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5 **ORDINANCE**
6 **NUMBER 2021-010**
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9 **AN ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING**
10 **THAT THE LEVY COUNTY CODE BE AMENDED BY**
11 **AMENDING ARTICLE IV, CHAPTER 2, OF SUCH CODE;**
12 **PROVIDING FOR AMENDMENT OF THE COUNTY’S**
13 **POLICY FOR INVESTMENT OF SURPLUS FUNDS;**
14 **PROVIDING FOR CONFLICTS; PROVIDING FOR**
15 **SEVERABILITY; PROVIDING A REPEALING CLAUSE;**
16 **PROVIDING FOR INCLUSION IN THE CODE; AND**
17 **PROVIDING AN EFFECTIVE DATE.**
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20 **RECITALS**
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23 **WHEREAS**, pursuant to Article VIII, Section 1, Florida Constitution, and Sections
24 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to
25 perform county functions, except when prohibited by law, including the authority to provide
26 for investment of public funds in accordance with the provisions of Section 218.415, Florida
27 Statutes; and

28 **WHEREAS**, pursuant to Section 218.415, Florida Statutes, the Board is permitted to
29 adopt a written investment plan, implementing an investment policy applicable to funds
30 under the Board’s control in excess of those required to meet current expenses (“surplus
31 funds”), provided that such investment policy meets the requirements of Section 218.415,
32 Florida Statutes; and

33 **WHEREAS**, on March 16, 1993, the Board of County Commissioners of Levy
34 County, Florida (“the Board”), adopted Ordinance No. 93-2 providing for investment of
35 surplus public funds, which Ordinance No. 93-2 is codified in the Levy County Code as
36 Section 2-91, Article IV, Chapter 2 of the Levy County Code; and

37 **WHEREAS**, it is the intent and desire of the Board to authorize additional
38 investments for surplus funds than are currently provided for in Section 2-91, Article IV,

1 Chapter 2, Levy County Code, in order to meet the objectives of safety of capital, liquidity
2 of funds, and investment income, in that order; and

3 **WHEREAS**, the Board finds that it is the interest of the public health, safety and
4 welfare, to amend the provisions of Article IV, Chapter 2 of the Levy County Code, in
5 order to authorize such additional investments for surplus funds as allowed by Section
6 218.415, Florida Statutes; and

7 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

8 **Section 1. Amendment of Article IV, Chapter 2.** Article IV, Chapter 2, Levy
9 County Code, is hereby amended to read as follows (deletions shown as ~~stricken through~~,
10 additions shown as underlined):

11 **ARTICLE IV. FINANCE**

12
13 **Sec. 2-91. Investment of surplus public funds.**

14 ~~(a) Unless the context of use indicates another meaning or intent, the~~
15 ~~following words and terms as used in this section shall have the following~~
16 ~~meanings:~~

17 ~~*FCIT* means the Florida Counties Investment Trust.~~

18 ~~*Government fund* means the initial investment fund established pursuant~~
19 ~~to the trust agreement.~~

20 ~~*Investment fund* means a trust fund established pursuant to the trust~~
21 ~~agreement to enable public entities to pool their surplus funds for joint~~
22 ~~investment.~~

23 ~~*Trust agreement* means the agreement and declaration of trust, dated~~
24 ~~as of November 1, 1991, creating and establishing the FCIT.~~

25 ~~(b) It is hereby ascertained, determined and declared that:~~

26 ~~(1) It furthers the public interest for the county to invest any monies not~~
27 ~~immediately required to be disbursed and to maximize the net~~
28 ~~earnings on such funds.~~

29 ~~(2) F.S. § 125.31 provides certain limitations and regulations~~
30 ~~applicable to the investment of surplus public funds where not~~
31 ~~otherwise authorized by law or ordinance.~~

1 ~~(3) It is the intent and desire of the board to authorize additional~~
2 ~~investments for surplus public funds in order to seek a higher rate~~
3 ~~of return without compromising the safety of such funds and to~~
4 ~~provide by this section authorization for investment opportunities in~~
5 ~~addition to those set forth in F.S. § 125.31(1)(a) — (1)(f).~~

6 ~~(4) The FCIT, the trustees of which are appointed by the Florida~~
7 ~~Association of Counties, Inc., and the Florida Association of Court~~
8 ~~Clerks and County Comptrollers, has been created for the purpose~~
9 ~~of establishing investment funds for pooling the surplus funds of~~
10 ~~participating public entities for joint investment in order to seek a~~
11 ~~higher rate of return without compromising the safety of such~~
12 ~~funds.~~

13 ~~—(c) Surplus public funds managed or held by the clerk on behalf of any~~
14 ~~officer, board, authority or agency of the county may be invested in shares~~
15 ~~of the government fund or any other investment fund, the assets of which~~
16 ~~are restricted to investment instruments authorized by F.S. § 125.31 or by~~
17 ~~ordinance of the county.~~

18 (a) The clerk of the board of county commissioners (“clerk”) shall
19 prepare and propose to the board an investment policy to apply to funds
20 under the control of the county in excess of those funds required to meet
21 current expenses, which investment policy shall meet the requirements of
22 this section and of section 218.415, Fla. Stat., as the same may be
23 amended. The investment policy shall not apply to pension funds or funds
24 related to the issuance of debt.

