



Legislation Text

File #: 2022-0280, **Version:** 1

DATE: October 11, 2022

SUBJECT:

RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BOARD OF PORT COMMISSIONERS POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR.

EXECUTIVE SUMMARY:

Board of Port Commissioners (BPC) Policy No. 115, Guidelines for Prudent Investments, requires that this policy, which contains the District's investment policy, be submitted annually to the Board of Port Commissioners for review and adoption by resolution. This policy is also updated for relevant legislative changes to California Government Code Section 53600 *et seq.* which details numerous requirements on how and where public funds may be invested. The California Debt and Investment Advisory Commission (CDIAC) published a statutory update dated January 1, 2022 reflecting changes in the law with respect to public funds investments. There were no approved legislative changes during the 2021 Legislative session that directly impact the District.

Staff recommends re-adoption of the existing BPC Policy No. 115, Guidelines for Prudent Investments.

RECOMMENDATION:

Adopt a Resolution authorizing the required annual adoption of BPC No. 115, Guidelines for Prudent Investments, with no changes from prior year.

FISCAL IMPACT:

Approval of this agenda has no fiscal impact.

COMPASS STRATEGIC GOALS:

This agenda item supports the District's goal for a financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

As part of best practices and sound financial management and in accordance with BPC Policy No. 115, Guidelines for Prudent Investments, the Board of Port Commissioners annually reviews and adopts this policy taking into consideration changes in State law and other relevant factors and

provides transparency and disclosure. Staff contacted the California Debt and Investment Advisory Commission (CDIAC), a State-sponsored commission which provides information and policy research for public fund investments to local public agencies. After review of CDIAC's report on legislative updates effective January 1, 2022, staff found that there were no approved changes to the local agency investment codes during the 2021 Legislative session that directly impact the District. As such, no changes to the District's BPC Policy No. 115, Guidelines for Prudent Investments, are applicable at this time and staff recommends the required re-adoption by the BPC. For reference purposes, a listing of the allowable investment instruments per State Government Code is included in Attachment A, the District's BPC Policy No. 115, Guidelines for Prudent Investments, is included in Attachment B.

General Counsel's Comments:

The Office of the General Counsel has reviewed this agenda and the attachments as presented to it, and approves them as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, authorizing the required annual adoption of Board of Port Commissioners Policy No. 115, Guidelines for Prudent Investments, with no changes from prior year, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

The proposed Board action complies with Sections 34 and 35 of the Port Act, which allow for the investment of funds and for the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for development, as defined in Section 30106 of the California Coastal Act, or new development, pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or an exclusion finding is not required.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

PREPARED BY:

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CFO/Treasurer

Attachment(s):

Attachment A: Allowable Investment Instruments per State Government Code
Attachment B: BPC Policy No. 115, Guidelines for Prudent Investments