

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-035

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), DIVISION 3 (INVESTMENT POLICY) AS SET FORTH HEREIN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with State law the City Council of the Town of Addison, Texas (the "City") has heretofore adopted an investment policy regarding the investment of its funds and funds under its control; and

WHEREAS, the said investment policy is set forth in Division 3, Article IV, Chapter 2 of the City's Code of Ordinances; and

WHEREAS, the City Council has reviewed the said investment policy and desires to amend the same as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Chapter 2 (Administration) of the Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, paragraphs, phrases, and words are not amended but are ratified and confirmed:

A. Division 3 (Investment Policy) of Article IV (Finance) of Chapter 2 of the Code is amended as follows (additions are underlined; deletions are ~~struck through~~):

Sec. 2-201. Revisions.

This division and investment strategy statements will be reviewed at least annually by the chief financial officer and the city council and may be amended as conditions warrant by the city council.

Sec. 2-202. Scope.

(a) The Public Funds Investment Act (V.T.C.A., Government Code ch. 2256) prescribes that each town is to adopt rules governing its investment practices and to define the authority of the investment officer. The following provisions of this division address the methods, procedures, and practices which must be exercised to ensure effective and judicious fiscal management of the town's funds. This division shall not

apply to the selection, retention or other issues concerning the depositories of the town's funds in demand and time deposits as provided under V.T.C.A., Local Government Code ch. 105.

(b) This division shall apply to the investment and management of all funds of the town under its control, other than those expressly excluded herein or by applicable law or valid agreement. This division shall not supersede the restrictions on investment and use applicable to any specific fund and, in the event of any conflict between this division and the requirements of any fund subject to this division, the specific requirement applicable to such fund shall be followed as well as all other provisions of this division other than those in conflict. The employees deferred compensation agency fund is excluded from coverage under this policy.

(c) This division also requires the formal adoption of an "investment strategy statement" that specifically addresses each of the town's fund groups. Each investment strategy statement will describe its objectives concerning:

- (1) Suitability of investment type;
- (2) Preservation and safety of principal;
- (3) Liquidity;
- (4) Marketability of each investment;
- (5) Diversification of the portfolio; and
- (6) Yield.

(d) In order to make effective use of the town's resources, all monies shall be pooled into one investment bank account, except for those monies required to be accounted for in other bank accounts as stipulated by applicable laws, bond covenants or contracts. The income derived from this pooled investment account shall be distributed in accordance with the town's internal procedures.

Sec. 2-203. Objectives.

The town's principal investment objectives in order of priority are:

- (1) Conformance with all federal regulations, state statutes and other legal requirements including the town Charter and town ordinances, including this division.
- (2) Preservation of capital and the protection of investment principal.
- (3) Maintenance of sufficient liquidity to meet anticipated disbursements and cash flows.

(4) Diversification to avoid incurring unreasonable risks regarding securities owned.

(5) Attainment of a market rate of return equal to or higher than the performance measure established from time to time by the chief financial officer of the town which is commensurate with the acceptable risk and liquidity objectives of this policy.

Sec. 2-204. Delegation of authority.

(a) The city manager appoints the chief financial officer and the chief financial officers' designee as the "investment officers" of the town. Direct management responsibility for the investment program is delegated by the city council to the chief financial officer (hereinafter referred to as the "CFO"). The investment officers' authority will at all times be limited by all applicable laws and regulations in effect from time to time and this policy. The investment officers shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(b) With written approval from the city manager, the CFO may delegate any phase of the investment management program to any of the investment officers. Such approval shall state specifically the functions such person is authorized to perform or that the person is authorized to perform all activities of the CFO under this division. The CFO shall obtain and maintain, at the town's expense, fidelity bonds for the CFO and each of the CFO's designees in amounts determined adequate by the CFO (which shall not be less than five percent of the amounts subject to this policy) for each fiscal year as shown by the approved budget. No person may engage in an investment transaction except as provided under the terms of this division and the internal procedures established by the CFO. A current list of persons authorized to transact investment business and wire funds on behalf of the town shall be maintained by the CFO.