25 (b) The investment policy shall address, at a minimum, the
26 requirements of section 218.415, Fla. Stat., as amended, as those
27 requirements relate to investment objectives, performance measurements,
28 prudence and ethical standards, listing of authorized investments, maturity
29 and liquidity, portfolio composition, risk and diversification, authorized
30 investment institutions and dealers, third-party custodial agreements,
31 master repurchase agreement, bidding, internal controls, continuing
32 education, and reporting.

33 (c) The prudence and ethical standards of the investment policy shall
34 adhere to the following Prudent Person Rule, which is hereby adopted by
35 the board: “Investments should be made with judgment and care, under
36 circumstances then prevailing, which persons of prudence, discretion, and
37 intelligence exercise in the management of their own affairs, not for
38 speculation, but for investment.”

1 (d) The listing of authorized investments in the investment policy will
2 include the following investments, which may be amended as allowed by
3 law:

4 (1) The Florida Local Government Surplus Funds Trust Funds or any
5 other governmental investment pool authorized pursuant to the
6 Florida interlocal Cooperation act of 1969, as provided in section
7 163.01, Fla. Stat., as the same may be amended;

8 (2) Intergovernmental pools (LGIP);

9 (3) Money market funds;

10 (4) Non-negotiable interest-bearing time certificates of deposit;

11 (5) Direct Obligations of the U.S. Treasury;

12 (6) United States guaranteed Federal Agency bonds, including but not
13 limited to: Agency International Development (AID), Government
14 Trust Certificates (GTC), Government National Mortgage
15 Association (GNMA or Ginnie Mae);

16 (7) Government sponsored enterprise (GSE) securities, including, but
17 not limited to: Federal National Mortgage Association (FNMA or
18 Fannie Mae), Federal Home Loan Mortgage Corporation (FHLMC
19 or Freddie Mac), Federal Home Loan Bank System (FHLB),
20 Federal Farm Credit Bank (FFCB);

21 (8) Rated or unrated bonds, notes, or instruments backed by the full
22 faith and credit of the government of Israel;

23 (9) Municipal bonds;

24 (10) Corporate bonds;

25 (11) Agency mortgage-backed securities (MBS);

26 (12) Asset-backed securities (ABS);

27 (13) Commercial paper (CP);

28 (14) Bankers' acceptances (BA);

29 (15) Supernational bonds where the United States is a shareholder and
30 voting;

31 (16) Fixed-income mutual funds and exchange traded funds (ETF); and

1 (17) Repurchase agreements (Repo or RP).

2 (e) Upon review of the clerk's proposed investment policy and such
3 other matters deemed appropriate by the board, the board will adopt an
4 investment policy by resolution. The investment policy may be amended by
5 the board by resolution from time to time.

6 (f) In accordance with the investment policy established by the board
7 by resolution, the requirements of this section and of section 218.415, Fla.
8 Stat., as the same may be amended, the clerk is hereby authorized to
9 invest funds under the control of the county in excess of those required to
10 meet current expenses and to sell such investments. In the event of sale of
11 investments, the clerk will allocate the proceeds of such sales into the
12 proper accounts or funds of the board or reinvest such proceeds into
13 investments pursuant to the investment policy.

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15 **Secs. 2-92—2-120. - Reserved.**

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18 **Section 2. Conflicts.** In the event of a conflict between any provision of this
19 ordinance and any other ordinance or provision of law, the provision of this ordinance shall
20 control to the extent of the conflict, as allowable under law.

21 **Section 3. Severability.** It is declared to be the intent of the Board that if any
22 section, subsection, sentence, clause, phrase, portion or provision of this ordinance is for
23 any reason declared or held invalid or unconstitutional by any court of competent
24 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision shall
25 be deemed a separate, distinct and independent provision, and the remainder of this
26 ordinance shall be not affected by such declaration or holding.

27 **Section 3. Repealing Clause.** All ordinances or parts of ordinances and all
28 resolutions or parts of resolutions of Levy County in conflict herewith are hereby repealed
29 to the extent of such conflict.

30 **Section 4. Inclusion in Code.** It is the intention of the Board, and it is hereby
31 provided, that the provisions of this ordinance shall become and made a part of the Levy

1 County Code, as directed herein. If required for inclusion in the Levy County Code, the
2 sections of this ordinance may be renumbered or re-lettered; and the word "ordinance" may
3 be changed to "section," "article," or other appropriate designation.

4 **Section 5. Effective Date.** This ordinance shall take effect upon its filing in the
5 Office of the Secretary of State, State of Florida.

6 **PASSED AND DULY ADOPTED** this 20th day of July, 2021.


7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF LEVY COUNTY, FLORIDA**

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12 _____
13 John Meeks, Chair

14 **ATTEST:** Danny J. Shipp, Clerk of
15 the Circuit Court and Ex-Officio Clerk
16 to the Board of County Commissioners

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19 _____
20 Danny J. Shipp

21 **APPROVED AS TO FORM AND LEGAL**
22 **SUFFICIENCY:**

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25 _____
26 Anne Bast Brown, County Attorney
27 Date Approved: June 24, 2021

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30 LR2021-033
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