

ORDINANCE NO. 2009-176

SPONSOR Mr. Pry

DATE May 11, 2009

COMMITTEE Rules

An Ordinance approving the new investment policies for the County of Summit adopted by the Investment Advisory Board and amending Section 179.05 of the Codified Ordinances of the County of Summit, entitled "Board Investment Policies Adopted," to incorporate the investment policies, and amending Section 179.01 of the Codified Ordinances, entitled, "Establishment, Composition and Proceedings," to provide that the Board shall meet every 3 months as it currently meets, for the Fiscal Officer, and declaring an emergency.

WHEREAS, the Investment Advisory Board has adopted new investment policies, dated April 15, 2009, for the County of Summit, attached hereto as Exhibit A and incorporated herein as if fully restated; and

WHEREAS, it is necessary to amend Section 179.05 of the Codified Ordinances of the County of Summit, entitled "Board Investment Policies Adopted," to incorporate the investment policies; and

WHEREAS, Section 179.01 of the Codified Ordinances, entitled, "Establishment, Composition and Proceedings," provides that the Board shall meet every 6 months, when in fact, it currently meets every 3 months, as provided by section 135.341 of the Ohio Revised Code for investment advisory committees; and

WHEREAS, it is necessary to amend Section 179.01 to provide that the Board meet every 3 months; and

WHEREAS, this Council has determined by reviewing all pertinent information that the new investment policies for the County adopted by the Board should be approved and that sections 179.05 and 179.01 should be amended for the aforementioned reasons:

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The investment policies for the County of Summit adopted by the Investment Advisory Board, dated April 15, 2009, attached hereto as Exhibit A and incorporated herein as if fully restated, are hereby approved.

SECTION 2

Section 179.05 of the Codified Ordinances of the County of Summit, entitled "Board Investment Policies Adopted," is hereby amended as follows:

"179.05 BOARD INVESTMENT POLICIES ADOPTED.

The investment policies for the County of Summit adopted by the Investment Advisory Board effective ~~September 3, 2002~~ April 15, 2009, now on file with the Clerk of Council are

SECTION 2 (cont'd.)

hereby adopted as the uniform policies for investment for the County and are made a part of this chapter as if fully rewritten herein.”

SECTION 3

Section 179.01 of the Codified Ordinances, entitled, “Establishment, Composition and Proceedings,” is hereby amended as follows:

“179.01 ESTABLISHMENT, COMPOSITION AND PROCEEDINGS.

(a) An Investment Advisory Board is hereby established to review investments and advise the investing authority of the County. The Board shall establish policies and procedures insuring the best return on funds available to the County for deposit or investment.

(b) The Investment Advisory Board shall consist of the County Executive, the President of County Council and the County Fiscal Officer or their designees. The Board shall select the head of the Board to conduct meetings.

(c) The Board shall meet at least once every ~~six (6)~~ three (3) months.

(d) The Board shall keep a record of its proceedings and shall record its votes by yeay and nay. The Board shall adopt rules for its own proceedings.”

SECTION 4

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to immediately approve the new investment policies adopted by the Investment Advisory Board and to amend section 179.05 of the Codified Ordinances incorporate the investment policies and to amend section 179.01 of the Codified Ordinances to provide that the Board shall meet every 3 months.

SECTION 5

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 6

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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INTRODUCED April 27, 2009

ADOPTED May 11, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED May 11, 2009


EXECUTIVE

ENACTED EFFECTIVE May 11, 2009

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith

SUMMIT COUNTY INVESTMENT POLICY

I. Introduction - The purpose of this investment policy is to establish priorities and guidelines regarding the investment management of the County's operating funds [hereinafter referred to as the "Portfolio"]. Such priorities and guidelines are based upon Chapter 135.35 ORC, and prudent money management. This investment policy, dated **April 15, 2009**, has been approved by the investing authority and the County Investment Advisory Board (Chapter 179, Investment Advisory Board, Summit County Administrative Code). The investment policy, dated **April 15, 2009**, is a revision of an originally approved policy, dated **September 3, 2002**. Sections of 135.35 ORC [totally or partially] may be used to describe eligible investments. In some sections, the policy places further limits upon the use eligible investments or investment transactions. The Chief Fiscal Officer is referred to as the "Investing Authority". The County Investment Advisory Board is referred to as the "Board".

