

# NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 609

SECTION: FINANCES

TITLE: INVESTMENT OF FUNDS

ADOPTED: October 20, 2011

REVISED: April 20, 2017

## Purpose

It shall be the policy of the Joint Operating Committee to optimize its return on funds available for investment through investment of cash balances in such a way as to minimize non-invested balances and to maximize return on investments consistent with the following principles:

**Legality** - All investments shall be made in accordance with applicable laws of Pennsylvania.

**Safety** - Preservation of principal shall be of highest priority. Preservation of principal in the portfolio of investments shall be ensured by diversification and other means of minimizing credit risk, including avoidance of concentration of credit risk, market risk and interest rate risk, and by thoroughly investigating and reviewing the performance of all investment providers and professionals.

**Liquidity** - Investments shall remain sufficiently liquid to meet all operating requirements that are reasonably anticipated. A fiscal year operations anticipated cash flow shall be developed so that investments can be made as early as possible, with maturities consistent with anticipated cash demands.

**Yield** - Investments shall be made with the objective of attaining a market-average rate of return throughout the budgetary and economic cycles, taking into account investment risk constraints and liquidity needs.

## Authority

The Investment Officer designated by the Joint Operating Committee shall implement the school's (center's) investment program in accordance with this policy, applicable laws and the annual investment plan approved by the Joint Operating Committee. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

## Definitions

**School Code Permissible Investments** – Any investment permitted under Section 440.1 of the Public School Code of 1949, Act of March 10, 1949, (P.L. 30, No. 14) as last amended by the Act of June 30, 1995, (P.L. 220, No. 26). [\[1\]](#)

**Short-term** – Any period thirteen (13) months or less.

**Long-term** – Any period exceeding forty-eight (48) months.

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**Mid-range** – Any period between short-term and long-term.

**Collateral** – Security pledged by a financial institution to a governmental entity for its deposit.[\[6\]](#)

**Concentration of credit risk** – The risk of loss attributed to the magnitude of a government's investment in a single issuer, pool, institution, or instrument.

**Counterparty** – Another party to a transaction. In the case of deposits and investments made by governmental entities, a counterparty could be the issuer of a security, a financial institution holding a deposit, a broker-dealer selling securities, or a third party holding securities or collateral.

**Credit risk** – The risk that a counterparty to an investment transaction will not fulfill its obligations. Overall credit risk can be associated with the issuer of a security, with a financial institution holding deposits, or with a party holding securities or collateral. Credit risk exposure can be affected by a concentration of deposits or investments in any one (1) investment type or with any one (1) counterparty.

**Custodial credit risk** – The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.

**Foreign currency risk** – The risk that changes in exchange rates will adversely affect the fair value of an investment or a deposit. Investments depending on substantial overseas activities or markets may present related foreign currency risk.

**Interest rate risk** – The risk that changes in interest rates will adversely affect the fair value of an investment.

**Issuer** – The entity that has the authority to distribute a security or other investment. A bond issuer is the entity that is legally obligated to make principal and interest payments to bond holders. In the case of mutual funds, external investment pools, and other pooled investments, issuer refers to the entity invested in, not the investment company-manager or pool sponsor.

**Investment plan** – The school's (center's) specifically enumerated investment strategy approved annually by the Joint Operating Committee.

**Local Government Investment Pool (LGIP)** – An investment trust or pool organized by groups of political subdivisions or municipal authorities pursuant to Section 521 of the Public School Code of 1949, or pursuant to the Intergovernmental Cooperation Law, 53 Pa. C.S.A. Sec. 2301 et seq., for the purpose of investing funds of such political subdivisions or municipal authorities for their exclusive benefit and in accordance with the laws governing their permissible investments. LGIPs include, but are not limited to, the Pennsylvania School District Liquid Asset Fund (PSDLAF), the Pennsylvania Local

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Government Investment Trust (PLGIT), and for purposes of this policy, the PA INVEST program operated by the Pennsylvania Treasury Department.[\[7\]\[8\]](#)

**Market risk** – The risk that the market value of an investment, collateral protecting a deposit, or securities underlying a repurchase agreement will decline. Market risk is affected by the length to maturity of a security, the need to liquidate a security before maturity, the extent that collateral exceeds the amount invested, and the frequency at which the amount of collateral is adjusted for changing market values.