(c) The CFO shall develop and maintain written administrative procedures for the operation of the investment program consistent with this policy. The controls shall be designed to prevent, identify and control losses of public funds arising from deviation from this policy, fraud, employee error, misrepresentation by third parties, or imprudent actions by employees and officers of the town.

(d) In the discretion of the city council and in any event upon the termination or reassignment of any investment officer authorized to conduct transactions for the town pursuant to this division, the authority of such person shall be revoked and such revocation of authority shall be immediately communicated by the CFO orally and in writing to each and every depository, broker/dealer, investment advisor, custodian and other agency or entity with whom the town has any existing or continuing relationship in the management of its investments.

(e) The CFO and all investment officers shall attend at least one training session relating to the treasurer's or officer's responsibilities within twelve (12) months after taking office or assuming duties; and attend a training session not less than once every two years and receive not less than ten (10) hours of training. Such training from an independent source shall be approved or endorsed by either Government Finance Officers Association, Government Finance Officers Association of Texas, Government Treasurers Organization of Texas, Texas Municipal League, or the North Central Texas Council of Governments to include education in investment controls, security risks, strategy risks, market risks, and compliance with the Public Funds Investment Act (V.T.C.A., Government Code ch. 2256).

Sec. 2-205. Investment advisors.

(a) The town may, in the discretion of the CFO, and with the approval of the town council, appoint one or more investment advisors to assist the town's financial staff in the management of the town's funds. The investment advisor must be registered with the Securities and Exchange Commission under the Investment Advisors Act of 1940 and also be registered with the Texas state securities board as an investment advisor. To be eligible for consideration, an investment advisor shall demonstrate to the CFO knowledge of, and experience in, the management of public funds. The CFO will satisfy himself as to the advisor's qualifications by all appropriate means, including reference checks with the advisor's other clients, the state securities board and the Securities and Exchange Commission. An appointed investment advisor shall act solely in an advisory and administrative capacity, within the guidelines of this division, and without any discretionary authority to transact business on behalf of the town.

(b) Each investment advisor appointed by the town shall agree that its investment advice shall at all times be given with the judgment and care, under circumstances then prevailing, which persons paid for their special prudence, discretion and intelligence, in such matters exercise in the management of their client's affairs, not for speculation by the client or production of fee income by the advisor or broker, but for investment by the client with emphasis on the probable safety of the capital while considering the probable income to be derived.

(c) Appointment of an investment advisor shall otherwise be according to the town's normal purchasing procedures for selecting professional services. Any approved investment advisor may be terminated with the approval of the city manager if in the opinion of the CFO the advisor has not performed adequately. The term of any investment advisor contract may not exceed two years. Any renewal or extension of an investment advisor contract must be made by the city council by resolution.

Sec. 2-206. Standard of care.

(a) As provided for in the V.T.C.A., Government Code § 2256.006(a), the standard of care for the town's investments shall be that such "investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for

speculation, but for investment, considering the probable safety of capital and the probable income to be derived."

(b) The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The CFO and the investment officers shall recognize that the investment activities of the town are a matter of public record.

(c) The CFO and the investment officers, acting in accordance with written procedures and exercising the proper standard of care, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that this division and the CFO's procedures were followed. In determining whether the CFO or an investment officer has exercised the proper standard of care, all investments over which the individual had responsibility will be considered rather than a single investment.

Sec. 2-207. Authorized securities investments.

Subject to any limitations otherwise imposed by applicable law, regulations, bond indentures or other agreements, (including, but not limited to, V.T.C.A., Government Code ch. 2256), the following securities and deposits are the only ones permitted as investments for the town's funds:

(1) Direct obligations of the United States government with a maturity not to exceed five (5) years from the date of purchase; U.S. Treasury Bills, U.S. Treasury Notes, U.S. Treasury Bonds, and U.S. Treasury Strips (book entry U.S. Treasury securities whose coupon has been removed).

(2) Debentures or discount notes with a maturity not to exceed five (5) years from the date of purchase issued by, guaranteed by, or for which the credit of any of the following federal agencies and instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), and Federal Home Loan Mortgage Corporation (FHLMC). Principal-only and interest-only mortgage backed securities and collateralized mortgage obligations and real estate mortgage investment conduits are expressly prohibited.