II. Investment Objectives - The investment objectives of the County, in priority order, include:

A. *Compliance with all Federal and State laws*

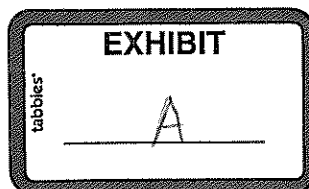
B. *Safety of principal* - Safety of principal is the most important objective of the County. The investment of County funds shall be conducted in a manner that seeks to ensure the preservation of capital within the context of the following criteria:

Credit Risk

Credit risk is the risk of loss due to the failure of a security issuer to pay principal or interest, or the failure of the issuer to make timely payments of principal or interest. Eligible investments, pursuant to Chapter 135.35 ORC, affected by credit risk include certificates of deposit, commercial paper, and bankers acceptances. Credit risk will be minimized by (1) diversifying assets by issuer; (2) ensuring that required, minimum credit quality ratings exist prior to the purchase of commercial paper and bankers acceptances; and (3) maintaining adequate collateralization of CD's, pursuant to the method as determined by the Chief Fiscal Officer.

Market risk

The market value of securities in the County's portfolio will increase or decrease based upon changes in the general level of interest rates. The effects of market value fluctuations will be minimized by (1) maintaining adequate liquidity so that current obligations can be met without a sale of securities; (2) diversification of maturities; (3) diversification of assets.



C. *Liquidity* - The portfolio shall remain sufficiently liquid to meet all current obligations of the County. Minimum liquidity levels [as a percentage of the average portfolio] may be established in order to meet such current obligations. The Chief Fiscal Officer may elect to separate the County's total investment fund balance into a liquidity portfolio, comprised of short-term investments and/or eligible money market funds; and a core portfolio comprised of various eligible securities with longer-term maturities.

D. *Yield* - The portfolio shall be managed to consistently attain a market rate of return throughout budgetary and economic cycles. The market-average rate of return is defined as the average yield of the three-month US Treasury Bill. The Chief Fiscal Officer may also compare the portfolio's return or yield to another selected benchmark(s), similar in nature to the characteristics of the County's portfolio. Whenever possible, and consistent with risk limitations and prudent investment management, the County shall seek to augment returns through the implementation of active portfolio management strategies.

III. Authorized Investments (itemized) - U.S. Treasury Bills, Notes, and Bonds; various federal agency securities including issues of Federal National Mortgage Assn. (FNMA), Federal Home Loan Mortgage Corp. (FHLMC), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Student Loan Marketing Assn. (SLMA), Government National Mortgage Association (GNMA), and other agencies or instrumentalities of the United States. Eligible investments include securities that may be "called" [by the issuer] prior to the final maturity date. Any eligible investment may be purchased at a premium or a discount. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.

Commercial paper notes issued by companies incorporated under the laws of the United States; specific limitations apply as defined under Section 135.35 (A)(8).

Bankers acceptances issued by any domestic bank rated in the highest category by a nationally recognized rating agency; specific limitations apply as defined under 135.35 (A)(8) ORC.

Certificates of deposit from any eligible institution mentioned in section 135.32 ORC.

No-load money market mutual funds rated in the highest category by at least one nationally recognized rating agency, investing exclusively in the same types of eligible securities as defined in Division A(1) or A(2) under 135.35 ORC and repurchase agreements secured by such obligations. Eligible money market funds shall comply with 135.01 ORC, regarding limitations and restrictions.

Repurchase agreements with any eligible institution mentioned in section 135.32 ORC, or any eligible securities dealer pursuant to division (J) of this section, except that such eligible securities dealers shall be *restricted to primary government securities dealers*. Repurchase agreements will settle on a delivery vs payment basis with repo collateral

held in safekeeping by a third party custodian as agreed to by the Chief Fiscal Officer. The market value of securities subject to a repurchase agreement must exceed the principal value of the repo amount by an amount as defined under the Ohio Revised Code. The Chief Fiscal Officer reserves the right to require an additional percentage of collateral securing such repurchase agreements. Prior to the execution of any repo transaction with an eligible dealer, a master repurchase agreement will be signed by the Chief Fiscal Officer and the eligible dealer.

