

Tualatin Valley Water District



**BOARD OF COMMISSIONERS
1850 SW 170th AVENUE
BEAVERTON, OR 97006**

**JANUARY 18, 2012
REGULAR MEETING - 7:00 PM**

**Listening devices are available upon request
48 hours prior to the day of the meeting (503-642-1511)
Streaming live at www.tvwd.org
Broadcast by TVCTV (at a later date)**

**AN EXECUTIVE SESSION IS SCHEDULED AT 6:00 PM BEFORE THE REGULAR
MEETING CALLED UNDER ORS 192.660 2 (e) TO CONDUCT DELIBERATIONS
WITH PERSONS DESIGNATED BY THE GOVERNING BODY
TO NEGOTIATE REAL PROPERTY TRANSACTIONS**

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ALL VERBAL TESTIMONY IS ELECTRONICALLY RECORDED

- 1. CALL TO ORDER – REGULAR MEETING
- 2. REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF
- 3. COMMISSIONER COMMUNICATION
 - 3.1 -Reports of Meetings Attended
 - 3.2 -Topics to be raised by the Commissioners
- 4. PUBLIC COMMENT:
This time is set aside for persons wishing to address the Board on items on the Consent Agenda, and matters not on the Agenda. Additional public comment will be invited on agenda items as they are presented. Each participant is limited to five minutes, unless an extension is granted by the Board.

CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Any Board member may request that an item be removed by motion for discussion and separate action.

ITEMS REMOVED FOR SEPARATE DISCUSSION: Any items requested to be removed from the consent agenda for separate discussion, will be considered immediately after the Board of Commissioners have approved those items which do not need discussion.

- 5. CONSENT AGENDA ITEMS

- 5.1 - Work Session Minutes of December 6, 2011
- 5.2 - Regular Meeting Minutes of December 21, 2011.....

BUSINESS AGENDA ITEMS:

Time will be set aside for public comment for each business item. Each participant is limited to five minutes unless the Board grants an extension, or the agenda item is noted for a specific amount of time for public comment.

- 6. RESOLUTION 02-12, AMENDING SYSTEM DEVELOPMENT CHARGES, DECLARING EFFECTIVE DATE (MOTION)
- 7. RESOLUTION 03-12, AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE VARIOUS AGREEMENTS FOR THE EFFICIENT HANDLING AND SAFEKEEPING OF DISTRICT FUNDS (MOTION)
- 8. RESOLUTION 04-12, ADOPTING THE INVESTMENT POLICY (MOTION)
- 9. AMENDMENT TO THE TVWD ADMINISTRATIVE RULES, ARTICLE 1.10.120, PROCEDURE DURING BOARD MEETINGS (FINAL READING AND ADOPTION)
- 10. ADJOURNMENT

**TUALATIN VALLEY WATER DISTRICT
REGULAR BOARD MEETING AGENDA ITEM**

MEETING DATE: JANUARY 18, 2012

TITLE: RESOLUTION 02-12, AMENDING SYSTEM DEVELOPMENT CHARGES FOR THE TUALATIN VALLEY WATER DISTRICT AND DECLARING AN EFFECTIVE DATE

ITEM: Section 4 of the District’s System Development Charge (SDC) Resolution requires annual indexing of the charges between revisions to the District’s capital improvements or facilities plan. The most recent SDC update was completed four years ago to align with the District’s Water Master Plan Update. The indexing that occurs between formal studies may result in raising or lowering of the SDCs, depending on price changes in the construction industry. In 2011, the Board approved Resolution 02-11 (January 19, 2011) to reflect a 0.74% increase in the construction index.

Consistent with Section 4 of Resolution 02-12, the District’s SDCs are proposed to increase by 4.00% based on the change in the Seattle Construction Cost Index as published in the Engineering News Record. The December 2010 Index was 8,710.74. The December 2011 index is 9,059.55. This recommended change will increase the SDC on a 5/8 x 3/4-inch meter by \$221 to \$5,742. In keeping with current District practice to allow sufficient time for customer notification, Resolution 02-12 includes an effective date of March 1, 2012 for the new schedule of SDC charges.

Resolution 02-12 also includes a new Section 5(f), which codifies the rate of interest of 9.0% for any customers requesting the District to contract for the payment of the SDC as permitted under ORS 223.208. The 9.0% rate of interest is authorized under ORS 82.010 Legal Rate of Interest, and conforms to the District’s current schedule of rates and charges (Resolution 07-11, effective October 1, 2011).

STAFF RECOMMENDATION: We recommend that the Board adopt Resolution 02-12

BUDGET IMPACT: The SDC per ERU will increase from \$5,521 to \$5,742 or \$221. However, given the current slow economy and lower level of actual SDC collections as compared to the District’s budget projection, the District is unlikely to meet its budget expectations. Assuming current growth rates continue through the remaining portion of the biennium, the increase in the SDC is likely to generate approximately \$100,000 in additional revenue.

