainder of the year, at least. A simple bond that yields even 60 basis points (0.60%) will probably produce a spread to your cost of funds, and will provide collateral for pledging purposes. An example of a bond that yields 0.60% is a callable agency with a five-year maturity, and one year of call protection ("5/1 callable").

**Don't:** Keep buying the same old bonds just because. In just the last three years, community bank portfolios have changed tenor significantly. You know that banks own fewer tax-free securities since tax rates were cut in 2017, but did you know that both general market munis, and taxable munis, have picked up the slack? The other big "new" bond sector is multifamily mortgage-backed securities (MBS), which follows...

**Do:** Take action to normalize your bond portfolio's cash flow. As low as returns (and spreads) are, the cost of eliminating optionality is an all-time low. Case in point: a five-year non-callable agency (aka "bullet") yields about 0.57%, which means an investor surrenders three measly basis points to remove all cash flow uncertainty. In a different sector, MBS, a similar set of dynamics is at play. You've read in this column recently that "prepayment friction" pools which consist of low balance loans can slow down refinance activity. The same outcomes can be achieved with "yield maintenance" provisions on multifamily MBS.

**Don't:** Worry (too much) about rates rising to the point that your collection of bonds is underwater from a market price standpoint. If your community bank is typical, it will benefit from a general rise in rates. For one thing, since banks own a whole lot of bonds at prices above par, interest rate increases will cause the current bonds' yields to improve. For another, the rest of your bank's earning assets will pretty quickly show some improvement, whether the loan portfolio consists of floaters or

shorter-duration fixed-rate credits. Community banks' asset/liability positions are built for rising rates.

**Do:** Stay on top of your portfolio's effective duration to put your mind at ease about all of the above. We have seen this important barometer of price risk really whipsaw over the last year. At last look, most portfolios had returned to their pre-pandemic durations of around 3.0 years, but that's taken a lot of buying of a lot of longer-maturity bonds to get there. In mid-2020, they had shrunk, on average, to about 2.5 years. That's a 20% increase in two quarters.

**Maybe:** Invest in some bond education for your staff and you. As the economy (and travel) begins to open back up, there will be a whole range of investment school options available, some virtual, some live, some hybrid. There is also plenty of archival information that's been accumulated over the last year as trade associations, brokers-dealers, and consultants have figured out digital delivery channels. So ask around your providers for offerings that may suit your needs.

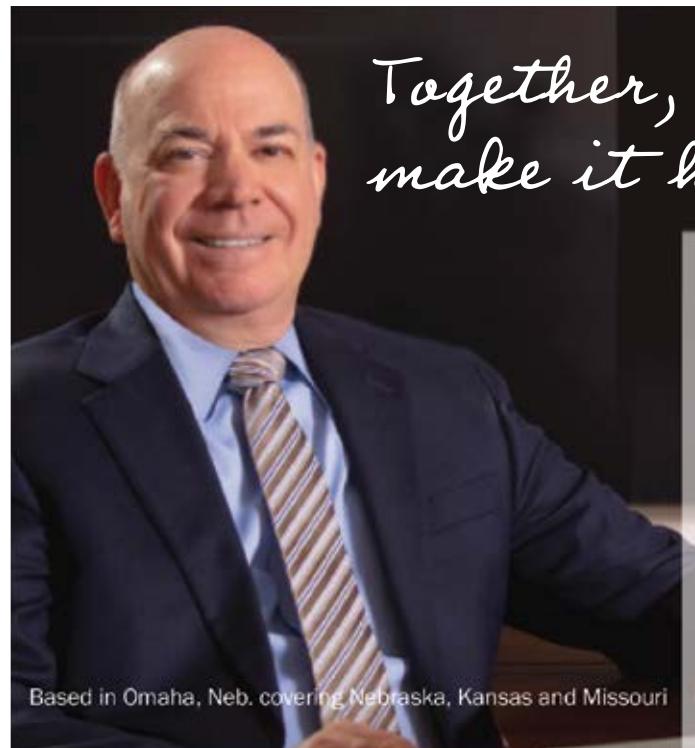
And by all means, do continue your due diligence and documentation of your actions. Investment portfolios have grown remarkably in the last year. They are likely to be a substantial driver of bank profits for the foreseeable future. \*

## 2021 ICBA Bond Academy Announced

ICBA Securities and its exclusively endorsed broker Vining Sparks will present the ICBA Bond Academy this spring. This virtual program, scheduled for April 19-22, is designed for the entry-level portfolio manager. Attendees will learn the fundamentals of fixed-income products and strategies. Up to eight hours of CPE credit are offered. For more information visit [www.icbasecurities.com](http://www.icbasecurities.com).



Jim Reber ([jreber@icbasecurities.com](mailto:jreber@icbasecurities.com)) is president and CEO of ICBA Securities, ICBA's institutional, fixed-income broker-dealer for community banks.