Securities lending agreements with any eligible institution mentioned in 135.32 ORC.

The state treasurer's investment pool, pursuant to Section 135.45 ORC.

Bonds and other obligations of this state and the obligations of any agency, department, or authority of Summit County; debt issuances may be executed as private placements between the Chief Fiscal Officer and an agency, department, or authority of Summit County. For purposes of this investment policy, debt issuances of political subdivisions located totally or partially within the County are not included as eligible investments of the Chief Fiscal Officer.

IV. Prohibited Investments and Other Limitations - The final maturity of all eligible investments is five years [135.35 (C) ORC], unless the investment is matched to a specific obligation or debt of the County, and the investment is recommended by the Chief Fiscal Officer and approved by the Board;

Obligations of political subdivisions located totally or partially within Summit County;

Derivative securities, as defined in 135.35 (B);

Other prohibited investments or transactions as defined in Section 135.35 ORC.

V. Continuing Education - The Chief Fiscal Officer shall require designated employees who are assigned investment responsibilities to attend continuing education classes or seminars each year. At a minimum, such designated persons shall earn at least twelve hours or credits of public sector investment topics or courses each year. The County will bear the cost of continuing education courses for employees of the Chief Fiscal Officer.

VI. Safekeeping and Custody - The Chief Fiscal Officer shall be responsible for the safekeeping of investment assets of the County. Securities purchased for the County will be held in safekeeping by a qualified trustee [hereinafter referred to as the "Custodian"], as provided in Section 135.37 ORC. Securities held in safekeeping by the custodian will be evidenced by a monthly statement describing such securities. The custodian may safekeep the County's securities in (1) Federal Reserve Bank book entry form; (2)

Depository Trust Company (DTC) book entry form in the account of the custodian or the custodian's correspondent bank; or (3) Non-book entry (physical) securities held by the custodian or the custodian's correspondent bank. All securities transactions will settle using standard delivery-vs-payment (DVP) procedures. The records of the custodian shall identify such securities in the name of the investing authority. **To maintain strict internal and external controls for the safekeeping of the County's investment assets, Summit County's investment assets shall not be held in safekeeping by a broker/dealer firm, and/or a firm acting on behalf of a broker/dealer to safe keep the County's investment assets. Nor shall a company and/or entity act as both investment advisor and broker/dealer to Summit County.**

VII. The County Investment Board - Pursuant to County Administrative Code, Chapter 179, an investment advisory board is established to review investments and advise the investing authority of the County. The Board shall establish policies and procedures insuring the best return on funds available to the County for deposit or investment. The Investment Advisory Board shall consist of the County Executive, the President of County Council and the County's Chief Fiscal Officer. The Board shall select the head of the Board to conduct meetings. **Pursuant to Ohio Revised Code section 135.41 (C) the Investment Advisory Board shall meet at least once every three months.** The Investing Authority shall conduct investment practices and procedures as advised by the Board.

VIII. Reporting [bracketed language refers to statutory terms] - The investing authority shall maintain an inventory of all obligations and securities. A description of each security includes type [issue/issuer], cost [original purchase cost or current book value], par value [maturity value], maturity date [receipt date of par value], settlement date [delivery versus payment date of purchased or sold securities], and any coupon [interest] rate. The investment report will also include a record of all security purchases and sales. The investing authority will maintain a monthly portfolio report and issue a quarterly portfolio report to the Board, detailing the *current* inventory of all securities, all monthly transactions, any income received [maturities, interest payments, and sales], and any expenses paid. The report shall also include the yield of each security, and the average-weighted yield and average-weighted maturity of the aggregate portfolio.

IX. Investment Advisors, Qualified Dealers and Financial Institutions - The County is authorized to retain the services of an investment advisor, pursuant to 135.341 (D) ORC. Upon request, the investment advisor will attend such meetings and will discuss all aspects of the County's portfolio, including market conditions or economic factors affecting the County's investments. The investment advisor shall make recommendations regarding the investment of County funds and/or manage the portfolio of the County [including the execution of investment transactions], in accordance with the authorization of the Chief Fiscal Officer. Investment transactions will be used to execute trades on a "best price and execution" basis. The County may transact business (execute the

purchase and/or sale of securities) with eligible Ohio financial institutions, primary securities dealers regularly reporting to the New York Federal Reserve Bank, and regional securities firms or broker dealers licensed with the Ohio Department of Commerce, Division of Securities, to transact business in the State of Ohio. Eligible broker/dealers and financial institutions are defined in 135.35 (J)(1).