ADDITIONAL INFORMATION: Paul Matthews, paulm@tvwd.org, (503) 848-3017, Tod Burton, todb@tvwd.org, (503) 848-3040

ATTACHMENTS: Resolution 02-12

APPROVING MANAGERS INITIAL:

CHIEF EXECUTIVE OFFICER	_____	HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	_____	CUSTOMER SERVICES	N/A
ENGINEERING SERV.	N/A		

BOARD ACTION:

APPROVED _____
DENIED _____

Tualatin Valley Water District



RESOLUTION 02-12

A RESOLUTION AMENDING SYSTEM DEVELOPMENT CHARGES FOR THE TUALATIN VALLEY WATER DISTRICT AND DECLARING AN EFFECTIVE DATE

WHEREAS, on January 16, 1991, the Board of Commissioners adopted Resolution No. 1-91 establishing system development charges (SDCs) and other related procedures to comply with ORS 223.297 to ORS 223.314, inclusive, to provide revenues necessary for capital improvements constructed and to be constructed; and

WHEREAS, in accordance with the methodology provided in Section 5 of Resolution 1-91, the administrative staff of the District calculated the amount of the SDC to be imposed by the Board of Commissioners to collect the statutorily authorized, necessary revenues, and

WHEREAS, the Board of Commissioners has adopted various Resolutions since Resolution 1-91 amending the methodology and/or adjusting SDCs with updated cost information from District Master Plans, adopted Capital Improvement Plans, and construction cost indexes, including Resolutions 7-96, 10-02, 05-03, 02-04, 02-05, 03-06, 03-07; 03-08, 06-09; 03-10; 02-11 and;

WHEREAS, Section 4 of Resolution 02-11 directs staff for any calendar year, during which the Board has not adjusted SDCs based on revised capital improvements or facilities plans, to adjust SDCs effective March 1st of the ensuing year based upon the Engineering News Record (ENR) December to December Construction Cost Index (CCI) (Seattle); and,

WHEREAS, the construction costs have increased 4.00% between December 2010 and December 2011 as evidenced by the ENR CCI (Seattle); and,

WHEREAS, pursuant to Section 4 of Resolution 02-11, the Board of Commissioners by this Resolution amends the SDC for the District as set forth below.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TUALATIN VALLEY WATER DISTRICT THAT:

Section 1: Resolution 02-11 is hereby repealed and superseded by this resolution effective at 7:00 A.M., P.S.T. on March 1st, 2012.

Section 2: Prior to making a connection of non-District water facilities to the District's water system, the applicant for such a connection shall pay in full the SDC to the District, except that there shall be no SDC for a fireline.

Section 3. In cases where a District residential customer is required to install a 1” water meter strictly to accommodate a residential multi-purpose fire sprinkler system, the customer is eligible for a partial credit on the SDC reflecting the fact that domestic use for these dual-purpose services would not reach the full capacity demand of a 1” meter.

Section 4. Further, the Board directs staff, for any calendar year, during which the Board has not adjusted SDCs based upon a revised capital improvements or facilities plan, to adjust SDCs March 1st for each the ensuing year thereafter, as calculated by staff based upon the change, from December of the prior year to December of the current year, in the Engineering News Record (ENR) Construction Cost Index (CCI) (Seattle).

Section 5 (a): Pursuant to Section 4 above, the SDC is calculated for a 5/8” x 3/4” meter by a weighting factor. The weighting factors adopted by the Board are the American Water Works Association safe operating capacities for displacement type meters.

The SDC for meter sizes up to 1-1/2 inches is:

Reimbursement Fee	\$ 1,020/ERU
Improvement Fee	4,709/ERU
Administration	13/ERU
Total SDC	\$ 5,742/ERU

Meter Size	Weighting Factors (ERUs)	Charge
5/8 x 3/4”	1.0	\$ 5,742
3/4 x 3/4	1.5	8,614
1”	2.5	14,356
1-1/2”	5.0	28,714

Section 5 (b): Pursuant to Sections 4 and 5, above, for meters over 1-1/2”, the SDC shall be determined based on the customer’s anticipated water usage. Anticipated peak day water usage will be divided by the peak day system design flow of 844 gallons per day per equivalent residential unit (ERU) to determine peak day ERU's. Anticipated average daily water usage will be divided by 358 gallons per day per ERU to determine average day ERU's (storage ERU's).

Peak day SDC cost is:

Reimbursement Fee	\$ 631 per peak day ERU
Improvement Fee	4,123 per peak day ERU
Peak day SDC cost	\$4,754 per peak day ERU

Storage SDC cost is:

Reimbursement Fee	\$ 397 per storage ERU
Improvement Fee	<u>591</u> per storage ERU
Storage SDC cost	\$ 988 per storage ERU

The system development charge shall be the sum of the peak day SDC cost per ERU multiplied by the peak day ERU's and the storage SDC cost per ERU multiplied by the storage ERU's.

Section 5 (c): The SDC paid for meters larger than 1-1/2 inches as of the effective date of this resolution may be adjusted upward based on actual usage pursuant to an SDC agreement to be executed with the District. If usage is greater than 110% of anticipated volume during a 12- month period of time, but in no event longer than sixty (60) months from the date of the agreement, an additional SDC may be charged, using the same techniques for calculating peak day and storage ERU's and multiplying the peak day SDC cost per ERU and the storage cost per ERU then in effect.