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# Managing Compliance

BY WILLIAM J. SHOWALTER, CRCM, CRP  
SENIOR CONSULTANT; YOUNG & ASSOCIATES, INC.; KENT, OHIO



**W**e have been told repeatedly over the years that we need to manage compliance, just like all aspects of our business. This maxim is particularly true in today's escalating compliance environment. There are so many new and changed rules that have been added to the mix over the past few years that we could easily be overwhelmed if we did not proactively manage the compliance process.

Over the years, supervisory agencies have shared general outlines of compliance management systems with the financial institutions they regulate. They have been quick to point out that there is no one "right" way to manage compliance but that there are certain basic needs that any such program must meet.

## Compliance Management Systems

The Consumer Financial Protection Bureau (CFPB) and other agencies view compliance management as vital to preventing violations of federal consumer financial laws and the resulting harm to consumers. In its Supervisory Highlights publication, the CFPB spelled out its expectations for an effective compliance management system (CMS) – which mirrors those from other supervisory agencies.

The CFPB states that it expects every entity it supervises (large financial institutions and nonbank financial firms) to have an effective CMS adapted to its business strategy and operations.

According to the CFPB, a CMS is how a supervised entity:

- Establishes its compliance responsibilities
- Communicates those responsibilities to employees
- Ensures that responsibilities for meeting legal requirements and internal policies are incorporated into business processes
- Reviews operations to ensure responsibilities are carried out, and legal requirements are met
- Takes corrective action and
- Updates tools, systems, and materials as necessary

No agency requires financial institutions to structure their CMS in any particular manner. They recognize the differences inherent in an industry comprised of banking organizations of different sizes, differing compliance profiles, and a wide range of consumer financial products and services. In addition, some financial firms outsource functions with consumer compliance-related responsibilities to service providers, requiring adaptations in their CMS structure.

However compliance is managed, all the federal supervisory agencies expect entities to structure their CMS in a manner sufficient to comply with federal consumer financial laws and appropriately address associated risks of harm to consumers.

## CFPB Findings

The CFPB has found that the majority of banks it has examined have generally had adequate CMS structures. However, several institutions have lacked one or more of an effective CMS component, which creates an increased risk of noncompliance with federal consumer financial laws.

The most common weakness identified during CFPB reviews of banks' CMS is a deficient system of periodic monitoring and independent compliance audits. The CFPB has noted that an effective CMS implements an effective internal compliance review program as an integral part of an overall risk management strategy. Such a program has two components — both periodic monitoring reviews and an independent compliance audit. These two types of controls are not interchangeable. They must be complementary.

The periodic monitoring reviews are more frequent and less intensive than the audits, focusing on areas that carry the most risk – where mistakes should not be allowed to go uncorrected too long. Monitoring is an ongoing process conducted by either the individual business lines or the compliance officer/department on a relatively frequent basis, allowing the bank to self-check its processes and ensure day-to-day compliance with federal consumer financial laws.

The independent compliance audit is a review of all operations impacted by

# No agency requires financial institutions to structure their CMS in any particular manner

consumer laws. An audit is performed on a less frequent basis, usually annually, to ensure that compliance is ongoing, that the CMS as a whole is operating properly, and that the board is aware of consumer compliance issues noted as part of these independent reviews. Audits are best performed by an independent party – usually either an internal auditor or an outside consultant.

The CFPB notes that an entity lacking periodic monitoring increases its risk that violations and weaknesses will go undetected for long periods, potentially leading to multiple regulatory violations and increased consumer harm.

Additionally, these entities increase the risk that:

- Insufficiencies in the periodic monitoring process may not be identified
- The board is not made aware of regulatory violations or program weaknesses or
- Practices or conduct by employees within the business lines or compliance department that are unfair, deceptive, abusive, discriminatory, or otherwise unlawful could go undetected

## CMS Elements

Although the CFPB states that it does not require any specific CMS structure, it notes that supervisory experience has found that an effective CMS commonly has four interdependent control components, elements that have been

advocated by all regulatory agencies over the years:

- **Board of directors and management oversight.** An effective board of directors communicates clear expectations and adopts clear policy statements about consumer compliance for both the bank itself and its service providers. The board should establish a compliance function, allocating sufficient resources and qualified staffing to that function, commensurate with the entity's size, organizational complexity, and risk profile. The board should ensure that the compliance function has the authority and accountability necessary to implement the compliance management program, with clear and visible support from senior management. Management should ensure a strong compliance function and provide recurring reports of compliance risks, issues, and resolutions to the board or the board's committee.

- **Compliance program.** The CFPB and other federal financial institutions supervisors expect supervised entities to establish a formal, written compliance program, generally administered by a chief compliance officer. A compliance program includes the following elements: policies and procedures, training, monitoring, and corrective action.