(3) Bonds or other interest bearing obligations of which the principal and interest are guaranteed by the full faith and credit of the United States government with a stated maturity not to exceed five years from the date of purchase. A security's "average life" does not constitute a stated maturity. Principal-only and interest-only mortgage backed securities and collateralized mortgage obligations and real estate mortgage investment conduits are expressly prohibited.

(4) Time certificates of deposit with a maturity not to exceed three (3) years from the date of purchase, insured by the Federal Deposit Insurance Corporation (FDIC) or its successor, in depository institutions that have a main office or a

branch office in the State of Texas which have been approved by the town in accordance with section XI of this investment policy.

In addition, separate CDs issued by depositories wherever located, bundled together into a single investment with the full amount of principle and interest of each CD federally insured may be purchased through a selected depository institution with its main office or branch office in Texas. This depository shall act as the custodian for the various certificates on behalf of the town.

(5) Prime commercial paper with an original maturity of one hundred eighty (180) days or less which at the time of purchase, is rated at least: A-1 by Standard & Poors, P-1 by Moodys, or F1 by Fitch.

a. At the time of purchase, the commercial paper must be rated by at least two (2) of the above stated ratings agencies at the above stated minimum credit rating.

b. If more than two (2) of the above stated agencies rates and issuer, all the rating agencies must rate the issuer in accordance with the above stated minimum credit criteria.

c. If the commercial paper issuer has senior debt* outstanding, the senior debt must be rated by each service that publishes a rating of the issue at least: A-1 by Moodys, A+ by Standard & Poors, and A+ by Fitch.

* Senior Debt is defined as the most senior secured or unsecured debt of an issuer with an original maturity exceeding one year.

If the commercial paper issuer is given a "plus (+) rating", the maximum maturity of two hundred seventy (270) days or less will be allowed.

(6) Eligible bankers acceptances with original maturities not exceeding one hundred eighty (180) days, issued on domestic banks operating under the banking laws of the United States, whose senior long term debt is rated, at the time of purchase, A-1 or higher by Moodys, A+ by Standard and Poors, or A+ by Fitch.

(7) Repurchase agreements with a defined termination date of ninety (90) days or less on U.S. Treasury and federal agency securities listed in subsections (1) and (3) of this section, collateralized initially at a minimum market value of one hundred two percent (102%) of the dollar value of the transaction, with the accrued interest accumulated on the collateral included in the calculation. If the market value of the collateral falls below one hundred one percent (101%) of the dollar value of the transaction, the collateral will be required to be brought up to the one hundred two percent (102%) initial maintenance level. A repurchase agreement is defined as a simultaneous agreement to buy, hold for ninety (90) days or less, and then sell back an obligation described in this subsection (7), the

principal and interest of which are guaranteed by the United States. Repurchase agreements shall be entered into only with dealers who:

- a. Are recognized as primary reporting dealers with the Market Reports Division of the Federal Reserve Board of New York; and
- b. Have an executed, town approved master repurchase agreement. Collateral (purchased securities) shall be held by the town's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily based on the bid price for the previous day as reported in the Wall Street Journal.

For the purpose of this subsection (7) the term "collateral" shall mean "purchased securities" under the terms of the town approved master repurchase agreement. Collateral bearing no coupon will have a maturity not to exceed five (5) years. All other eligible collateral shall have a maturity limit of ten (10) years. The term "repurchase agreements" includes reverse repurchase agreements. The term of a reverse repurchase agreement shall not exceed ninety (90) days and any investments acquired with the proceeds from the reverse repurchase agreement shall not exceed the term of that agreement.

(8) Money market funds meeting each of the following criteria:

- a. Registered with and regulated by the Securities and Exchange Commission;
- b. Has provided the town with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940;
- c. No commission fee shall be charged on purchases or sales of shares;
- d. Have an objective of maintaining a constant daily net asset value of \$1.00 per share;
- e. Limit assets of the fund to those securities listed in subsections (1), (2), (3) and (7) of this section; and
- f. Have a maximum stated maturity of thirteen (13) months and dollar-weighted average portfolio maturity of not more than ninety (90) days. A list of town-approved money market funds shall be kept by the CFO.

