

TORRANCE COUNTY
RESOLUTION NO. 2025 - 05

**A RESOLUTION REPEALING AND REPLACING
RESOLUTION 2019 -46 AND ADOPTING THE TORRANCE
COUNTY INVESTMENT POLICY**

WHEREAS, Section 6-10-8 of the Public Money Act NMSA 1978 states that Boards of County Commissioners in each County within the State of New Mexico shall constitute a County Board of Finance, and as such, subject to the limitations of the Act, the County Board of Finance shall provide supervision over the determination for the qualifications and selection of banks, savings and loan associations, and credit unions which receive public monies; and

WHEREAS, on August 14, 2019, the Board of County Commissioners of Torrance County (“BCC”) approved Resolution No. 2019-46, adopting the Torrance County Investment Policy (“Investment Policy”); and

WHEREAS, the Investment Policy establishes the authority of the BCC, acting in its capacity as the County Board of Finance, to set policy for the management of all County investments and to ensure that such policy is carried out; and

WHEREAS, the Investment Policy established an Investment Committee to advise the County Treasurer and the Board of Finance regarding investment policies and practices; and

WHEREAS, the Investment Committee was established as a group of five (5) voting members, which includes the County Treasurer, the Deputy County Treasurer, the County Manager and two (2) members of the public (“Community Members”), with the County Attorney acting as an ex-officio member; and

WHEREAS, the County wishes to re-establish the membership of the Investment Committee to: (1) provide for appropriate membership make-up of the committee that includes members internal and external to the County; (2) determine the minimum qualifying criteria for Community Members being appointed to the Committee; and establish provisions for the appointment and reappointment of Community Members.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, the governing body of the County of Torrance, New Mexico, pursuant to the provisions of the

Public Money Act, that the Board hereby repeals and replaces Resolution No. 2019-46 and adopts Exhibit A to this Resolution as the Torrance County Investment Policy.

PASSED, APPROVED, AND ADOPTED THIS 22 DAY OF January, 2025.


BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY:



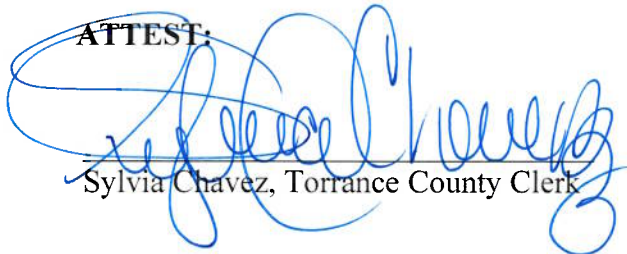
Ryan Schwebach, Chair, District 2



Kevin McCall, Vice Chair, District 1



Linda Jaramillo, Member, District 3

ATTEST:


Sylvia Chavez, Torrance County Clerk

1-22-25
Date



APPROVED AS TO FORM:



Michael Garcia, Torrance County Attorney



TORRANCE COUNTY INVESTMENT POLICY

- I. INTRODUCTION: This investment policy ("Policy") becomes effective January 22, 2025, applies to all financial assets of Torrance County ("County"), and establishes a policy for the prudent investment of County funds.
- II. SCOPE: The goal of this policy is to protect public funds and to invest County funds in a manner that insures the safety, liquidity and yield of those funds. This policy also establishes a clear understanding between the County and any bank, financial institution, investment broker, or financial advisor utilized by the County as to the guidelines, limitations, and directions that the County has determined appropriate for accounts under their purview. Financial institutions, brokers, advisors, banks or any other financial service providers shall be provided a copy of this Policy and shall be required to notify the County Treasurer and the Board of Finance if any transaction violates the objectives set forth in this Policy prior to initiating the transaction. Consent of the Board of Finance shall be withheld for any transaction that does not follow the objectives set herein.
- III. OBJECTIVE: The primary objectives, in priority order, of the County's investment activities shall be:
 - a. *Safety*: Safety of principal is the foremost objective of the investment program. Investments of the County shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio: To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
 - b. *Liquidity*: The County's investment portfolio will remain sufficiently liquid to enable the County to meet all operating requirements which might be reasonably anticipated. Future use of funds shall be a criterion in determining maturities for any investment.
 - c. *Yield*: The County's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles,

taking into account the County's investment risk objectives and the cash flow characteristics of the portfolio.