The agencies assert that a well-planned, implemented, and maintained compliance program would prevent or reduce regulatory violations, protect consumers from noncompliance and associated harms, decrease the costs and risks of litigation affecting revenues and operational focus, and help align business strategies with outcomes.

- **Consumer complaint management program.** Financial service providers are expected to be responsive to complaints and inquiries received from consumers. In addition, financial institutions should monitor and analyze complaints to understand and correct weaknesses in their programs that could lead to consumer risks and violations of law.

Key elements of a consumer complaint management program include: the establishment of channels through which to receive consumer complaints and inquiries (e.g., telephone numbers or email addresses dedicated to receiving consumer complaints or inquiries); proper and timely resolution of all complaints; recordation, categorization,

and analysis of complaints and inquiries; and reviews for possible violations of federal consumer financial laws.

The agencies expect financial firms to organize, retain, and analyze complaint data to identify trends, isolate areas of risk, and identify program weaknesses in their lines of business and overall CMS.

- **Independent compliance audit.** A compliance audit program provides a board of directors or its designated committee with a determination of whether policies and standards are being implemented to provide for the level of compliance and consumer protection established by the board. As noted above, these audits should be conducted by a party independent of both the compliance program and the business functions. The audit results should be reported directly to the board or a board committee.

The agencies expect that the audit schedule and scope will be appropriate for the entity's size, its consumer financial product offerings, and structure for offering these products. The compliance audit program should address compliance with all applicable federal consumer financial laws and identify any significant gaps in policies and standards.

When all of these four control components are strong and well-coordinated, the CFPB states that a supervised entity should be successful at managing its compliance responsibilities and risks. \*



William J. Showalter, CRCM, CRP is a Senior Consultant with Young & Associates, Inc. ([www.younginc.com](http://www.younginc.com)), with over 35 years' experience in compliance consulting, advising, and assisting financial institutions

on consumer compliance and compliance management issues. He has authored or co-authored numerous compliance publications and articles and developed and conducted compliance training programs for individual banks and their trade associations. Bill can be reached at (330) 678-0524 or [wshowalter@younginc.com](mailto:wshowalter@younginc.com).



# Liquidity Strategies for Illiquid Community Bank Stocks

BY GREYSON E. TUCK, GERRISH SMITH TUCK

**T**he fundamental duty of community bank directors and executive officers is to enhance shareholder value. One of the key tenets of enhancing shareholder value is providing actual common stock liquidity. In this regard, liquidity is defined as a shareholder's ability to convert their shares to cash at a fair price in a timely manner. Unfortunately, many community bank stocks do not enjoy market liquidity. A community bank shareholder's inability to convert their shares to cash at a fair price in a timely manner represents one of the biggest threats to the ability to maintain long-term community bank and holding company independence. If your community bank has adopted a strategy of long-term independence and your stock does not enjoy market liquidity, the following should be considered to provide for liquidity in the common stock.

## 1. Walk-In Stock Repurchase Program –

A Walk-In Stock Repurchase Program offers share liquidity by authorizing a representative of the holding company, typically the president or chief executive officer, to repurchase on behalf of the holding company shares of holding company common stock within certain board-established

parameters. To implement a Walk-In Stock Repurchase Program, the board passes a resolution that (i) allocates a specific amount of corporate cash to the program; (ii) establishes the per-share price at which the authorized representative may repurchase shares; and (iii) establishes any other terms or conditions appropriate for the program, such as a maximum number of shares to be repurchased from a selling shareholder. Following approval of the board resolution, the authorized company representative is free to act upon any shareholder request for liquidity that fits within the established program terms. This provides the shareholders a ready, willing, and able purchaser that can quickly react to shareholder liquidity needs.

## 2. Voluntary Stock Repurchase Program –

A Voluntary Stock Repurchase Program is a formal program memorialized in a written document distributed to the shareholders that describe the terms and conditions of an offered share repurchase as approved by the board. In this type of program, the board allocates a specific amount of corporate cash to the purchase of holding company common stock at a

specified price per share. Similar to a Walk-In Stock Repurchase Program, the board is free to incorporate any other program terms determined appropriate, such as minimum share repurchase requirements or a requirement that a shareholder owning less than a specified number of shares sell all of their shares to participate in the program. Once the voluntary stock repurchase program document is drafted and approved by the board, the documentation is distributed to shareholders for their consideration. Any shareholders wishing to sell shares back to the holding company may respond according to the terms of the program.

A Walk-In Repurchase Program is a reactive solution to shareholder liquidity, whereas a Voluntary Stock Repurchase Program is a proactive solution to shareholder liquidity. The general concepts relative to the programs are the same. The primary difference is in a Voluntary Stock Repurchase Program; the shareholders are provided specific program documentation that actively solicits the repurchase of shares, should the shareholder wish to sell.