Section 5 (d): The SDC paid for a residential 3/4" or 1" water meter, in the circumstance where a larger meter is required only for the purpose of meeting a residential multi-purpose fire sprinkler system requirement, will consist of the SDC for the appropriate size meter that would be required without the multi-purpose fire sprinkler system plus 17% of the difference between the price of the SDC for the meter size meeting the domestic water requirements and the SDC for the meter size meeting the fire sprinkler requirement. The 17% factor represents the approximate storage cost component of the SDC. Should the customer regularly use the capacity of the 3/4" or 1" meter to meet their domestic needs they will be required to pay the remainder of the SDC at the current rate in effect.

Section 5 (e): If the customer has been charged by the District for an illegal connection and requests a contract for payment of the SDC, the District may withhold the option of providing a contract for said payment of SDC.

Section 5 (f): If the system development charge is financed as permitted by ORS 223.208, the financing charge established by the District is 9.0% as authorized in ORS 82.010 Legal Rate of Interest.

INTRODUCED AND ADOPTED THIS 18th DAY OF JANUARY, 2012

TUALATIN VALLEY WATER DISTRICT

BY _____ BY _____
Dick Schmidt, President James Duggan, Secretary

**TUALATIN VALLEY WATER DISTRICT
REGULAR BOARD MEETING AGENDA ITEM**

MEETING DATE: JANUARY 18, 2012

TITLE: RESOLUTION 03-12; AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE VARIOUS AGREEMENTS FOR THE EFFICIENT INVESTMENT, HANDLING AND SAFEKEEPING OF DISTRICT FUNDS

ITEM: This item supersedes Resolution 03-03 (adopted January 15, 2003) authorizing the Chief Executive Officer (CEO) to establish, as needed, investment-related accounts, and execute custodial agreements, safekeeping arrangements, and funds transfer arrangements required for managing the District’s investment portfolio. Resolution 03-12 is substantially the same as prior Board resolutions granting this authority. However, it is good business practice to update the resolution from time-to-time and request Board approval. Staff recommends two changes to the prior resolution. The first is the addition of the language to “establish investment-related accounts” to Section 1, providing authority for the CEO to establish accounts, such as with banking institutions, required for the management of the investment portfolio. The second change is to eliminate unnecessary language related to the Chief Financial Officer’s role in this process.

The investment of TVWD funds (e.g., allowable investments, diversification, maturity guidelines) remains governed by the District’s Investment Policy. Section 2 of Resolution 03-12 does authorize the CEO, if necessary, to delegate to specific employees authority to invest District funds beyond the scope of Section III (3.1) of the Investment Policy.

STAFF RECOMMENDATION: We recommend that the Board adopt Resolution 03-12

BUDGET IMPACT: None

ADDITIONAL INFORMATION: Greg DiLoreto, greg@tvwd.org, (503) 848-3032), Paul Matthews, paulm@tvwd.org, (503) 848-3017

ATTACHMENTS: Resolution 03-12

APPROVING MANAGERS INITIAL:

CHIEF EXECUTIVE OFFICER	_____	HUMAN RESOURCES	NA
FIELD OPERATIONS	NA	INTERGOV. RELATIONS	NA
FINANCIAL SERVICES	_____	CUSTOMER SERVICES	NA
ENGINEERING SERV.	NA		

BOARD ACTION:

APPROVED _____
DENIED _____

**TUALATIN VALLEY WATER DISTRICT
REGULAR BOARD AGENDA ITEM**

MEETING DATE: JANUARY 18, 2011

TITLE: RESOLUTION 04-12, ADOPTING THE INVESTMENT POLICY FOR THE TUALATIN VALLEY WATER DISTRICT

ITEM: Finance staff reviews the District’s Investment Policy annually to ensure it meets current portfolio management needs and complies with state statutory requirements. ORS 294.135 requires the District’s Investment Policy be adopted annually by the Board because it allows the purchase of investments with maturities exceeding 18 months. Staff is not recommending changes to the Investment Policy. Approval of Resolution 04-12 provides compliance with the statutory requirement of annual adoption.

The current policy was adopted by the Board on October 27, 2011 (Resolution 08-11). The District’s Investment Policy was approved by the Oregon Short-Term Fund Board (OSTF) on April 24, 2009. All subsequent amendments since that time have conformed with OSTF guidance.

Finance staff will continue to report monthly to the Board on the performance of District’s investment portfolio, as well as monitor any future legislative developments that might affect the statutory requirements for the investment of public funds.

STAFF RECOMMENDATION: Staff recommends that the Board adopt Resolution 04-12.

