

INVESTMENT POLICY

FOR TOWN OF EAST GREENBUSH, NEW YORK

Introduction

Pursuant to Chapter 708 of the Laws of 1992, section 39 was added to the General Municipal Law. The legislation requires each local government, including counties, cities, towns, villages, school districts, boards of cooperative education services, district corporations as defined by §36 of the General Construction Law, and any other governmental subdivisions, to adopt by resolution a comprehensive investment policy detailing the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government. The purpose of this legislation is to formalize policies and procedures and enable local Governments to:

- ✓ establish a prudent set of basic procedures to meet individual investment objectives,
- ✓ assure that investment assets are adequately safeguarded or collateralized,
- ✓ establish and maintain a system of internal controls including adequate accounts and records which accurately reflect in reasonable detail, all investment transactions, and
- ✓ provide accurate reporting and evaluation of investment results in conformance with GAAP (generally accepted accounting principles).

Because of the vast differences in the size, operations and sophistication of local governments, mandating specific procedures would be inappropriate. Rather, the legislation requires that the adopted policy address, at a minimum, broad areas, which are designed to achieve the basic objectives. These areas are:

- ✓ a list of authorized investments,
- ✓ procedures to ensure the local government's financial interest in investments, standards for written agreements consistent with Legal requirements,
- ✓ procedures for the monitoring, control, deposit and retention of investments and collateral,
- ✓ standards for security agreements and custodial agreements consistent with legal requirements,
- ✓ standards for diversification of investments including diversification as to type of investments and firms with whom the local government transacts business, and
- ✓ standards for qualification of investment agents which transact business with local governments.

In order to assist local governments in formulating an investment policy in accordance with General Municipal Law §39, the State Comptroller is required to formulate a "model investment policy".

The diversity of the investment program should be set by the professionalism and calibre of the staff and the policy guidance provided by elected officials.

Once the policy is developed, it should be taken to the governing board and formally adopted by resolution. This ensures elected officials understand the concepts that underlay the policy. After the resolution is adopted it should be implemented immediately, and procedures developed using the policy as a framework. The policy should not be a static document but should be reviewed at least annually or whenever new investment legislation becomes law, as staff capabilities change, or as other external and internal issues dictate. The policy should be re-adopted by the governing body at the organizational meeting of a new legislative body.

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Section 1 **Scope**

This investment policy applies to all moneys and other financial resources available for investment on behalf of the **Town of East Greenbush** or on behalf of any other entity or individual.

Section 2 **Objectives**

The primary objectives of the **Town of East Greenbush's** investment activities are, in priority order:

- ✓ **Legal:** to conform with all applicable federal, state and other legal requirements;
- ✓ **Safety:** to adequately safeguard principal;
- ✓ **Liquidity:** to provide sufficient liquidity to meet all operating requirements; and
- ✓ **Yield:** to obtain a reasonable rate of return.

Section 3 **Delegation of Authority**

The governing board's responsibility for administration of the investment program is delegated to the Chief Financial Officer who may designate the Comptroller for day to day responsibility who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

Section 4 **Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of East Greenbush to govern effectively.

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 safety of the principal as well as the probable income to be derived.

All participants 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 their ability to make impartial investment decisions.

Section 5

Diversification

It is the policy of the Town of East Greenbush to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

Section 6

Internal Controls

It is the policy of the Town of East Greenbush for all moneys collected by any officer or employee of the government to transfer those funds to the Chief Fiscal Officer, or the officer so designated as the Comptroller within 3 days of deposit if daily closure schedule (Exception 3 calendar days of weeks/months completion as a stipulated below), or within the time period specified in law, whichever is shorter.

- ✓ Tax Collector – within 3 Calendar days of a month's completion;
- ✓ Town Justices – within 3 Calendar days of a month's completion;
- ✓ Town Clerk – within 3 Calendar days of a month's completion;
- ✓ Culture and recreation within 3 Calendar days of a month's completion;
- ✓ Building – within 3 Calendar days of a week's completion; and
- ✓ Police – within 3 Calendar days of a month's completion;

The Town's Comptroller's Office shall be responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from authorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations. The Town designates the Comptroller as the Investment Officer to manage the Town's investments.

Section 7

Designation of Depositaries

The banks and trust companies are authorized for the deposit of monies as designated at the Town of East Greenbush Town Board's Organization meeting each year: (Does not include certificate of deposits or time deposits which the Investment Officer can request Town Board authorization periodically to go out to bid for better investment rates of return.)