A bank holding company's repurchase of its own stock provides a number of corporate benefits. The selling shareholder receives cash for the purchase of their shares at a fair price in a timely manner. The corporation and the remaining shareholders realize a number of benefits from the repurchase of shares, such as:

- An increase in share ownership percentage for the remaining shareholders without individually coming out of pocket with cash
- Increase in return on equity
- Increase in earnings per share
- Increase in dividends or distributions per share, assuming the aggregate payment remains the same

There are several issues bank holding companies are considering, a Walk-In or Voluntary Stock Repurchase Program, that they must think through. Of primary importance is how the program will be funded. One option is to allocate the organization's "excess capital" to the program through payment of a special dividend from the bank to the holding company to provide the holding company cash to repurchase the shares. Another option is the use of bank holding company debt, either by drawing down on a line of credit, taking out a term loan, or issuing subordinated debentures.

Another consideration is the price per share to be paid for the stock that is repurchased. The repurchase price is set by the board of directors and should balance the competing interests of the selling and remaining shareholders. In other words, the repurchase price should fairly compensate the selling shareholders for the value of the stock while also serving the interest of the remaining shareholders by not overpaying to complete the repurchase. To achieve this balance, the board of directors should always conduct a financial analysis of the potential stock repurchase before finalizing the program's terms.

Additionally, bank holding companies should keep regulatory considerations in mind when assessing a potential share repurchase program. The applicable regulations generally provide that a bank holding company may not engage in a repurchase of more than 10% of its equity within any 12-month period

without first receiving regulatory approval. However, there are specific exceptions to the prior approval requirement. These generally provide prior-approval is not required when the holding company and lead bank are in good regulatory standing and will remain well capitalized and well managed after the share repurchase. Notwithstanding these specific regulations and exceptions, the Federal Reserve has issued guidance that indicates bank holding companies that are going to engage in a material share repurchase should at least consult with the Federal Reserve prior to completing the purchase. Our recommendation is to provide advance notice of a material share repurchase to the Federal Reserve prior to its commencement, even if formal approval is not otherwise required.

### **3. Employee Stock Ownership Plan (or KSOP)** – A third liquidity alternative is the development and utilization of an Employee Stock Ownership Plan ("ESOP"). This may also include an ESOP with a 401(k) feature, commonly referred to as a KSOP.

An ESOP is a trust established for the benefit of the bank employees, which is to purchase holding company stock for the benefit of the employees. The ESOP receives cash to purchase shares for the benefit of the employees through the receipt of tax-deductible contributions from the bank. However, employer contributions are not the only source of cash for an ESOP. It is possible to leverage the ESOP, which allows the ESOP to borrow from a third-party lender (not the underlying bank) and use the proceeds from the debt to purchase shares. This provides an additional cash source for the ESOP, which may be used to repurchase shares from a shareholder looking for liquidity.

A KSOP is similar to an ESOP, except a KSOP has an additional source of cash. In a KSOP, employees are provided the opportunity to direct a portion of their 401(k) funds (typically not more than 50%) to the KSOP for the repurchase of shares. This can be either existing 401(k) balances, future 401(k) deferrals, or both. Essentially, a KSOP adds holding company common stock to the menu of available investment alternatives for the bank employees. As a qualified retirement plan, there are a number of rules and regulations applicable to an ESOP or KSOP. Two of these are of primary importance.

First, an ESOP or KSOP is prohibited from purchasing shares at a price that exceeds the shares' fair market value. It is determined by an annual, independent appraisal (unless the stock is traded on an active market). For this reason, an ESOP or KSOP must have an annual valuation of the holding company common stock, and the price to be paid for the purchase of shares cannot exceed the determined amount. The purchase may be less than the appraised value. Second, an ESOP or KSOP must be "primarily invested" in employer stock. Although there are no specific regulations, this is generally thought to require at least a majority of the employer contributions to be used to purchase employer stock, which can come from either selling shareholders or the holding company through the issuance of additional shares.

Most community bank holding companies do not have market liquidity. For these holding companies, they must take a proactive approach to offer share liquidity. A Walk-In or Voluntary Stock Repurchase Program, or the establishment of an ESOP or KSOP, provides the shareholders the opportunity to enjoy true liquidity in the investment. This is an important component to enhancing shareholder value and is vital to achieving a long-term independence strategy. \*



*Greyson E. Tuck is a member of the board of directors of Gerrish Smith Tuck, PC, and Gerrish Smith Tuck, Consultants, both of Memphis, Tennessee. Mr. Tuck's legal and consulting practice places special emphasis on community bank holding company formation and use, community bank mergers and acquisitions, regulatory matters, corporate reorganizations, corporate taxation, general corporate law, and community bank strategic planning. Mr. Tuck is a current faculty member at a number of banking schools across the country and is a dynamic speaker that is a frequent presenter at state and national bank association conferences.*

# ANNIVERSARIES

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# How Are Banking Strategies Evolving in 2021?