BUDGET IMPACT: None

ADDITIONAL INFORMATION: Paul Matthews, paulm@tvwd.org, (503) 848-3017
Tod Burton, todb@tvwd.org, (503) 848-3040

ATTACHMENTS: Resolution 04-12, Exhibit 1 – Tualatin Valley Water District Investment Policy

APPROVING MANAGERS INITIAL:

CHIEF EXECUTIVE OFFICER	_____	HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	_____	CUSTOMER SERVICES	N/A
ENGINEERING SERV.	N/A		

BOARD ACTION:

APPROVED _____
DENIED _____

Tualatin Valley Water District



RESOLUTION 04-12

A RESOLUTION ADOPTING THE INVESTMENT POLICY FOR THE TUALATIN VALLEY WATER DISTRICT

WHEREAS, the District's Board of Commissioners (Board) in compliance with ORS 294.135 adopts its Investment Policy annually; and,

WHEREAS the Investment Policy was last amended by the Board through its approval of Resolution 08-11 on October 27, 2011 and,

WHEREAS, the Investment Policy provides guidance on investment decisions and operating principles for the effective management of financial risk, portfolio diversification, and internal controls, and allows for the purchase of investments having a maturity longer than 18 months as allowed by ORS 294.135; and,

WHEREAS, the Investment Policy remains in compliance with ORS 294.035 regulating the investment of public funds by municipal subdivisions, and policy guidelines established by the State of Oregon Short Term Fund Board (OSTF)

WHEREAS, the State of Oregon Short Term Fund Board approved the District's Investment Policy on April 24, 2009 and subsequent amendments to the Investment Policy since that time have conformed with OSFT guidance; and,

WHEREAS, there are no changes needed to the Investment Policy other than the requirement of its annual adoption by the Board; and,

WHEREAS, the current Investment Policy is attached hereto as Exhibit 1 and incorporated by reference; and being fully advised;

NOW, THEREFORE, BE IT RESOLVED, The Investment Policy attached hereto as Exhibit 1 and incorporated by reference is hereby adopted and staff is directed to implement in the ordinary course of the District business.

INTRODUCED AND ADOPTED THIS 18th DAY OF JANUARY, 2012
TUALATIN VALLEY WATER DISTRICT

BY _____
Dick Schmidt, President

BY _____
James Duggan, Secretary

Exhibit 1

INVESTMENT POLICY



Adopted: January 18, 2012

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I. SCOPE

This policy applies to activities of Tualatin Valley Water District (District) with regard to investing the financial assets of all funds as defined by the District in its Chart of Accounts except that funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the State of Oregon.

The purpose of this Investment Policy is to establish the investment objectives, delegation of authority, standards of prudence, eligible investments and transactions, internal controls, reporting requirements, and safekeeping and custodial procedures necessary for the prudent management and investment of the funds of the District.

This policy has been adopted by Resolution No. 04-12 by the District's Board of Commissioners on January 18, 2012 and replaces the District's previous Investment Policy.

Other than bond proceeds or other unusual situations, the total of all funds ranges from \$40,000,000 to \$95,000,000. The Chart of Accounts currently defines the following funds that are not held by trustee or fiscal agent:

- 1.) Cash Pool
- 2.) General Fund
- 3.) Bond Construction Fund
- 4.) Construction Fund
- 5.) Revenue Bond Debt Service Fund
- 6.) Willamette River Water Coalition
- 7.) Partners for a Sustainable Washington County Community

If, in the course of its activities, the District should define further funds (not held by trustee or fiscal agent), these rules shall also apply to the investment of the financial assets of those new funds. These funds will be invested in compliance with the provisions of, but not necessarily limited to, ORS 294.035 through ORS 294.048; and ORS 294.125 through ORS 294.155. Investment of any tax exempt borrowing proceeds and any related debt service funds will comply with the arbitrage restrictions on all applicable Internal Revenue Codes.

The District acts as collection agent for several other utilities. These funds are to be turned over to the respective agency in compliance with the intergovernmental agreements. Currently the agreements vary from two business days from receipt, the second business day following the week of collection and twice a month following the 15th and end of month. The method of transfer is by requesting a Pool to Pool account transfer at the Local Government Investment Pool (LGIP) or a check if the agency requests it.

II. OBJECTIVES

The District's investment objectives are as follows:

2.1: Safety

- Preservation of capital and the protection of principal.
- Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions.

2.2: Liquidity

- Maintenance of sufficient liquidity to meet operating requirements.

2.3: Limit Risk

- Avoidance of imprudent credit, market, or speculative risk.

2.4: Legality

- Conformance with federal, state and other legal requirements.

2.5: Return

- Attainment of a market rate of return throughout all economic and fiscal cycles.

III. STANDARDS OF CARE

3.1: Delegation of Authority

- The Chief Financial Officer is the designated Investment Officer of the District and is responsible for investment decisions, under the review of the Board of Commissioners. The Chief Financial Officer may delegate authority to another member of the Finance and Information Technology Department staff to perform all or some of the duties of the Investment Officer.
- The Investment Officer is responsible for setting investment policy and guidelines subject to review and adoption by the Board of Commissioners and, if required, review and comment by the Oregon Short Term Fund Board. Further, the Investment Officer will be responsible for the day to day operations of the investment process which include but are not limited to choosing what to buy or sell, from whom investments will be purchased, executing the buy/sell orders, producing necessary reports, and supervising staff. In addition to the active management of the investment portfolio, the Investment Officer is responsible for the maintenance of other written administrative procedures consistent with this policy and the requisite compliance.
- To further optimize the total return of the investment portfolio, the Investment Officer will administer an active cash management program the goal of which will maintain historical cash flow information, i.e., debt service, payroll, revenue receipts, and, any extraordinary expenditures.