**Repurchase agreement** –

- a. An agreement in which a governmental entity (buyer-lender) transfers cash to a broker-dealer or financial institution (seller-borrower); the broker-dealer or financial institution transfers securities to the entity and promises to repay the cash plus interest in exchange for the same securities.
- b. A generic term for an agreement in which a governmental entity (buyer-lender) transfers cash to a broker-dealer or financial institution (seller-borrower); the broker-dealer or financial institution transfers securities to the entity and promises to repay the cash plus interest in exchange for the same securities (as in definition (a) above) or for different securities.

**Weighted average maturity** – A weighted average maturity measure expresses investment time horizons—the time when investments become due and payable—in years or months, weighted to reflect the dollar size of individual investments within an investment type.

### Delegation of Responsibility

The Joint Operating Committee shall designate an Investment Officer, who shall implement the center's investment program in accordance with this policy, related procedures, and applicable laws.[\[1\]](#)

The plan may provide for moneys from more than one (1) fund under center control for the purchase of any single investment, provided that each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded, and credited to the accounts from which the investment was purchased.

The plan shall not encompass the investment of any student activity or class-related funds separately managed pursuant to School Code Section 511.[\[9\]\[10\]](#)

The Investment Officer shall report [1](#) monthly to the Joint Operating Committee the following:[\[1\]\[11\]](#)

1. Interest earned and received to date.
2. Types and amounts of each investment and the interest rate on each.

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3. Amount of funds invested.
4. Interest earned and received to date.
5. Types and amounts of each investment and the interest rate on each.
6. Names of the institutions where investments are placed.
7. The means by which any deposits exceeding insurance limits are collateralized.
8. Other information required by the Joint Operating Committee.

This report may, but is not required to, include the information regarding depository balances, earnings and transactions required by the School Code to be reported to the Joint Operating Committee monthly as set forth in Policy 608.[\[5\]](#)<sup>[12]</sup>

The Joint Operating Committee directs the Administrative Director and Investment Officer to develop, for approval by the Joint Operating Committee as an appendix to this policy, specific due diligence and risk mitigation measures for:

1. Evaluating and mitigating the risks associated with each investment;
2. Investigating, selecting and evaluating the performance of investment advisors and investment professionals;
3. Specifying standards for audits of investment transactions; and
4. Determining the qualifications, training, standards and disclosures required for school (center) employees performing functions relating to the school's (center's) investment program.

### **Guidelines**

Investments permitted by this policy are those defined in law and enumerated in this policy that are appropriately collateralized in accordance with this policy and applicable laws.[\[1\]](#)<sup>[11]</sup>

### **School Code Permissible Investments**

1. United States Treasury bills.
2. Short-term obligations of the United States Government or its agencies or instrumentalities.
3. Deposits in savings accounts or time deposits or share accounts of institutions insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) or the National Credit Union Share Insurance Fund (NCUSIF) to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

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4. Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.
5. Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. Sec. 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. Sec. 77a et seq.). Provided, that the following are met:[\[13\]](#)
  - a. The only investments of that company are in the authorized investments for school entity funds listed in items 1 through 4 above and repurchase agreements fully collateralized by such investments.
  - b. The investment company is managed so as to maintain its shares at a constant net asset value in accordance with 17 CFR Sec. 270 2a-7 (relating to money market funds).
  - c. The investment company is rated in the highest category by a nationally recognized statistical rating organization.
6. Local Government Investment Pools (LGIPs) as defined in this policy.
7. Repurchase agreements with respect to U.S. Treasury bills or obligations, participations or other instruments of or guaranteed by the U.S. or any federal agency, instrumentality or U.S. government-sponsored enterprise.

### Management of Investments and Collateral

All securities or other investments in which the center invests or that collateralize center investments shall be managed as provided in this policy and in the center's investment plan annually approved by the Joint Operating Committee.[\[1\]](#)

The plan shall require that securities purchased as investments be purchased in the name of the center and held in custody for the benefit of the center as provided in the investment plan and authorized custodian agreements. The plan may make exceptions to such requirements for investments in LGIPs as defined in this policy, or for the purchase of shares of an investment company.

If, after purchase, the rating of any instrument is reduced and no longer in compliance with Joint Operating Committee policy, the individual responsible for center investments shall advise the Joint Operating Committee at the earliest opportunity of such action and make recommendations for altering investments.

The foregoing rating change related requirement(s) do(es) not apply to investments in LGIPs as defined in this policy.

For purposes of interest rate disclosure in the annual financial report, the method of determining interest rate risk shall be based on weighted average maturity.

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### Foreign Currency and Related Risk

Center funds shall not be invested in foreign currency. To the extent other permissible investments are exposed to related foreign currency risk, they shall be disclosed as required by GASB Statement 40.

