

MEMO

**Consent
Item #: 5**



Meeting Date: June 7, 2023

To: Board of Directors
From: Helen Rodriguez, Director of Finance and Administration
Approved by: General Manager, Felipe Melchor

Subject: Recommend Board Adopt Resolution 2023-06 establishing the Investment Policy and Guidelines for Fiscal Year 2023/2024

Recommendation

That the Board adopt Resolution 2023-06 establishing ReGen Investment Policy and Guidelines for Fiscal 2023/2024 (Attachment A) and direct staff to establish an annual investment policy (Exhibit A).

Background and Discussion

California Government Code Section 53646(a)(2) states that the treasurer or chief fiscal officer of any local agency may annually render to his/her legislative body and any oversight committee an investment policy, which the legislative body shall consider at a public meeting.

It is staff's opinion that an investment policy should always be in place. While no longer required by statute, it is in the best interest of ReGen to present and discuss the policy at a public meeting, and then have the policy approved by a vote of the Board. A public vote signifies that ReGen shares fiduciary responsibility with the chief fiscal officer, increases the authority and legitimacy of the investment policy, and provides transparency and disclosure.

Local agencies may invest only in those instruments specified in State law. Government Code Sections 16429.1, 53601, 53601.6, 53601.7, 53601.8, 53635, 53635.2, 53638, and 53684 include a number of requirements on how and where public money may be invested. ReGen Investment Policy and Guidelines, unchanged from the prior year, comply with these limitations. Staff is recommending their approval.

Financial Impact

There is no financial impact associated with adoption of Resolution 2023-06 establishing ReGen Investment Policy and Guidelines for Fiscal 2023/2024.

Conclusion

Board adoption is requested of Resolution 2023-06 establishing ReGen Investment Policy and Guidelines for Fiscal 2023/2024 (Attachment A) and direct staff to establish an annual investment policy (Exhibit A).

Physical Address

14201 Del Monte Blvd.
Salinas, CA 93908

Mailing Address

P.O. Box 1670
Marina, CA 93933

Phone / Fax

831-384-5313 PHONE
831-384-3567 FAX

Web / Social

ReGenMonterey.org
@ReGenMonterey

Let's not waste this.

Monterey Regional Waste Management District

RESOLUTION NO. 2023-06

**A RESOLUTION OF THE
MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT dba REGEN MONTEREY (ReGen)
ESTABLISHING REGEN'S INVESTMENT POLICY AND GUIDELINES
FOR THE FISCAL YEAR 2023/24**

-oOo-

WHEREAS; the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 16429.1, 53601, 53601.6, 53601.7, 53601.8, 53635, 53635.2, 53638 and 53684, and et seq; and

WHEREAS; the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern and has passed legislation to restrict permissible investments and promote oversight procedures; and

WHEREAS; it is necessary to establish the policy and guidelines for ReGen to invest public funds in a manner which will provide a high level of safety and security of principal; and

WHEREAS; the Director of Finance and Administration shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the legislative body at a public meeting; and

WHEREAS; ReGen Investment Policy and Guidelines for Fiscal Year 2023/24 has been developed and presented to this Board this date;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Monterey Regional Waste Management District dba ReGen Monterey that it does hereby adopt the attached (EXHIBIT A) Investment Policy and Guidelines and authorizes and directs the Director of Finance and Administration to use said Policy and Guidelines in the investment of ReGen funds.

PASSED AND ADOPTED at a regular meeting by the Board of Directors of the Monterey Regional Waste Management District dba ReGen Monterey duly held on June 23, 2023, by the following votes:

AYES:

NOES:

ABSENT:

Jason Campbell, Chair of the Board

ATTEST:

Felipe Melchor
General Manager/Board Secretary

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT
DBA REGEN MONTEREY
EXHIBIT A

INVESTMENT POLICY AND GUIDELINES
FOR FISCAL YEAR 2023/2024

I. Policy

It is the policy of the Monterey Regional Waste Management District *dba* ReGen Monterey (ReGen) to invest public funds in a manner that will provide a high level of safety and security of principal. Given this level of safety, the investment return will be maximized while meeting the cash flow demands of the entity and conforming to all state and local statutes governing the investment of funds.

II. Scope

It is intended that this policy cover all funds (except checking account funds) and investment activities under the direction of ReGen.

III. Prudence

Investments shall be made with judgement 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.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

IV. Objectives

The primary objectives, in priority manner, of the investment activities of ReGen shall be:

- 1) Safety. Safety of principal is the foremost objective of the investment program. Investments of ReGen shall be undertaken in a manner that seeks to ensure preservation of capital in the portfolio.
- 2) Liquidity. The investment portfolio of ReGen will remain sufficiently liquid to enable ReGen to meet its cash flow requirements.

- 3) **Return on Investment.** The investment portfolio of ReGen shall be designed with the objective of attaining a market rate of return on its investments consistent with the constraints imposed by its safety objective and cash flow considerations.

V. Delegation of Authority

The management responsibility for the investment program is hereby delegated to the Director of Finance and Administration who shall monitor and review all investments for consistency with this investment policy. No person may engage in an investment transaction except as provided under the limits of this policy.

VI. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

VII. Permitted Investment Instruments

The following are the authorized investment instruments for ReGen:

1. **Local Agency Investment Fund (LAIF).** Investment of funds in the California LAIF which allows the State Treasurer to invest through the Pooled Money Investment Account (PMIA). Maximum investment is subject to state regulation.
2. **Treasury Bills and Notes.** United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.
3. **Securities of the U.S. Government or its Agencies.** Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
4. **Certificates of Deposit.** Negotiable certificates of deposit in FDIC or FSLIC insured accounts, issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed 30 percent of the agency's moneys that may be invested pursuant to this section.

VIII. Reporting Requirements

Monthly investment reports shall be submitted to the Board. The report shall include the type of investment, issuer, date of maturity, current annual yield, and cost, market and par values. In addition, reports will include certification that:

- 1) All investment actions executed in the latest report have been made in full compliance with the Investment Policy and;
- 2) There are adequate funds to meet budgeted and actual expenditures for the next six months for the Authority.