(9) State investment pools organized under the Interlocal Cooperation Act (V.T.C.A., Government Code ch. 791) that meet the requirements of V.T.C.A.,

Government Code ch. 2256, and have been specifically approved by the CFO and authorized by the city council.

(10) Local investment pools organized under the Interlocal Cooperation Act (V.T.C.A., Government Code ch. 791) that meet the requirements of V.T.C.A., Government Code ch. 2256, and have been specifically approved by the CFO and authorized by the city council.

(11) Direct obligations of the state or its agencies rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent with a maturity not to exceed two (2) years from the date of purchase.

(12) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the state or the United States with a maturity not to exceed two (2) years from the date of purchase.

Sec. 2-208. Other investment guidelines.

(a) The town seeks active management of its portfolio assets. In the effort of meeting the objectives of this policy, the town may, from time to time, sell securities that it owns in order to better position its portfolio assets. Sales of securities prior to maturity shall be documented and approved by the CFO before such a transaction is consummated. Sales of securities yielding net proceeds less than ninety-eight percent (98%) of the book value of the securities must be approved in advance and in writing by both the city manager and the CFO.

(b) Each investment transaction must be based upon competitive quotations received from at least three (3) broker/dealers who have been approved by the town in accordance with state law.

(c) The purchase and sale of all securities shall be on a delivery-versus-payment or payment-versus-delivery basis (i.e., for securities purchases, monies will not be released by the town's safekeeping bank until securities are received at the Federal Reserve Bank for further credit to the town's safekeeping bank. In the case of securities sales, monies will be received by the town's safekeeping bank via the Federal Reserve Bank as the securities are simultaneously released to the purchaser). In this manner, the town will always have possession of either its securities or its monies.

(d) An investment that requires a minimum credit rating does not qualify as an authorized securities investment during the period the investment does not have the minimum credit rating even if the investment had the appropriate rating at the time of purchase. The investment officers shall take all prudent measures that are consistent with this division to liquidate an investment that does not have the minimum rating.

Sec. 2-209. Portfolio maturities.

(a) Maturities shall be selected which provide for both stability of income and reasonable liquidity.

(b) At all times the town shall maintain ten percent (10%) of its total investment portfolio in instruments maturing in ninety (90) days or less. The weighted average maturity of all securities and certificates of deposit in the town's total investment portfolio at any given time (not including cash or demand deposits) shall not exceed one and one-half (1 ½) years.

(c) In the case of callable securities, the first "call" date may be used as the "maturity" date for investment purposes in this section if, in the opinion of the CFO, there is little doubt that the security will be called prior to maturity. At all times the stated final maturity shall be used in portfolio average life calculations and reported as outlined in this division.

(d) Investment of bond proceeds shall be invested in the investment types listed in section 2-207(1) through (3) and (8) through (10) of this Chapter 2 for a period of time not to exceed five (5) years. Additionally, bond proceeds may be invested in a repurchase agreement that exceeds ninety (90) days if reductions are allowed from the agreement without penalty for legitimate bond proceed expenditures and the final maturity is within the "temporary period" as defined by the Internal Revenue Service (this arrangement is commonly referred to as a "flexible repurchase agreement").

Sec. 2-210. Investment limits.

(a) It is the policy of the town to avoid concentration of assets in a specific maturity, a specific issue, or a specific class of securities, with the exception of U.S. Treasury issues listed in subsection 2-66(1). The asset allocation in the portfolio should, however, be flexible depending upon the outlook for the economy and the securities markets.

(b) The town will not exceed the following maximum limits as a percentage of the total portfolio for each of the categories listed below:

TABLE INSET:

Categories	Percentage
Money market funds as outlined in subsection 2-207(8)	20
Certificates of deposit	30
Commercial paper	30
Bankers' acceptances	30
Local government investment pools as authorized in subsection 2-207(8) and (10)	40

State government investment pools as authorized in subsection 2-207(9)	70
Instrumentality securities described in subsection 2-207(2)	70

(c) In addition to the limitations set forth above, the town's investment in any single money market fund shall never exceed ten percent (10%) of the total assets of the money market fund.