- IV. **DELEGATION OF AUTHORITY:** The Board of County Commissioners acting in its capacity as the County Board of Finance pursuant to 6-10-8 NMSA 1978 shall have authority to set policy for management of all County investments and ensure that such policy is carried out. The Board of County Commissioners hereby adopts this policy.
- The County Treasurer has ultimate authority, with the advice and consent of the Board of Finance, over the investment of public funds pursuant to 6-10-8 NMSA and as outlined in the policy and is hereby designated as the County's Investment Officer. The Investment Officer shall be responsible for all investment transactions and shall implement and maintain the system of controls outlined in the policy in order to regulate investment activities; The Treasurer shall designate in writing an employee of the Treasurer's office to act on the Treasurer's behalf in the absence of the Treasurer.
- V. **PRUDENT PERSON RULE:** All investments of County funds shall be governed by the Prudent Person Rule of investment. Specifically, investments shall be made with judgment and care; under _circumstances then prevailing, which men and women 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.
- VI. **ETHICS AND CONFLICT OF INTEREST:** Board of Finance members, the County Manager, the County Treasurer, the Finance Director, members of the Investment Committee, and any and all other investment officials shall refrain from personal business activity that could conflict with the proper execution of the County's investment program or which could affect or impair their ability to make impartial investment decisions on behalf of the County pursuant to 6- 10-40 and 6-10-53 NMSA 1978 and the New Mexico Constitution Article VIII, Section 4.
- VII. **CASH MANAGEMENT:** The County Commission, County Manager, Finance Director, and County Treasurer will maintain ongoing communication regarding projected revenue and expenditures so that adequate cash flow can be maintained for daily operations. The County Treasurer must be notified of any capital expenditures in excess of \$20,000 anticipated so that cash liquidity can be planned accordingly. The County Treasurer will take into consideration these projected cash needs of the County when setting investment maturity dates.
- VIII. **INVESTMENT COMMITTEE:** An Investment Committee shall be appointed by the County Board of Finance as an advisory committee formed to advise the County Treasurer and Board of Finance regarding investment policies and practices. The Investment Committee will consist of five voting members consisting of: (1) the Chair of the Board of Finance or his/her designee, (2) the County Treasurer, (3) the County Finance Director, (4) the County Manager or his/her designee, and (5) a member of the public, also known as the Community Member. The County Attorney will serve as an

ex-officio member of the committee, and the Deputy Treasurer shall act as the secretary of the committee.

The County Treasurer shall advertise and accept letters of interest from the general public for person(s) wishing to fill the Community Member position. To qualify to hold this position, the Community Member must: (1) be a resident of Torrance County and (2) have a minimum of 4-years education or experience related to private or public finance, investment management, banking or a related field. The County Treasurer shall recommend the appointment of the Community Member to the Board of Finance for confirmation and appointment. Community Members shall serve two-year terms, starting on January 1st of every odd numbered year. There shall be no term limits for the Community Member position.

The County Treasurer will serve as the chairperson and the County Finance Director will serve as the vice-chairperson of the Investment Committee.

The Investment Committee is charged with the following responsibilities with regards to this policy:

- a. To review at least annually and recommend changes to the Policy.
- b. To review the investment transactions and make recommendation regarding proper controls to guarantee the integrity and security of the Treasurer's investment portfolio.
- c. Request a legal review of county investments to assure compliance with current state laws and policies of the County Board of Finance.
- d. Meet at least quarterly to deliberate and advise such topics as: economic outlook, portfolio diversification and maturity structure, potential risks, and the target rate of return on the investment portfolio.
- e. Recommend depositories, custodians, and broker/dealers.