All persons or entities transacting investment business with the County are required to sign the approved investment policy as an acknowledgment and understanding of the contents of said policy.

X. Sale of Securities Prior to Maturity - Pursuant to Section 135.35 (E), securities may be "redeemed or sold" prior to maturity under the following conditions:

- (1) To meet additional liquidity needs
- (2) To purchase another security to increase yield or current income
- (3) To purchase another security to lengthen or shorten maturity
- (4) To realize any capital gains and/or income
- (5) To increase investment quality

Such transactions may be referred to as a "sale and purchase" or a "swap". For purposes of this section, redeemed shall also mean "called" in the case of a callable security.

XI. Procedures for the Purchase and Sale of Securities - All investment decisions will be authorized by the Chief Fiscal Officer, as the County's investing authority. Accordingly, investment recommendations will be communicated verbally [or by facsimile transmission] to the County Fiscal Officer or to an authorized representative, designated by the County Fiscal Officer. If authorized by the Chief Fiscal Officer or his investment officer, investment transaction(s) may be executed by the investment advisor, followed by transaction advices describing such purchases or sales. A facsimile transmission will also be sent to the County's designated bank/custodian in order to provide the necessary information to settle the investment transaction.

Confirmation advices, representing the purchase and/or sale of securities [including price], will be issued by the eligible broker/dealer or financial institution and sent to the investing authority. Copies of such advices will be sent to the County's investment advisor.

XII. Statements of Compliance - This investment policy has been approved by the investing authority and filed with the Auditor of State, pursuant to 135.35 (K)(1) ORC. The County Investment Advisory Board has additionally approved the investment policy.

All brokers, dealers, and financial institutions executing transactions initiated by the investment authority have signed the approved investment policy. Investment policies [signed by such brokers, dealers, and financial institutions] are filed with the investing authority. The County's investment advisor is registered with the Securities and Exchange Commission and possesses public funds investment management experience, specifically in the area of state and local government investment portfolios. The investment advisor has additionally signed the approved investment policy and the signed policy is filed with the investing authority.

Any amendments to this policy will be filed with the Auditor of State [Attn: Clerk of the Bureau, P.O. Box 1140, Columbus, OH, 43216-1140] within fifteen days of the effective date of the amendment.

Rev: **April 15, 2009**

The following entity has signed, herein, this approved investment policy. Having read the policy's contents, the following representative(s), on behalf of their entities, acknowledge comprehension and receipt:

Name of Registered Representative

Date

Name of Financial Institution Representative

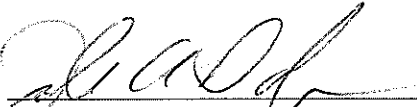
Name of Broker/Dealer Firm or Financial Institution

INVESTMENT POLICY OF SUMMIT COUNTY

Pursuant to the following resolution, the Fiscal Officer ("Investing Authority") and the County Investment Board ("Board") have approved an investment policy, dated **April 15, 2009**. Such investment policy represents a revision of a previously approved policy, dated **September 3, 2002**. As required, the revised policy has been filed with the State Auditor in accordance with 135.35 (K)(1) ORC and will remain in effect unless modified by the Investing Authority and the Board.

Recommendation and Approval of the Investing Authority:

The investment policy, dated **April 15, 2009**, is submitted by the Investing Authority for consideration by the Board:



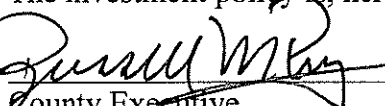
 John A. Donofrio, Chief Fiscal Officer
 Summit County, OH

Date

4/15/09

Acceptance and Approval of the County Investment Board:

The investment policy is, hereby, approved by the Board:



 County Executive
 Summit County, OH

Date


4/15/09



 President
 Summit County Council

Date

4/15/09



 Chief Fiscal Officer
 Summit County, OH

Date

4/15/09