(d) The CFO and investment officers shall evaluate how each security purchased fits into the town's overall investment strategy.

(e) The amount of investments in U.S. Treasury and Agency Securities and Repurchase Agreements backed by those securities, as defined in subsections 2-66(1), (3) and (7), shall at no time be less than thirty percent (30%) of the total portfolio. There shall be no maximum limits on these investments.

(f) Bond proceeds shall be exempt from the maximum limitation stated above for state government investment pools, but only for the period of time required to develop a comprehensive draw-down schedule for the project for which the proceeds are intended, the maximum being sixty (60) days, at which time the funds representing bond proceeds must be prudently diversified.

Sec. 2-211. Selection of brokers/dealers.

(a) The town shall maintain a list of approved security broker/dealers maintaining minimum capital of \$10,000,000 and being in business for at least five years. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). Securities may only be purchased from those authorized institutions and firms identified in the above list.

(b) Broker/dealers and other financial institutions will be selected by the CFO on the basis of their expected financial stability, experience in selling fixed income securities to other local governments as well as perceived ability to service the town's account. Each broker/dealer authorized to conduct business with the town shall be required to submit to the town a broker/dealer questionnaire as well as updated financial statements. In addition, all firms shall provide a detailed resume of the firm's primary sales representative, appropriate references and wiring instructions. The CFO shall maintain a file on each firm containing the most recent information.

(c) The CFO shall review the quality of service and financial stability of each broker/dealer and financial institution approved under this section at least annually. Any approved broker/dealer or financial institution may be removed from the list of approved broker/dealers with the approval of the CFO if, in the opinion of the CFO, the firm has not performed adequately or its financial condition is considered inadequate. The city council shall, at least annually, review, revise and adopt the list of qualified broker/dealers and financial institutions which are authorized to engage in investment transactions with the town.

(d) All business organizations eligible to transact investment business with the town shall be presented a written copy of this policy. The qualified representative of the business organization seeking to transact investment business with the town shall execute a written instrument substantially to the effect that the qualified representative has:

- (1) Received and thoroughly reviewed this policy, and
- (2) Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the town.

(e) The town shall not enter into an investment transaction with a business organization prior to receiving the written instrument described above. In addition, each investment advisor appointed by the town shall execute the written instrument described above.

(f) If the council has contracted with a registered investment advisor for the management of its funds, the advisor shall be responsible for performing due diligence on and maintaining a list of broker/dealers with which it shall transact business on behalf of the town. The advisor shall determine selection criteria. The advisor shall annually present a list of its authorized broker/dealers to the town for review and likewise shall execute the aforementioned written instrument stating that the advisor has reviewed the town's investment policy and has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the town. The advisor shall obtain and document competitive bids and offers on all transactions and present these to the town as part of its standard trade documentation.

Sec. 2-212. Selection of depositories.

(a) Certificates of Deposit (CD) may be placed with banking institutions doing business in the state of Texas which offer competitive and documented interest rates, both at or above interest rates available on government securities to similar maturity dates. All deposits exceeding the current FDIC deposit insurance amount shall be fully collateralized in order to be eligible as Town investments.

(b) In addition to maintaining proper collateral, bank financial positions shall be considered to best assure prudent investment. Relevant criteria shall include capital ratios, liquidity, profitability and asset growth. Information sources for financial data may include www.bankrate.com and the FDIC website at www.fdic.gov. Because the financial condition of banks may change rapidly, primary focus shall be on maintaining adequate levels of collateral to support deposit amounts. If the Town utilizes the services of an investment advisor, the advisor shall assist in the evaluation of both the financial institution and assigned collateral.

Sec. 2-213. Safekeeping and custody.

(a) Investment securities purchased for the town will be delivered by either book entry or physical delivery and shall be held in third-party safekeeping by a Federal Reserve member financial institution designated as the town's safekeeping and custodian bank. The town may designate more than one (1) custodian bank. In no event will the town's custodial or safekeeping institution also be a counterparty (broker or dealer) to the purchase or sale of those securities. The town shall execute a written safekeeping agreement with each bank prior to utilizing the custodian's safekeeping services. Only a state or national bank located within the state may be utilized as a custodian of securities pledged to secure certificates of deposit. The safekeeping agreement must provide that the safekeeping bank will immediately record the receipt of purchased or pledged securities in its books and promptly issue and deliver a signed safekeeping receipt showing the receipt and the identification of the security, as well as the town's perfected interest.