BY SHANE FERRELL, CSI



To understand how bankers will prioritize their digital strategies in light of the tumultuous year that was 2020, CSI — a leading provider of fintech and regtech solutions — polled banking executives from around the country, representing 272 financial institutions from across the asset-size spectrum. The data from this survey was then collected and used to create an executive report to help bankers gain insight into the industry's hottest topics and strategies.

## What Did Bankers Have to Say?

It's hardly surprising that, when asked about the future of the industry in CSI's 2021 Banking Priorities Executive Report, digital transformation thematically unified every priority. While taking stock of their 2020 performance and assessing the year ahead, banking executives almost unanimously agreed: Digital use will likely not return to pre-COVID levels.

Bankers began the survey by reflecting upon the past year with this question: please rate your bank's response to the COVID-19 pandemic in the following areas on a scale of 1 to 5, with 5 being the highest.

- In CSI's survey, 97% of bankers acknowledged an irrevocable change in consumer behavior when asked whether they expected digital channel use to increase at their institution even after the virus stabilizes.

- Bankers gave themselves good scores in two areas related to their pandemic response: maintaining in-branch safety (4.3/5) and Paycheck Protection Program (PPP) Loan Disbursement (4.3/5).
- However, bankers identified key areas for improvement as well, including transitioning to digital channels (3.8/5) and managing a remote workforce (3.7/5).

The takeaways? To facilitate seamless transitions to digital, institutions must obtain a better understanding of digital channels and how customers want to use them. And as bankers navigate the challenges of the pandemic and manage remote workforces, cybersecurity debriefs should be conducted to identify all the challenge areas. Reviewing internal controls to ensure all networks, devices, accounts, and systems are adequately patched will also enhance cybersecurity for remote workforces.

## Addressing the Top Challenges for 2021

The CSI survey also explored the challenges facing bankers this year, asking respondents to identify which one issue will most affect the financial industry in 2021.

- Over one-third of bankers (34%) identified cybersecurity as the top industry issue in 2021. As

institutions face this evolving threat, cybersecurity frameworks, such as the CSI Controls, help identify strengths and weaknesses to ensure budget dollars are effectively allocated. Beyond basic cyber hygiene, a robust framework should include due diligence on third-party service providers' cybersecurity controls and appropriate safety mechanisms like biometrics to protect customers.

- As more consumers use digital channels, nearly 20% of bankers rank meeting customer expectations as the top issue this year. Customers increasingly demand seamless experiences, but prioritizing new technologies and striving to balance digital with the human element creates a dilemma for institutions. While embracing the appropriate technologies is essential, effective digital transformation requires a strategic view of immediate customer demand. The right data leveraged from a robust CRM tool can better inform you of products and services matched to consumer needs.

- With regulatory agencies struggling to keep pace with changing technologies, 17% of bankers name regulatory change as the top issue. Data privacy and BSA/AML modernization are among the highest priorities in the realm of

regulatory compliance. Institutions must continue to foster a culture of compliance and a robust change management framework to keep their finger on the pulse of regulatory change.

## Evolving Strategies for Growth in 2021

Consumers — many of whom were reluctant to try digital channels — now demand digital offerings that are seamless, secure, and convenient. Financial institutions need to leverage new and existing technology to meet these expectations if they want to retain customers and attract new ones.

To grow market share, bankers will continue reframing their strategies to examine new customer segments, geographic markets, and product types. But without employing customer data to inform digital transformation strategies, an institution's customer acquisition and retention could suffer. The established data must drive these strategies as they continue to evolve. According to CSI's report, bankers prioritized the following technologies to meet the challenges above:

- **Digital Account Opening** topped the list of technological advances for nearly 59% of executive respondents. Naturally, the pandemic drove many customers to fulfill financial needs digitally. Even when the need for digital channels has stabilized, customers' desire to seamlessly open an account will remain.

- **Mobile Banking Apps** followed closely behind digital account openings, with 44% of executives planning to prioritize this technology. When utilizing digital banking apps, institutions should incorporate an integrated design across all channels to deliver consistent functionality. Some customers are new to digital, so creating user-friendly processes for those late adopters is essential.

- **Digital Lending** has exploded during the pandemic, with 43% of executives reporting this feature as one of the highest technological priorities. As the economic slowdown met high borrower expectations, digital lending became

an essential component of a digital banking strategy.

- **Customer Relationship Management (CRM)** tied with digital lending among bankers' priorities for 2021. Better utilization of CRM to capture existing customer data empowers banks to meet the needs of customers through existing channels, such as digital account opening and mobile banking apps.