- Subject to required procurement procedures, the District may engage the support services of outside professionals as necessary for the efficient management of the investment program. External service providers shall be subject to Oregon Revised Statutes, the provisions of this Investment Policy.

3.2: Prudence

- The standard of prudence to be used by the Investment Officer in the context of managing the financial resources shall be the prudent person rule, which states: “Investments shall be made with judgment 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 Investment Officer and staff, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security’s credit risk, market price changes, or loss of principal if securities are liquidated prior to maturity provided these deviations and losses are reported as soon as practical and action is taken to control adverse developments.

3.3: Ethics and Conflict of Interest

- District officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the Chief Executive Officer any material interests in financial institutions with which they conduct business. They shall further disclose any person financial/investment positions that could be related to the performance of the investment portfolio. Employees, officers and their families shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the District. Officers and employees shall, at all times, comply with the State of Oregon’s Government Ethics requirements set forth in ORS 244.

IV. SAFEKEEPING, ACCOUNTING, QUALIFICATIONS & CONTROLS

4.1: Safekeeping and Collateralization

- Purchased investment securities will be delivered by either Fed book entry, DTC, or physical delivery, and held in third party safekeeping with a designated custodian. The trust department of a bank may be designated as custodian for safekeeping securities purchased from that bank. The purchase and sale of securities will be on a delivery versus payment basis. The custodian shall provide monthly statements and accrual basis reports to Tualatin Valley Water District listing security holdings, issuer, coupon, maturity, CUSIP number, purchase or sale price, transaction date, accrued interest, and other pertinent information. The custodian shall also provide daily access regarding pending investment transactions, future call notices, and any other important information. Delivery versus payment will also be

required for all repurchase transactions and with the collateral priced and limited in maturity in compliance with ORS 294.035 (k).

- Demand and time deposits shall be collateralized through the State collateral pool as required by ORS 295 for any excess over the amount insured by an agency of the US Government. Additional collateral requirements may be required if Chief Financial Officer or Investment Officer deems increased collateral is beneficial to the protection of the monies under the District's management.

4.2: Accounting Method

- The District shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of the authoritative bodies including, but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA); the Financial Accounting Standards Board (FASB); and the Government Accounting Standards Board (GASB).

4.3: Qualified Institutions

- The Investment Officer, and if applicable, the investment management firm as described in Section 4.5, shall maintain a list of all authorized broker/dealers and financial institutions which are approved for investment purposes or investment dealings. Any firm is eligible to make an application to the District, and upon due consideration and approval, will be added to the list. Additions or deletions to the list will be made at the Investment Officer's discretion.
- At the request of the District, the firms performing investment services shall provide their most recent financial statements for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the broker/dealers who will have contact with the District as specified by but not necessarily limited to the Financial Industry Regulatory Authority (FINRA), Securities and Exchange Commission (SEC), etc. The District shall conduct an annual evaluation of each firm's creditworthiness to determine if it should remain on the list. Securities broker/dealers not affiliated with a bank shall be required to have an office located in Oregon or be classified as reporting dealers affiliated with the Federal Reserve as primary dealers.
- If an Investment Management Firm is retained by the District to execute transactions on the District's behalf, they will have authority to execute investment trades and transactions from their list of authorized broker/dealers and financial institutions.

4.4: Internal Controls

- The Chief Financial Officer shall maintain a system of written internal controls which shall be reviewed and tested by the independent auditor at least annually or upon any extraordinary event, i.e., turnover of key personnel, the discovery of any inappropriate activity.

4.5: Investment Advisory Services

- The District may enter into contracts with external investment management firms as it applies to the investment of its short term operating funds and capital funds including bond proceeds and bond reserve funds. The investment management firm must work on a nondiscretionary basis, which requires that the Investment Officer approves all transactions prior to execution.
- If an investment manager is hired, the manager will serve as fiduciary for the District and comply with all requirements of this Investment Policy. The Investment Officer remains the person ultimately responsible for the prudent management of the portfolio.
- Factors to be considered when hiring an investment management firm may include, but are not limited to:
 - 1.) The firm's major business
 - 2.) Ownership and organization of the firm
 - 3.) The Background and experience of key members of the firm, including portfolio manager expected to be responsible for the District's account
 - 4.) The size of the firm's asset base, and the portion of that base which would be made up by Tualatin Valley Water District's portfolio if the firm were hired
 - 5.) Management fees
 - 6.) Cost analysis by Chief Financial Officer/Investment Officer
- The investment management firm will be monitored on a monthly basis. Results will be compared to benchmarks developed by the District appropriate to the level of risk.

