

**RESOLUTION 19 - 110**

**A RESOLUTION OF THE VILLAGE OF PLEAK,  
ADOPTING A PUBLIC FUNDS INVESTMENT POLICY**

**WHEREAS**, Chapter 2256 of the Government Code, commonly known as the "Public Funds Investment Act," requires the Village to adopt an investment policy by rule, order, ordinance, or resolution; and

**WHEREAS**, the Public Funds Investment Act requires the treasurer; the chief financial officer, if not the treasurer; and the investment officer of the Village to attend investment training; and

**WHEREAS**, the Village of Pleak approves of the investment training course sponsored by the Texas Municipal League; and

**WHEREAS**, the investment officer of the Village has attended or will attend an investment training course sponsored by the Texas Municipal League as required by the Public Funds Investment Act; and

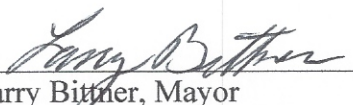
**WHEREAS**, the attached investment policy and incorporated strategy comply with the Public Funds Investment Act, as amended, and authorize the investment of Village funds in safe and prudent investments.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the Village of Pleak, that:

That the Village has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as "Exhibit A," is hereby adopted as the investment policy of the Village effective November 20, 2019.

**PASSED, ADOPTED AND APPROVED** by the Board of Aldermen of the Village of Pleak, November 20, 2019.

APPROVED:

  
Larry Bittner, Mayor

Attest:

  
Erin Walley, Village Secretary

## **EXHIBIT "A"**

### **PUBLIC FUNDS INVESTMENT POLICY OF THE VILLAGE OF PLEAK, TEXAS**

#### **INTRODUCTION**

The purpose of this document is to set forth specific investment policy and strategy guidelines for the Village of Pleak ("City") in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity and to satisfy the statutory requirement (specifically the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "Act")) to define, adopt and review a formal investment strategy and policy to the extent feasible and reasonable for a City of less than 600 inhabitants.

#### **INVESTMENT STRATEGY**

As necessary in consideration of the types and amounts of investments, the City shall maintain portfolios which utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios:

- A. Investment strategies for operating funds and commingled pools containing operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short- to medium-term securities which will complement each other in a ladder or barbell maturity structure. The dollar weighted average maturity of 1, 2, 3 up to 5 years or less will be calculated using the stated final maturity date of each security.
- B. Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.
- C. Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility. Securities should be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible.



- D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

## INVESTMENT POLICY

### **I. SCOPE**

This investment policy applies to all financial assets of the City. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- \* General Fund
- \* Special Revenue Funds
- \* Debt Service Funds
- \* Capital Projects Funds
- \* Proprietary Funds
- \* All Other Funds

### **II. OBJECTIVES**

The City shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Yield, and Public Trust. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to insure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

#### **Safety**

The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they are from securities defaults or erosion of market value.

#### **Liquidity**

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

## **Yield**

To the extent feasible, the City's cash management portfolio shall be designed to regularly exceed the average rate of return on U.S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

## **Public Trust**

Participants in the City's investment process shall act responsibly as public trust custodians. Investment officials shall avoid transactions which might impair public confidence in the City's ability to govern effectively.

## **III. RESPONSIBILITY AND CONTROL**

### **Investment Committee**

The Investment Committee required by Chapter 2256 shall consist of the Mayor, Mayor Pro Tem, and City Secretary and shall meet at any time when necessary or advisable in order to comply with Ch. 2256 and in the event that any investment decision or strategy is pending. As necessary, the Committee shall determine operational strategies and to monitor results, and shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, authorized brokers and dealers, and the target rate of return on the investment portfolio.

### **Delegation of Authority and Training**

Authority to manage the City's investment program is derived from a City Council resolution. The Mayor is designated as the City's investment officer and is responsible for investment decisions and activities with the City's approval. The Mayor is responsible for maintaining and proposing the City's procedures for the operation of the investment program. The investment officer shall attend at least one training session at least once every two years and receive 10 hours of training that relates to the officer's responsibility under the Act. Training from an independent source shall be approved or endorsed by the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, the Texas Municipal League, or the North Central Texas Council of Governments.

### **Internal Controls**

The Mayor is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.



Accordingly, the Mayor shall ensure that an annual independent review is conducted by an external auditor to assure compliance with policies and procedures. The results of this review shall be reported to the City Council. The internal controls shall address the following points:

- A. Control of collusion.
- B. Transaction authority separated from accounting and record keeping.
- C. Custodial safekeeping.

### **Prudence**

The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. The investment of all funds, or funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment.
- B. Whether the investment decision was consistent with the written investment policy of the City.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

### **Ethics and Conflicts of Interest**

City personnel involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. The Mayor shall disclose to the City Council any material financial interests in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. City staff shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

Any City officer who has a personal business relationship with an organization seeking to sell and investment to the City, or who is related within the second degree of affinity or consanguinity to such a person, shall file a statement disclosing that personal business interest with the Texas Ethics Commission and the City Council.