## Get Your Copy of the Full Executive Report

Get a comprehensive breakdown of the survey data — including insight on digital transformation, cybersecurity, compliance, and more — by downloading the 2021 Banking Priorities Executive Report at [csiweb.com/2021-banking-priorities-executive-report/](http://csiweb.com/2021-banking-priorities-executive-report/). \*



Shane Ferrell is Vice President of Product Strategy at CSI.

An advertisement for Bank Compensation Consulting (BCC). The top half features a dark blue background with the BCC logo in white, which includes the word "BANK" in a large serif font with a curved swoosh, and "COMPENSATION CONSULTING" in a smaller sans-serif font below it. Below the logo, the tagline "ATTRACTING QUALITY. DEVELOPING LOYALTY. EMBRACING LEADERSHIP." is written in a smaller sans-serif font. The bottom half of the ad shows a photograph of a classical building facade with columns and a "BANK" sign. On the left, there is a portrait of a man with glasses and a mustache, identified as Richard Bratten. Text next to his photo provides his contact information: "(307) 763-0070" and "Rich.Bratten@bcc-usa.com". The right side of the ad contains three columns of text: "Bank Compensation Consulting (BCC) specializes in assisting financial institutions with the evaluation of their compensation programs for key officers and directors. With BCC's help, banks identify deficiencies in their current programs and create customized plans to fill these gaps. BCC also helps identify ways to offset the cost of plans with Bank-Owned Life Insurance (BOLI).", "BCC has helped more than 600 banks in 40 states with an expert team of 15 sales consultants that includes CPAs, CFPs, attorneys and MBAs.", and "BCC is committed to being the best service provider to their clients. As an affirmation of this commitment, BCC created "BankCare" an internal quality control standard that complements their SSAE 18 SOC Type II certification." At the bottom right, there is a quote: "Rich Bratten has been serving community banks for over two decades and is endorsed by the CBA. His expertise as an actuary and CFA, track record of service, and his support for community banking in Kansas are unparalleled. Call Rich today to schedule a visit." The entire advertisement is set against a dark blue background with a subtle grid pattern.



# 2021

## Could See More Retirement and Health Legislation

BY MIKE RAHN, CISP



**D**espite political partisanship that has marked much of the 116th Congress in 2019 and 2020, there have been some notable exceptions with bipartisan outcomes. The Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 proved that cooperation is a possibility. That legislation, enacted in December 2019, made significant enhancements to tax-advantaged savings arrangements.

Enactment of the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020 was a unified response to the pandemic that has disrupted many Americans' lives in both economic and health terms. And, in December 2020, Congress was able to put aside differences in crafting legislation combining additional pandemic relief with needed last-minute federal agency appropriations.

What 2021 will bring is yet to be determined. The Democratic majority in the House of Representatives narrowed in the 2020 general election, and control of the U.S. Senate shifted to Democratic control by the narrowest of margins. A Democrat also now resides in the White House. His legislative agenda has yet to be revealed in detail, but — based on campaign messaging — may include the broadly-defined goal of "equalizing benefits across the income scale." This ambition aside, it can be difficult for any president to accomplish legislative objectives with such a narrowly divided Congress.

Unless that is, these objectives align with those of a majority of lawmakers. Fortunately, tax-advantaged savings legislation has a history of being able to gather bipartisan support. It has win-win dimensions that tend to unify, rather than divide. For this reason, there is optimism that one or more savings-focused bills could be enacted in 2021. Several introduced during the past two years will likely be re-introduced in the 117th Congress.

### Securing a Strong Retirement Act

This legislation — called SECURE 2.0 by some, in reference to 2019's SECURE legislation — is a further example of bipartisanship. It is jointly sponsored by House Ways and Means Committee Chairman, Representative (Rep.) Richard Neal (D-MA) — and GOP Ranking Member Kevin Brady (R-TX). Due to the prominence of these sponsors, the legislation is considered to have favorable prospects. It includes the following provisions.

- Require employers — with exceptions for certain new and small businesses — to establish an automatic enrollment deferral-type retirement plan, such as a savings incentive match plan for employees of small employers (SIMPLE) IRA plan.
- Provide an enhanced small employer plan startup tax credit for such new plans.
- Enhance the “saver’s credit” for IRA contributions and for deferral-type employer plan contributions, such as those made to a SIMPLE IRA plan.
- Exempt up to \$100,000 of accumulated IRA and employer-sponsored retirement plan assets from required minimum distribution (RMD) calculations.
- Increase the RMD onset age from 72 to 75.
- Reduce penalties for RMD failures.
- Provide a second (age 60), higher IRA catch-up contribution limit.
- Index IRA catch-up contributions for inflation.
- Increase the limit for IRA and retirement plan assets that are exempt from RMD calculations under qualifying longevity annuity contract (QLAC) rules.
- Reduce certain IRA error penalties and permit more self-correction
- Permit matching contributions, e.g., to SIMPLE IRAs — based on student loan payments.