V. AUTHORIZED AND SUITABLE INVESTMENTS

5.1: Authorized Investments

- All investments of the District shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for Investment Officer including not committing to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

5.2: Suitable Investments

Type	Definition
US Treasury Obligation	Direct obligations of the United States Treasury whose payment is guaranteed by the United States. [ORS 294.035(3)(a)]
GSE – Agency Obligations	US Government Agencies, Government Sponsored Enterprises (<i>GSEs</i>), Corporations or Instrumentalities of the US Government – Federal Instrumentality Securities include, but are not limited to Federal National Mortgage Association (<i>FNMA</i>), the Federal Home Loan Mortgage Corporation (<i>FHLMC</i>), Federal Home Loan Banks (<i>FHLB</i>), and the Federal Farm Credit Bureau (FFCB). [ORS 294.035(3)(a)]
TLGP Debt Obligations	Senior unsecured debt obligations guaranteed by the Federal Deposit Insurance Corporation under the Temporary Liquidity Guarantee Program (TLGP) or other federal government guaranteed programs; Eligible debt obligations must carry the full faith and credit of the United States Government.
Commercial Paper	Commercial Paper* that is rated A1/P1 and has long term bonds which have a minimum rating of AA- by Standard and Poor’s and Aa3 by Moody’s
Bankers’ Acceptances	<p>Bankers’ acceptances, if the bankers’ acceptances are: (i) Guaranteed by, and carried on the books of, a qualified financial institution; (ii) Eligible for discount by the Federal Reserve System; and (iii) Issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.</p> <p>For the purposes of this paragraph, “qualified financial institution” means: (i) A financial institution that is located and licensed to do banking business in the State of Oregon; or (ii) A financial institution that is wholly owned by a financial holding company or a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon. [ORS 294.035(3)(h)]</p>
Repurchase Agreements	Maximum maturity of 90 days.
Corporate Indebtedness	Corporate Indebtedness* that has a minimum long term debt rating of AA- rated by Standard and Poor’s and a Aa3 rating by Moody’s and must be rated on the settlement date P-1 or Aa or better by Moody’s Investors Service or A-1 or AA or better by Standard & Poor’s Corporation or equivalent rating by any nationally recognized statistical rating organization. [ORS 294.035(3)(i)]
Local Government Investment Pool	State treasurer's local short-term investment fund up to the statutory limit per ORS 294.810

Type	Definition
Certificates of Deposit/Bank Deposit/Savings Accounts	Time deposit open accounts, certificates of deposit and savings accounts in insured institutions as defined in ORS 706.008, in credit unions as defined in ORS 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state. [ORS 294.035(3)(d)]
State Obligations	<p>Lawfully issued debt obligations of the agencies and instrumentalities of the State of Oregon and its political subdivisions that have a long-term rating of A or an equivalent rating or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization. [ORS 294.035(3)(b)]</p> <p>Lawfully issued debt obligations of the States of California, Idaho and Washington and political subdivisions of those states if the obligations have a long-term rating of AA or an equivalent rating or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization. [ORS 294.035(3)(c)]</p>

*As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Investment Officer shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Investment Officer will apply the general objectives of safety, liquidity, yield and legality to make the decision.

VI. INVESTMENT PARAMETERS

6.1: Investment Maturity

- The Investment Officer may invest funds that are related to cash flows for future construction projects or that are being accumulated for future renewal and replacement of infrastructure, by purchasing securities that will be held for a maximum of 5 years. Except for the aforesaid funds and funds requiring special handling (bond proceeds subject to arbitrage, etc.), investments beyond 5 years require the express approval of the Board of Commissioners. The first priority will be to invest in maturities that match liquidity needs of the District. Thereafter, the District shall target to maintain maturities within the following parameters for the total portfolio:

Term Minimum Allocation % of Total:

Under 45 Days	10%
Under 1 Year	25%
Under 5 Years	100%

- 24 months maximum weighted average maturity (WAM)
- 5 years maximum maturity of any single issue.
- Further, the District shall target the weighted average maturity (WAM) of the total fund to one year which includes both liquidity funds and core investments. The weighted average maturity of the total funds shall not exceed twenty-four months.
- Cash flow projections will be reviewed and updated at least monthly and will be the controlling guide to establishing maturities. Maturities will be selected to ensure that sufficient cash is available to meet requirements. At least one month's estimated cash operating requirements will be maintained in the Local Government Investment Pool (LGIP) at all times.

6.2: Portfolio Diversification

Diversification Constraints on Total Holdings: Liquidity and Core Funds

Issuer Type	Maximum % Holdings
US Treasury Obligations	100%
US Agency (GSE) Securities	75%
LGIP (Oregon Short Term Fund)	ORS 294 Limit
Bankers' Acceptances From Qualified Institutions	25%
Certificates of Deposit/Bank Deposits/Savings	35%
Repurchase Agreements	10%
Corporate Indebtedness	35%
TLGP or other federal guarantee debt	30%
Commercial Paper	10%
Corporate Notes	10%
Obligations of States and Political sub-divisions	10%

Diversification by Institution

Issuer Type	Maximum % Holdings *
Certificates of Deposit/Savings Deposits	10%
Local Government Investment Pool	ORS Minimum
Non-US Treasury/GSE Issuer	30%
Corporate Debt Issuers:	
TLGP or other federal guarantee debt	10%
Banker's Acceptances	10%
Commercial Paper	5%
Other Corporate Debt	5%
Municipal Debt Issuers	5%

*Consult limits under ORS 294.035 and the most recent revision of “Summary of Liquid Investments Available to Local Governments for Short Term Fund Investment” published by the Oregon State Treasury. The most restrictive diversification and credit quality criteria from these three sources will apply.