IX. INVESTMENTS:

- a. Consistent with 6-10-36(B) NMSA 1978, County funds may be deposited in noninterest-bearing checking accounts in one or more banks, savings and loan associations or credit unions designated as checking depositories located within the geographical boundaries of the County to the extent required by statute the deposits are insured by an agency of the United States.
- b. Consistent with 6-10-36(C) NMSA 1978, all funds available for investment may be placed in interest-bearing deposits in qualified banks and savings and loan associations within the geographical boundaries of the county. The funds are to be equitably distributed among the depositories in the proportion that each bank's or savings and loan association's deposits bear to the total deposits of all banks and savings and loan associations that have their main office or staffed branch office within the geographical boundaries of the County.
- c. Consistent with 6-10-44 NMSA 1978, if the County Treasurer has on hand more money than can be equitably and ratably divided among the qualified depositories

(per 6-10-36 NMSA 1978), the County Treasurer may temporarily invest such excess funds in United States bonds or treasury certificates under such rules and regulations as may be prescribed by the State Board of Finance.

- d. Consistent with 6-10-10.1 NMSA 1978, where the County Treasurer is unable to receive interest on county funds as set forth in 6-10-36 NMSA 1978, and said funds are not required for current expenditure, the County Treasurer may remit some or all such money to the State Treasurer for deposit for the purpose of investment.
- e. Consistent with 6-10-10 NMSA 1978 where the County Treasurer has on hand sinking funds or money remaining unexpended from proceeds of any issue of bonds or other negotiable securities of the county and all money not immediately necessary for public uses not invested or deposited in banks, saving and loan associations, or credit unions, the Treasurer may invest said monies in:
 - i. Bonds or negotiable securities of the United States, the state or a county, municipality or school district as specified in the statute.
 - ii. Securities that are issued and backed by the full faith and credit of the United States government or issued by its agencies or instrumentalities.
 - iii. Federally insured obligations, including brokered certificates of deposit, certificate of deposit account registry service and federally insured cash accounts.
- f. Pursuant to 6-10-36(E) NMSA 1978, the rate of interest to be paid on County funds deposited in interest bearing accounts is that amount set by the State Board of Finance, but in no case is the amount to be less than one hundred percent of the asked price on the United States Treasury Bills of the same maturity on the day of deposit.

- X. **BANK COLLATERAL:** Torrance County will require collateral of one hundred and two percent (102%) on all deposits and investments in amounts greater than FDIC coverage. All collateral securities shall conform to 6-10-16 and 6-10-16.1 NMSA 1978.

If a bank is unable to meet the collateral levels required, the County Treasurer shall cease to make deposits and shall make withdrawals of deposits in the order in which they would otherwise mature down to an amount which can be collateralized at the appropriate level. NMAC 2.60.4.12(a). The withdrawals of County deposits shall not be subject to the assessment of a penalty for early withdrawal, except to the extent required to be imposed by Federal law and in that event only the minimum penalty required to be imposed shall be imposed by the bank. NMAC 2.60.4.12(d).

- XI. **APPROVED BANK COLLATERAL:** Public money may be invested with banks, savings banks, and credit unions as directed by 6-10-36 and 6-10-15 to 17.1 NMSA 1978. However, said collateral must have a daily closing price (mark to market) that is equal to or greater than the FDIC uninsured amount of the Certificate of Deposit subject to the collateral percentage requirements set forth herein. Additionally, if a Surety is used pursuant to 6-10-15 and 10-10-16.1 NMSA 1978 the maturity of the Certificate of Deposit may not exceed the time in which the Surety may expire for any reason.

XII. SAFEKEEPING OF SECURITIES: All investment securities other than local financial institutions Certificates of Deposit purchased by the County shall be held in third-party safekeeping by an institution acceptable to the County. The safekeeping institution shall issue a safekeeping receipt or other evidence to the County listing the specific instrument, rate, amount, maturity date, instrument number, term and other pertinent information. Any financial institution holding securities for the benefit of the County shall be required to provide insurance sufficient to cover all said securities in the event that the financial institution fails: financially and is unable to meet obligations to securities clients. Insurance such as Securities Investor Protections Corporation (SIPC) and private insurance shall be acceptable.

XIII. INTEREST DEPOSITS: the interest earned from County investments be deposited into Fund 642 - Investment Interest to be used for future expenses as determined by the Board of County Commissioners.