## Automatic IRA Act

It is widely accepted that up to 40% of American workers do not have access to a workplace retirement plan. A concept that dates back more than a decade proposes universal, automatic saving to an IRA through a worker’s place of employment, if no other retirement plan is available. This is the concept embodied in the Automatic IRA Act, legislation that has been introduced in several previous sessions of Congress.

In the absence of action at the federal level, many states have acted on their own to establish automatic IRA-based saving programs, which — while beneficial for those who are covered — has left geographic gaps, and a patchwork with differing program rules. A uniform

national automatic IRA program could close these gaps and address differences.

- Employers in business less than two years or employing fewer than 10 employees would be exempt.
- Employees would be automatically enrolled and contributions withheld from pay, but they would be able to opt-out.
- Accounts would be Roth IRAs unless a Traditional IRA was elected.
- Contributions would likely begin at 3% of pay, but with latitude to range between 2% and 6%.
- Investments would include balanced, principal preservation, and target-date funds, as well as guaranteed insurance contracts.

Past sponsors of automatic IRA legislation have included Rep. Richard Neal (D-MA) and U.S. Senator Sheldon Whitehouse (D-RI).

## HSA Enhancements

Affordable health insurance for Americans continues to be an extremely challenging goal. One increasingly common option — an alternative to the comprehensive “major medical” health insurance model — is a high deductible health insurance plan linked to a saving and spending account known as a health savings account, or HSA.

This approach is intended to offer a path to lower health insurance premiums and allow individuals to save in a tax-advantaged manner for expenses below their health plan deductible and copay amounts they owe. What initially began as a temporary test program under medical savings account (MSA) nomenclature later evolved into the HSA we know today.

With many U.S. employers offering employees an HSA-based program as one — or perhaps the only — health insurance option, much focus has been on how the HSA might be tweaked to improve its usefulness. Following are some of the proposed HSA modifications, a composite of provisions from several bills introduced in the 116th Congress. Some, or all, could be proposed again in the 117th Congress that has just been sworn in.

- Increase maximum annual HSA contributions; some have proposed doubling the limits.

- Expand the treatments for which a plan’s high deductible need not be met before benefits commence, such as chronic care services and more medications, including nonprescription drugs.
- Permit care at on-site employer or retail clinics without forfeiting HSA contribution eligibility.
- Treat costs of participating in a fixed-fee primary care arrangement as HSA-eligible expenses.
- Allow coverage of offspring under a parent’s HSA-compatible health plan to age 26; would mirror the Affordable Care Act (ACA).
- Define ACA bronze-level and certain catastrophic health insurance plans as HSA-compatible.
- Treat a defined portion of HSA accumulations spent for “fitness and health” as HSA-eligible expenses.
- Allow a fixed amount from health flexible spending arrangements (health FSAs) and health reimbursement arrangements (HRAs) remaining at year’s end to be rolled over to an HSA.
- Allow Medicare-eligible individuals enrolled only in Part A (Medicare-provided hospital care) to remain HSA contribution-eligible.

## Other Legislative Ambitions

Beyond the possibilities noted above, other initiatives that may be in play in the 117th Congress could include getting closer to universal availability of 401(k)-type workplace retirement plans and addressing the solvency of under-funded defined benefit pension plans. These could be more contentious, carrying as they might the stigmas of “mandate,” and “bailout,” both of which draw resistance from a substantial number of lawmakers. \*



Visit [ascensus.com](http://ascensus.com) for more industry news.

# Products and Services Reference List

Each asterisk (\*) represents an agreement for a specific endorsed product with that company. Not all products that these companies offer are endorsed by CBA. To see a detailed list and explanation of endorsements, visit CBA online at [www.cbak.com](http://www.cbak.com).

Keep in mind that the services provided by each company on this list may only be a sampling of the many services they offer. By their CBA Associate Membership, these companies have shown their commitment to serving community banks. Please look to these companies first, whenever possible, to meet your banking needs.

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**Upgrade Inc.**  
San Francisco, CA.....855-997-3100