6.3: Competitive Selection of Bids or Offers

- Each investment transaction shall be competitively transacted with broker/dealers who have been authorized by the District or investment management firm. At least two broker/dealers shall be contacted for each transaction and their bids and offering prices shall be recorded. A record, subject to District archiving policy, shall be maintained by the District of all bids and offerings for security transactions in order to ensure that the District receives competitive pricing.
- If the District is offered a security for which there is no readily available competitive offering, then the Investment Officer shall document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

6.4: Prohibited Investments

- The District shall not lend securities nor directly participate in a securities lending or reverse repurchase program.

VII. REPORTING REQUIREMENTS

7.1: Reporting Requirements

- The Investment Officer shall generate monthly reports for management purposes. The Board of Commissioners will be provided with reports which will include but not necessarily be limited to; portfolio activity, instruments held by type, investment allocations by maturity, estimated market valuations, as well as any narrative necessary for adequate clarification.

7.2: Performance Evaluation

- The performance of the District's portfolio will be measured against the performance of the Local Government Investment Pool and/or other comparable fixed income benchmarks, such as a nationally published 0-3 year Treasury Index, tracked on a monthly, quarterly and annual basis. Preservation of capital and maintenance of sufficient liquidity will be considered prior to attainment of market return performance. Given these considerations, the District portfolio should provide a net yield that is equal or better to that attained by the Local Government Investment Pool or comparable national fixed income benchmark index. When comparing the performance of the District's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.

7.3: Monitoring and Adjusting the Portfolio

- The Investment Officer will routinely monitor the contents of the portfolio comparing the holdings to the markets, relative values of competing instruments, changes in credit quality, and benchmarks. If there are advantageous transactions, the portfolio may be adjusted accordingly.
- The policies set forth in this document will be adhered to and monitored on a monthly basis. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future reinvestments occur.

VIII. INVESTMENT POLICY ADOPTION

This Investment Policy will be formally adopted by the Board of Commissioners; and thereafter, this policy will be readopted annually, even if there are no changes. Prior to adoption by the Board of Commissioners, if changes to the Investment Policy require review and comment by the Oregon Short Term Fund Board, such review will be sought prior to formal adoption.

IX. GLOSSARY OF INVESTMENT TERMS:

Accrued Interest: The interest accumulated on a security since the issue date or since the last coupon payment. The buyer of the security pays the market price plus accrued interest.

Agency Securities: Government sponsored enterprises of the US Government.

Basis Point: One-hundredth of 1 percent. One hundred basis points equal 1 percent.

Bond: An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and it is usually secured by specific assets. Most bonds have a maturity of greater than one year and generally pay interest semiannually.

Bond Discount: The difference between a bond's face value and a selling price, when the selling price is lower than the face value.

Broker: An intermediary who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

Callable: A bond that may be redeemed by the issuer before maturity for a call price specified at the time of issuance.

Call Date: The date before maturity on which a bond may be redeemed at the option of the issuer.

Collateral: Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper: Short-term, unsecured, negotiable promissory notes issued by businesses.

Commission: Broker's or agent's fee for purchasing or selling securities for a client.

Core Fund: Core funds are defined as operating fund balance which exceeds the District's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

Coupon Rate: The annual rate of interest that the issuer of a bond promises to pay to the holder of the bond.

Coupon Yield: The annual interest rate of a bond, divided by the bond's face value and stated as a percentage. This usually is not equal to the bond's current yield or its yield to maturity.

Current Maturity: The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

Current Yield: The coupon payments on a security as a percentage of the security's market price. In many instances the price should be gross of accrued interest, particularly on instruments where no coupon is left to be paid until maturity.

CUSIP: The Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

Dealer: An individual or firm that ordinarily acts as a principal in security transactions. Typically, dealers buy for their own account and sell to a customer from their inventory. The dealer's profit is determined by the difference between the price paid and the price received.

Delivery: Either of two methods of delivering securities: delivery vs. payment and delivery vs. receipt (also called "free"). Delivery vs. payment is delivery of securities with an exchange of money for the securities. Delivery vs. receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount: The reduction in the price of a security; the difference between its selling price and its face value at maturity. A security may sell below face value in return of such things as prompt payment and quantity purchase. "At a discount" refers to a security selling at less than the face value, as opposed to "at a premium", when it sells for more than the face value.

Fannie Mae: Trade name for Federal National Mortgage Association (FNMA).

Freddie Mac: Trade name for Federal Home Loan Mortgage Corporation (FHLMC).

Full Faith and Credit: Indicator that the unconditional guarantee of the United States government backs the repayment of a debt.

Government Bonds: Securities issued by the federal government; they are obligations of the U.S. Treasury. Also known as "governments."

Interest: Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

Interest Rate: The interest payable each year on borrowed funds, expressed as a percentage of the principal.

Investment Advisor or Manager: An investment advisor that acts on a non-discretionary basis to provide investment and risk strategies. The advisor must act in a fiduciary capacity.

Investment Portfolio: A collection of securities held owned by the District and held by a custodian.

Investment Securities: Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

Liquidity: The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

Liquidity Component: A percentage of the total portfolio that is dedicated to providing liquidity needs for the District.