#### **IV. REPORTING**

The Mayor shall submit a signed investment report to the City Council that summarizes current market conditions, economic developments and anticipated investment conditions for any quarter in which investment activity or changes occur. The report will be provided to the City Council and will include the following:

- A. A listing of individual securities held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.
- B. Fully accrued interest for the reporting period.
- C. Investment listings by maturity date.

#### **V. INVESTMENT PORTFOLIO**

##### **Active Portfolio Management**

The City shall pursue an active versus a passive portfolio management philosophy. Securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The investment officer will routinely monitor the portfolio contents, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

##### **Investments**

Assets of the City may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized for investment under the Act, as the Act may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase.

- I. Authorized
  - A. Obligations of the United States of America, its agencies and instrumentalities, which have a liquid market with a readily determinable market value.
  - B. Direct obligations of the State of Texas and agencies thereof.
  - C. Other obligations, the principal of and interest on which are unconditionally guaranteed by the State of Texas or United States of America.
  - D. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than



"A" or its equivalent.

- E. Certificates of Deposit of state and national banks domiciled in Texas, guaranteed or insured by the Federal Deposit Insurance or its successor or secured by obligations described in A through D above, which are intended to include all direct agency or instrumentality issued mortgage backed securities rated AAA by a nationally recognized rating agency, or by Article 2529b-1, V.T.C.S., and that have a market value of not less than the principal amount of the certificates.
- F. Fully collateralized direct repurchase agreements with a defined termination date secured by obligations of the United States or its agencies and instrumentalities pledged with a third party, selected by the Mayor, other than an agency for the pledgor. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled in Texas. A Master Repurchase Agreement must be signed by the bank/dealer prior to investment in a repurchase agreement.
- G. Joint pools of political subdivisions in the State of Texas which invest in instruments and follow practices allowed by current law. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

## II. Not Authorized

The City's authorized investments options are more restrictive than those allowed by State law. State law specifically prohibits investment in the following investment securities.

- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal.
- B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- C. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

## Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City. In no case will the average maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years.

Investments in all funds shall be managed in such a way that the market price losses resulting from interest rate volatility would be offset by coupon income and current income received from the volume of the portfolio during a twelve month period.

### **Risk and Diversification**

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- A. Risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein.
- B. Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average maturity of operating funds investments to one year, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities and Insured or Collateralized Certificates of Deposits.
- C. Risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described herein.

## **VI. SELECTION OF BANKS AND DEALERS**

### **Depository**

At least every three years a Depository shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP). In selecting a depository, the credit worthiness of institutions shall be considered, and the Director of Finance shall conduct a comprehensive review of prospective depositories credit characteristics and financial history.

### **Certificates of Deposit**

Banks seeking to establish eligibility for the City's competitive certificate of deposit purchase program shall submit for review annual financial statements, evidence of federal insurance and other information as required by the Mayor.

### **Securities Dealers**

For government securities brokers and dealers, the City shall select only dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers", unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. Only brokers and dealers with an office in the City shall be selected. Investment officials shall not



knowingly conduct business with a firm with whom public entities have sustained losses on investments. All securities dealers shall provide the City with references from public entities that they are currently serving. The Investment Committee shall adopt and annually review a list of qualified brokers authorized to engage in investment transactions with the entity.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- audited financial statements
- proof of National Association of Securities Dealers (NASD) certification
- proof of state registration
- completed broker/dealer questionnaire
- certification of having read the City's investment policy signed by a qualified representative of the organization
- acknowledgment that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization

***Qualified representative*** means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

- A. For a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;
- B. For a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or
- C. For an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the certification on behalf of the investment pool.

### **Investment Pools**

A thorough investigation of the pool is required prior to investing, and on a continual basis. All investment pools must supply the following information in order to be eligible to receive funds:

- the types of investments in which money is allowed to be invested
- the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool
- the maximum stated maturity date of any investment security within the portfolio
- the objectives of the pool

- the size of the pool
- the names of the members of the advisory board of the pool and the dates their terms expire
- the custodian bank that will safekeep the pool's assets
- whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation
- whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment
- the name and address of the independent auditor of the pool
- the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool.
- the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios
- a description of interest calculations and how interest is distributed, and how gains and losses are treated

An annual review of the financial condition and registration of qualified bidders will be conducted by the Mayor.

## **VII. SAFEKEEPING AND CUSTODY**

### **Safekeeping Agreement**

Collateral pledged to secure deposits of the City shall be held by a safekeeping institution in accordance with a Safekeeping Agreement which clearly defines the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The safekeeping institution, or Trustee, shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral. The safekeeping agreement shall include the signatures of authorized representatives of the City, the firm pledging the collateral, and the Trustee.

### **Delivery vs. Payment**

Treasury Bills, Notes, Bonds, Repurchase Agreements and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the Trustee. The security shall be held in the name of the City or held on behalf of the City. The Trustee's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

## **VIII. INVESTMENT POLICY ADOPTION**



The Village of Pleak investment policy shall be adopted by resolution of the Board of Aldermen. The policy shall be reviewed for effectiveness on an annual basis by the Board of Aldermen and any modifications will be recommended for approval. The Board of Aldermen shall review these investment policies and strategies not less than annually.