## TELECOMMUNICATIONS CONSULTING

**Verge Network Solutions, Inc.**  
Oklahoma City, OK.....405-782-8420

## TELECOMMUNICATIONS SERVICES

**Verge Network Solutions, Inc.**  
Oklahoma City, OK.....405-782-8420

## TELECOMMUNICATIONS SYSTEMS

**Verge Network Solutions, Inc.**  
Oklahoma City, OK.....405-782-8420

## TITLE INSURANCE ABSTRACTING

**Security 1st Title**  
Wichita, KS.....316-267-8371

## WEBSITE DEVELOPMENT

**\*S&P Global**  
Charlottesville, VA.....434-951-4419

## WHOLESALE LENDING

**FHLBank Topeka**  
Topeka, KS.....800-933-2988



# UPCOMING WEBINARS |



<b>Apr 6 2021</b>	E-SIGN Series: The E-SIGN, BSA & CIP Compliance Trifecta
<b>Apr 7 2021</b>	Board Reporting: Requirements, Timing, Delivery Options, Risks & Concerns
<b>Apr 8 2021</b>	Remote Workforce Series: Moving to the Cloud: Remote Management of Risks to Customer Data
<b>Apr 13 2021</b>	Reg CC Compliance & Review: Check Holds, Remote Deposit Capture & Reg D Changes
<b>Apr 14 2021</b>	Advanced C&I Underwriting: A/R & Inventory Financing
<b>Apr 15 2021</b>	Collection Series: Regulatory Alphabet for Collections Compliance
<b>Apr 19 2021</b>	New Time Limits for ACH Warranty Claims Effective June 30, 2021
<b>Apr 20 2021</b>	Commercial Loan: Workouts, Restructuring & Loss Mitigation
<b>Apr 21 2021</b>	Debit Cards 101
<b>Apr 22 2021</b>	Global Cash Flow Analysis for Underwriters & Credit Analysts
<b>Apr 27 2021</b>	E-SIGN Series: E-SIGN Security & Fraud Detection
<b>Apr 28 2021</b>	Call Report Basic Lending Schedules: Coding, Classifications & Loan Loss Allowance
<b>Apr 29 2021</b>	Hot IRA Issues: Divorce, IRS Levies, Creditor Claims & Misunderstood Rules
<b>May 4 2021</b>	Advanced Commercial Loan Documentation
<b>May 5 2021</b>	Current Trends in Cyber Crime & Payments Fraud
<b>May 6 2021</b>	Credit Analyst Series: Loan Stress Testing for the Credit Analyst
<b>May 11 2021</b>	5 Steps to Simplify Reg E Claims
<b>May 12 2021</b>	Collection Series: Your Borrower Is Threatening Bankruptcy, Now What?
<b>May 13 2021</b>	HR Dos & Don'ts in a Virtual World
<b>May 18 2021</b>	Surviving a TRID Compliance Exam
<b>May 19 2021</b>	Developments in Bank Mergers & Acquisitions
<b>May 20 2021</b>	Residential Construction-Only & Construction-to-Permanent Lending: Compliance & FAQs
<b>May 25 2021</b>	Marketing in 2021: Virtual Relationships & the New Customer
<b>May 26 2021</b>	Collection Series: The Virtual World of Collections
<b>May 27 2021</b>	Handling W-9s, W-8BENs & IRS Mismatches
<b>May 27 2021</b>	Protecting the SBA Guaranty Start to Finish



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# Security 1st Title

## We Protect Property Rights.

Security 1st Title offers licensed and trained professionals to assist you with your title and closing needs. Our local experienced staff delivers exceptional service to protect property rights of homeowners and lenders.

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### PRODUCTS AND SERVICES:

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Residential and Commercial Transactions | Purchases and Refinances | New Construction  
Foreclosures | HUD/FNMA | Short Sales | REO | Escrow Contract Servicing | 1031 Exchanges

TITLE INSURANCE | CLOSINGS | 1031 EXCHANGE | CONTRACT SERVICING

FOR MORE INFORMATION, VISIT US ONLINE AT **SECURITY1ST.COM**

**FMSI** is a small business founded and located in Kansas, specializing in assisting community banks to succeed, a mission consistent with core CBA values. We have partnered with community banks for nearly 25-years providing core advisory services including asset/liability, investment, and liquidity management.

**FMSI** advisors actively assess market conditions and bank balance sheets of different size, mix, and capital levels. Market conditions are constantly changing presenting opportunities and challenges for CBA member banks. Interest rates are increasing for the first time in nearly a decade and now is a perfect time to partner with a trusted, industry leader.

Establishing an **FMSI** relationship provides confidence your bank is optimizing the balance sheet, deploying necessary strategies, maximizing profitability, and managing balance sheet risks.

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## Property & Casualty

- ▶ General Liability
- ▶ Commercial Property
- ▶ Umbrella Liability
- ▶ Workers' Compensation
- ▶ Updated Benefits and Enhancements
- ▶ Dependent Business Interruption
- ▶ Cyber Extortion

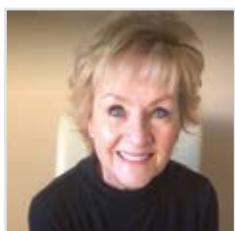
## Cyber Risk

## Financial Institution Bonds

- ▶ Social Engineering
- ▶ Extended Coverage Enhancements
- ▶ No Annual Forms

## Directors & Officers

- ▶ Broad Form With Regulatory Coverage
- ▶ 3 Year Policy Savings
- ▶ Employment Practices Liability
- ▶ Bankers Professional Liability



**Diana Poquette**  
Account Executive  
402.499.1011  
dpoquette@unicogroup.com



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