Local Government Investment Pool: Oregon's Local Government Investment Pool (LGIP) was created by Oregon Laws in 1973, Chapter 748. It is a diversified portfolio offered to eligible participants of the State of Oregon. The Local Government Investment Pool is an alternate investment vehicle offered to participants that includes, but is not limited to, any municipality, political subdivision or public corporation of this state that by law is made the custodian of, or has control of, any public funds. The LGIP is commingled with the State's short-term funds. Since its inception, over 900 local governments in Oregon have participated in the pool.

Mark to Market: Adjustment of an account or portfolio to reflect actual market price rather than book price, purchase price or some other valuation.

Municipals: Securities, usually bonds, issued by a state or its agencies. The interest on “munis” is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency’s taxation powers.

Par Value: The value of a security expressed as a specific dollar amount marked on the face of the security, or the amount of money due at maturity. Par value should not be confused with market value.

Portfolio: A collection of securities held by an individual or institution.

Prudent Man Rule: A long-standing common-law rule that requires a trustee who is investing for another to behave in the same way as a prudent individual of reasonable discretion and intelligence who is seeking a reasonable income and preservation of capital.

Quotation, or Quote: The highest bid to buy or the lowest offer to sell a security in any market at a particular time.

Settlement Date: The actual date when a security is purchased is becomes under ownership of the buyer.

Spread: The difference between two figures or percentages. For example, the difference between the bid and asked prices of a quote or between the amount paid when a security is bought and the amount received when it is sold.

Trade Date: The date when a security transaction is executed.

TLGP: Temporary Liquidity Guaranteed Program, a program established by the federal government to provide support to the banking system. All securities issued by the banks under this program have the full faith and credit of the federal government through the FDIC guarantee.

Trading Market: The secondary market for bonds that have already been issued.

Treasury Bill (T-Bill): An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

Treasury Bonds and Notes: Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

Weighted Average Maturity: The weighted sum of the average years to maturity of the investments held by the District.

Yield: The annual rate of return on an investment, expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield to Maturity: The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.

**TUALATIN VALLEY WATER DISTRICT
REGULAR BOARD MEETING AGENDA ITEM**

MEETING DATE: JANUARY 18, 2012

TITLE: AMENDMENT TO THE TUALATIN VALLEY WATER DISTRICT (TVWD) ADMINISTRATIVE RULES, ARTICLE 1.10.120, PROCEDURE DURING BOARD MEETINGS (FINAL READING AND ADOPTION)

ITEM: The Board has adopted TVWD Administrative Rules Article 1.10.120, Procedure During Board Meetings. The Article has been in effect since 1999.

A portion of the Article states: "Except as otherwise provided by State Law and/or Board policy, the rules of parliamentary procedure comprised in "Roberts Rules of Order" (Revised) shall govern the Board in its deliberations. Rules may be amended at any meeting by a majority vote. The order of business may be suspended at any meeting by a majority vote of those present."

During the December 6, 2011 Board Work Session, the Board expressed interest in modifying this portion of the Article to reflect what is believed a better practice for meeting conduct. The Board desires to adopt an order of precedence when conducting meetings, i.e. state law, provisions of the TVWD Administrative Rules, including modification or suspension of Rules depending upon circumstances and the discretion of the Board as presently reserved and Roberts Rules of Order (Revised). Proposed language to amend Article 1.10.120 is attached for consideration.

STAFF RECOMMENDATION: Staff recommends that the Board move to approve adoption of the amendment to the Board Policy Manual, Article 1.10.120.

BUDGET IMPACT: None

ADDITIONAL INFORMATION: Greg DiLoreto, greg@tvwd.org, 503-848-3032, Todd Heidgerken 503-848-3013, toddh@tvwd.org

ATTACHMENTS: Article 1.10.120

APPROVING MANAGERS INITIAL:

CHIEF EXECUTIVE OFFICER	_____	HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	_____
FINANCIAL SERVICES	N/A	CUSTOMER SERVICES	N/A
ENGINEERING SERV.	N/A		

BOARD ACTION:

APPROVED _____
DENIED _____

Procedure During Board Meetings

Article 1.10.120

Revision Date (s)

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In conducting the meeting, the Board President or presiding officer of the Board has the inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of meetings.

When considering an agenda item, the Board shall use the following procedure unless the Board determines otherwise by majority vote.

1. Presentation of the Staff Report, if any
2. Request for Public Comment
3. Further Comments from Staff
4. Board Discussion
5. Motion
6. Vote

Minutes of the Board shall be kept in accordance with the requirements of ORS Chapter 92. The Secretary of the Board shall maintain the minutes and make them available for examination by the public at the District Office. Board meeting tapes will be kept for a minimum of six (6) years.

Votes will be recorded. Any member may request a vote be changed if such request is made prior to consideration of the next order of business.

Three members shall constitute a quorum. If only three members are present, a unanimous vote is required to approve a motion.

Members may request a roll call vote.

Members may append to the record, at the time of voting, a statement indicating the reason for the vote or the reason for abstaining.

Members shall declare a conflict of interest and may abstain from voting.

The meeting will be adjourned by a majority vote.

Procedure During Board Meetings

Article 1.10.120

Revision Date (s)

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