(b) The CFO shall maintain a list of designated custodian banks and a copy of the safekeeping agreement executed with each custodian bank.

(c) The town must approve release of securities, in writing, prior to their removal from the custodial account. A telephonic facsimile of a written authorization shall be sufficient if the custodian orally confirms receipt of the transmission and an exact copy of the document is retained in the town's files.

(d) All securities shall be confirmed in the name of the town and delivered to an approved custodial bank or carried at a Federal Reserve Bank in the name of the town. The custodian shall not otherwise deposit purchased or pledged securities. All book entry securities owned by the town shall be evidenced by a safekeeping receipt issued to the town and signed by the appropriate officer at the custodian bank stating that the securities are held in the Federal Reserve system in a customer account naming the town as the "customer." In addition, the custodian bank will, when requested, furnish a copy of the delivery advice received by the custodian bank from the Federal Reserve Bank.

(e) All certificated securities (those transferred by physical delivery) shall:

(1) Be held by an approved custodian bank or any correspondent bank in New York City approved by the CFO; and

(2) The correspondent bank or the town's safekeeping bank shall issue a safekeeping receipt to the town evidencing that the securities are held by the correspondent bank for the town.

(f) The original safekeeping receipt for each transaction including purchased securities under a repurchase agreement and collateral securing deposits will be forwarded to the CFO or his designee and held in a secured file by the town.

Sec. 2-214. Recordkeeping and reporting.

(a) A record shall be maintained of all bids and offerings for securities transactions in order to ensure that the town receives competitive pricing. All transactions shall be documented by the person authorizing the transaction in a form that shows that person's name, the party instructed to execute the transaction, the date, a description of the transaction and a brief statement of the reason for the transaction.

(b) Each depository institution of the town's funds and purchased securities shall maintain separate, accurate and complete records relating to all deposits of the town's funds, the securities pledged to secure such deposits and all transactions relating to the pledged securities. Each approved custodian shall maintain separate, accurate and complete records relating to all securities received on behalf of the town, whether pledged, purchased or subject to repurchase agreement, as well as all transactions related to such securities. In addition, each depository shall file all reports required by the Texas state depository board. Each depository and custodian shall agree to make all the records described in this subsection available to the CFO's designee and the town's auditors at any reasonable time.

(c) At least once each quarter, the CFO shall verify that all securities owned by the town or pledged to the town are held in safekeeping in the town's custodial bank with proper documentation. At least annually the town's investment program, including the records of custodians and depositories, shall be audited by independent certified public accountants selected by the city council. This annual audit shall include a compliance audit of the management controls on investments and adherence to the town's investment policy and strategies.

(d) All broker/dealers, custodians, depositories and investment advisors shall maintain complete records of all transactions that they conducted on behalf of the town and shall make those records available for inspection by the CFO or other representatives designated by the city council or city manager.

(e) All sales of securities for less than the book value of the security shall be approved by the CFO and reported to the city council at the next regular meeting. Sales of securities for less than ninety eight percent (98%) of the book value of the securities must be approved by both the city manager and the CFO.

(f) All contracted investment advisors shall report at least monthly on the straight-line book value, the market value of investment holdings, and total investment return and such other information required by the CFO. Unrealized profits or losses in the town's investment portfolio will be disclosed but will not be used in the calculation of income earned for the month. Contracted investment advisors shall postmark their monthly reports to the CFO no later than fifteen (15) business days following the close of the reporting month.