### Bond Proceeds

Investment of bond proceeds shall be managed and reported to the Joint Operating Committee in accordance with the Local Government Unit Debt Act, this policy, and applicable federal and state laws.[\[14\]](#)

### Protection of Savings Accounts, Time Deposits, Share Accounts or Other Depository Balances in Excess of FDIC Insurance Limits

When center cash is deposited in any savings account, time deposit, share account or other authorized depository account other than a Local Government Investment Pool (LGIP), if the cash balance exceeds FDIC insurance limits, center funds shall be collateralized in one or more of the following ways:[\[1\]\[11\]](#)

1. An Irrevocable Letter of Credit (LOC) issued by a Federal Home Loan Bank (FHLB).
2. Tri-Party Collateral in the name of the school (center) consisting of the following underlying securities only:
  - a. U.S. Treasury Securities.
  - b. Obligations, participations or other instruments of any federal agency, instrumentality or U.S. government-sponsored enterprise if the debt obligations are rated at least "A" or its equivalent by at least two (2) nationally recognized statistical ratings organizations.
3. Assets pledged as collateral in accordance with the act of August 6, 1971, (P.L. 281, No.72), 72 P.S. Sec. 3836-1 et seq. (relating to pledges of assets to secure deposits of public funds, whether or not pooled).[\[11\]](#)

It shall be the responsibility of the Investment Officer to verify with the depository the value of the collateral instrument(s) based on the instrument being "marked to market." This valuation shall occur at least monthly.

Following a review of valuation, the Investment Officer may request an additional review by the school's (center's) investment advisors or financial consultant, and shall require additional collateral if the existing collateral has declined in value and exposes the school (center) to potential loss of principal. The status of the valuation review and any additional collateral shall be included in the periodic reports to the Joint Operating Committee regarding the investment program.

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### Reporting Requirement for Local Government Investment Pools (LGIPs)

Local Government Investment Pools (LGIPs) pool the resources of participating government entities and invest in various securities as permitted under state law, so that participating governments can benefit from economies of scale, professional fund management and other advantages.

Recognizing that LGIPs invest directly in permissible securities on behalf of the participating government entities, which in turn have proportional ownership rights in those securities, center investments in a LGIP shall not be subject to the collateral requirements of this policy, provided that the LGIP:

1. Makes available to participants daily and monthly statements, and other information from which the status of the investments can be verified; and
2. Provides an audited annual financial report to each participating government entity.

### Audit

The Joint Operating Committee directs that all investment records be subject to annual audit by the center's independent auditors.[15]

The audit shall include but not be limited to independent verification of amounts and records of all transactions, as deemed necessary by the independent auditors.

### Conflict of Interest Avoidance and Disclosure

The Investment Officer and any other school (center) employee performing functions related to the investment program shall disclose in writing to the Joint Operating Committee any material conflict of interest or material potential conflict of interest which exists because of personal relationships or personal business activity between the Investment Officer or other employees and any depository institution, broker, dealer, investment advisor, or other investment provider or professional serving the center. The Investment Officer or other employees shall refrain from any personal business activity that could impair ability to make impartial decisions in managing the annual investment plan.[16]

All depository institutions, repurchase agreement providers, brokers, and investment advisors and managers shall disclose in writing to the center: (1) any fees or other compensation paid to or received from a third party with respect to any center investment; and (2) any ownership of or by a parent corporation which owns any other depository institution, broker, dealer, investment advisor, or other investment provider or professional which does business with the center.

All investment advisors shall verify in writing that they have received and reviewed a copy of this Joint Operating Committee policy and agree to comply with this policy and all applicable laws related to center investments.

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### Legal

1. 24 P.S. 440.1

2. 24 P.S. 621

3. 24 P.S. 622

4. 24 P.S. 623

5. 24 P.S. 624

6. 72 P.S. 3836-1

7. 24 P.S. 521

8. 53 Pa. C.S.A. 2301 et seq

9. 24 P.S. 511

10. Pol. 618

11. 72 P.S. 3836-1 et seq

12. Pol. 608

13. 17 CFR Part 270

14. 53 Pa. C.S.A. 8001 et seq

15. Pol. 619

16. 65 Pa. C.S.A. 1101 et seq

24 P.S. 218

15 U.S.C. 77a et seq

15 U.S.C. 80a-1 et seq

Governmental Accounting Standards Board, Statement No. 3 (amended by Statement 40)