



# ADMINISTRATION COMMITTEE

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

## Agenda Report

**File #:** 2023-3235

**Agenda Date:** 12/13/2023

**Agenda Item No:** 5.

**FROM:** Robert Thompson, General Manager  
Originator: Wally Ritchie, Director of Finance

**SUBJECT:**

**INVEST AND/OR REINVEST ORANGE COUNTY SANITATION DISTRICT’S FUNDS AND ADOPT INVESTMENT POLICY STATEMENT**

**GENERAL MANAGER’S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-XX entitled: “A Resolution of the Board of Directors of the Orange County Sanitation District Authorizing the Orange County Sanitation District’s Treasurer to Invest and/or Reinvest the Orange County Sanitation District’s Funds, Adopting the Orange County Sanitation District’s Investment Policy Statement and Performance Benchmarks, and Repealing Resolution No. OC SAN 22-36”.

**BACKGROUND**

This agenda item presents updates to the Orange County Sanitation District (OC San) Investment Policy Statement for consideration by the Administration Committee as it is the oversight committee for the Investment Policy (Section 19.2). The notable change to State law governing OC San’s investments beginning in 2024 is SB 882 which clarifies that agency Mortgage Back Securities/Collateralized Mortgage Obligations/Pass-Through securities are not subject to Section 53601 (o). Language on OC San’s Investment Policy Section 8.3 (Authorized and Suitable Investments) was added to reflect this change.

Other changes include:

- Limiting callable Agency exposure to 20% of the portfolio as a further risk mitigation in Section 14.2 (Diversification).
- Adding Local Government Investment Pools (LGIPs) to the list of securities not subject to the 5% max in Section 14.3 (Diversification).
- Adding language to denote quarterly reports must be delivered to the governing body within 45 days in Section 18.0 (Reporting).
- Adding Section 9.0 (Prohibited Investment Vehicles and Practices) to complement some of the restrictive policy language already imbedded in the policy.

With adoption of the Resolution, the Board of Directors would readopt OC San’s Investment Policy Statement, portfolio performance benchmarks, and monitoring and reporting requirements for calendar year 2024.

**RELEVANT STANDARDS**

- Comply with OC San Policy: OC San Investment Policy
- Comply with Government Code Sections 53607 & 53646

**PROBLEM**

Government Code §53607 allows for the Board of Directors to delegate authority to invest and/or reinvest OC San's funds to the Treasurer for a one-year period. Government Code §53646 requires OC San to review its Investment Policy annually and readopt its Policy at a public meeting, which will establish specific performance benchmarks and objectives and specific monitoring and reports. Pursuant to Government Code §53646, OC San's Investment Policy must be reviewed and readopted prior to December 31, 2023.

**PROPOSED SOLUTION**

With adoption of the proposed Resolution, the Board of Directors would renew its delegation of investment authority to the Director of Finance/Treasurer for a one-year period, January 1, 2024 to December 31, 2024, in compliance with the requirements of Government Code §53607. Each year, the Board of Directors will consider similar actions, along with the annual reconsideration of OC San's Investment Policy.

**TIMING CONCERNS**

The Board of Directors delegation of authority to the Director of Finance/Treasurer to invest and/or reinvest OC San's funds will expire on December 31, 2023.

**RAMIFICATIONS OF NOT TAKING ACTION**

OC San's Director of Finance/Treasurer will not have the authority to invest and/or reinvest OC San's funds and OC San will not be in compliance with Government Code §53646.

**PRIOR COMMITTEE/BOARD ACTIONS**

December 2022 - Board adopted Resolution No. OC SAN 22-36, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Orange County Sanitation District's Treasurer to Invest and/or Reinvest the Orange County Sanitation District's Funds, Adopting the Orange County Sanitation District's Investment Policy Statement and Performance Benchmarks, and Repealing Resolution No. OC SAN 21-22".

**ADDITIONAL INFORMATION**

OC San's Investment Policy Statement is a comprehensive document describing the policy, authorizations, benchmarks, delegations, and investment limitations. The Investment Policy will govern the investment activities of OC San's external investment manager on behalf of OC San.

### Annual Review of Investment Policy

The Investment Policy includes the requirement that OC San shall review its Investment Policy annually (Sections 1.2 and 19.1). OC San's investment manager reviewed the existing policy to ensure that the language remains current with the Government Code. The proposed Investment Policy is attached with redlined changes from the most recent approved policy in December 2022.

### Annual Delegation of Investment Authority

Effective January 1, 1997, Government Code §53607 states that governing boards of local agencies may only delegate authority to invest and/or reinvest agency funds to the agency's Treasurer for a one-year period.

### **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Orange County Sanitation District Calendar Year 2023 Investment Policy Statement (Redline)
- Orange County Sanitation District Calendar Year 2024 Investment Policy Statement (Clean)
- Proposed Resolution No. OC SAN 23-XX