<u>Depository Name</u>	<u>Maximum Amount</u>
Key Bank	\$20,000,000
Pioneer Bank	\$20,000,000
TD Bank	\$2,000,000
M&T Bank	\$2,000,000
National Union Bank of Kinderhook	\$2,000,000

Section 8

Collateralizing of Deposits

In accordance with the provisions of General Municipal Law, §10, all deposits of the Town of East Greenbush, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated in Appendix A (marked with YES to the left of each item) with the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
4. By an "irrevocable letter of credit" issued by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization. Such irrevocable letter of credit to be issued in favour of the government for a term not to exceed one year with an aggregate value equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any.

Section 9

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by (the depository and/or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of East Greenbush or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of

the custodial bank or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Statements of collateral pledged must be kept on file for all banks for all months to monitor the sufficiency of collateral pledged to secure the Town's money. Additionally, the Investment Officer should periodically request a listing of collateral held by the custodial banks and verify that the value of the collateral is sufficient and appropriate to secure the amounts on deposit in each depository bank.

Section 10

Permitted Investments

As authorized by General Municipal Law, §11, the Town of East Greenbush authorized the Comptroller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- ✓ Special time deposit accounts authorized to do business in New York State;
- ✓ Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law Section 9-r;
- ✓ Certificates of deposit
- ✓ Obligations of the United States of America;
- ✓ Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- ✓ Obligations of the State of New York;
- ✓ Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of East Greenbush:
- ✓ Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- ✓ Certificates of Participation (COPs) issued pursuant to GML, §109-b;
- ✓ Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-1, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of East Greenbush within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of

bonds or notes, shall be payable or redeemable at the option of the Town of East Greenbush within two years of the date of purchase.

Section 11

Authorized Financial Institutions and Dealers

The Town of East Greenbush shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of East Greenbush. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Comptroller is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

Section 12

Purchase of Investments

The Chief Fiscal Officer, or other officer so designated, having custody of the money, is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article SG of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No.88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of East Greenbush by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Section 13

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- ✓ All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- ✓ Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- ✓ Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
- ✓ No substitution of securities will be allowed
- ✓ The custodian shall be a party other than the trading partner.

Section 14

Operations, Audit and Reporting

The Chief Fiscal Officer, or other officer *so designated*, having custody of money, shall authorize the purchase and sale of all securities and execute contracts on behalf of the Town of East Greenbush. Oral directions concerning the purchase, transaction, or sale of securities shall be confirmed in writing. The Town of East Greenbush shall pay for purchased securities upon delivery.

The Town of East Greenbush will encourage the purchase and sale of securities through a competitive or negotiated process involving telephone solicitations of at least three bids for each transaction.

At the time independent auditors conduct the annual financial audit of the accounts and affairs of the Town of East Greenbush, the auditors shall audit *compliance with* the Investment Guidelines.

The Town Board of the Town of East Greenbush shall review and approve the annual investment report as a bank reconciliation subset report of the most recent published Annual Update Document (AUD) at its Annual Reorganization meeting.

The provisions of these Investment Guidelines and any amendments hereto, shall take effect prospectively, and shall not invalidate the prior selection of any custodial bank or prior investment. Readopted on the *9th day of January 2008* by unanimous vote of the Governing Board of the Town of East Greenbush. Adopted according to 2016 Town Board Meeting of the *21st day of December 2016*.

Kim Carlock, Town Clerk

Town of East Greenbush, NY

APPENDIX A

SCHEDULE OF ELIGIBLE SECURITIES

- _YES_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- _NO_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- _YES_ (iii) Obligations partially insured or guaranteed by an agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- _YES_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of Public monies.
- _NO_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- _NO_ (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- _NO_ (xi) Zero coupon obligations of the United States government marketed as "Treasury STRIPS"

Investment Policy Adopted at Town Board Meeting: December 21, 2016

References

- ☞ General Municipal Law §10 – Deposit of Public Money
- ☞ General Municipal Law §11 – Temporary Investments
- ☞ General Municipal Law §39 – Investment Policies for Local Governments
- ☞ General Municipal Law §453 – Sewer Rents
- ☞ Local Finance Law §24 & §25
- ☞ Local Finance Law §165
- ☞ Town Law §55 – Reserve Funds
- ☞ United States Code §1821a 2a – FDIC Coverage
- ☞ Article 5G – Municipal Cooperation
- ☞ Banking Law §107-a – Security for Public Deposits
- ☞ Highway Law §114-3 – County Road Fund
- ☞ Highway Law §133 – County Road Machinery Fund
- ☞ Financial Management Guide for Local Governments Section – Cash Management and Investment Policies and Procedures
 - Subsection - Appendix C – Deposits and Investment Statutes – 2.1125
 - Subsection – Appendix D – Schedule of Eligible Securities – 2.1130
 - Subsection – Appendix E – Security and Custodial Agreement - 2.1135
 - Subsection – Appendix F – General Custody Agreement – 2.1140
 - Subsection – Appendix G – Master Repurchase Agreement – 2.1145

December 21, 2016 Town Board Minutes and Resolution adopting investment policy