(g) An investment report shall be prepared by the CFO within forty-five (45) days of the quarter end that:

- (1) Describes in detail the investment position of the town;

- (2) States the reporting period beginning book and market values, additions or changes to the book and market values during the period and ending book and market values for the period of each pooled fund group;
- (3) States the reporting period beginning book and market value and ending book and market value for each investment security by asset type and fund type;
- (4) States the maturity date of each investment security;
- (5) States the fund for which each investment security was purchased;
- (6) States fully accrued interest for the reporting period;
- (7) States the compliance of the investment portfolio with the town's investment policy, investment strategy statement and the Public Funds Investment Act (V.T.C.A., Government Code ch. 2256);
- (8) Summarizes quarterly transactions, including a detailed list of the gains and losses recognized; and
- (9) Explains the total investment return during the previous quarter and compares the portfolio's performance to other benchmarks of performance.

This report will be presented to the city council and signed by all of the town's investment officers.

(h) Market valuations of investments shall be provided by the investment advisor on a monthly basis. The investment advisor shall use independent market pricing sources including, but not limited to, Interactive Data Corporation (IDC) and Bloomberg, to monitor the market price of investments acquired with the town's funds.

(i) Within forty-five (45) days after the end of the town's fiscal year, the CFO shall prepare, sign and deliver to the city manager and the city council an annual report on the town's investment program and investment activity which has also been signed by each officer and employee of the town authorized to conduct any of the town's investment activity. The annual report shall include full year and separate monthly comparisons of investment return. Such annual report shall include an analysis of the compliance with this article as well as changes in applicable laws and regulations during the previous year and may include any other items of significance related to the investment program.

(j) If the town places funds in any investment other than registered investment pools or accounts offered by its depository bank, the above reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the city council.

Sec. 2-215. Ethics and conflicts of interest.

(a) Officers and employees of the town involved in the investment process shall refrain from personal business activity that involves any of the town's approved custodians, depositories, broker/dealers, or investment advisors and shall refrain from investing in any security issue held by the town. Employees and officers shall not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the town's business for personal investment decisions, shall, in all respects, subordinate their personal investment transactions to those of the town, particularly with regard to the timing of purchases and sales and shall keep confidential all investment advice obtained on behalf of the town and all transactions contemplated and completed by the town, except when disclosure is required by law.

(b) All investment officers of the town shall file with the Texas state ethics commission and the city council a statement disclosing any personal business relationship with a business organization seeking to sell investments to the town or any relationship within the second degree by affinity or consanguinity to an individual seeking to sell investments to the town.

Sec. 2-216. Collateral requirements.

Any deposits exceeding FDIC insurance limits shall be fully collateralized by securities listed in items "a" and "b" below, and the collateral shall be held by the Town's third party custodian bank.

a. Direct obligations of the United States Government; U.S. Treasury Bills, U.S. Treasury Notes, U.S. Treasury Bonds, and U.S. Treasury Strips (book entry U.S. Treasury securities whose coupon has been removed).

b. Debentures or discount notes issued by, guaranteed by, or for which the credit of any of the following Federal Agencies and Instrumentalities is pledged for payment: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), and Federal Home Loan Mortgage Corporation (FHLMC). Principal-only and interest-only mortgage backed securities and collateralized mortgage obligations and real estate mortgage investment conduits are expressly prohibited.

Consistent with the requirements of state law, the town requires all bank and savings bank deposits to be federally insured or collateralized with eligible securities. Financial institutions serving as town depositories will be required to sign a security agreement with the town and the town's custodian. The agreement shall define the town's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with federal and state regulations, including:

a. The agreement must be in writing;

b. The agreement has to be executed by the depository and the town contemporaneously with the acquisition of the asset;

c. The agreement must be approved by the board of directors or the loan committee of the depository and a copy of the meeting minutes must be delivered to the town;

d. The agreement must be part of the depository's "official record" continuously since its execution.

Sec. 2-217. Policy revisions.

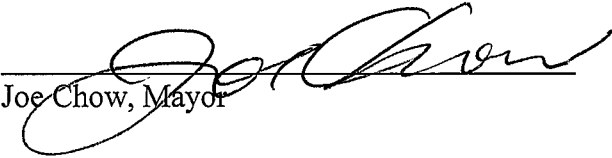
The investment policy and investment strategy statements will be reviewed at least annually by the CFO and the city council and may be amended as conditions warrant by the city council.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the City's investment policy or investment strategy and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and approval as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 13th day of October, 2009.


Joe Chow, Mayor


ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:



John Hill, City Attorney