

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Wednesday, November 16, 2022

5:00 PM

Remote Participation

Council Budget and Finance Committee

COVID-19 Notice: Consistent with Assembly Bill 361/Gov Code 54953(e), the Council Budget and Finance Committee meeting includes teleconference participation by all Council Budget and Finance Committee members and the public.

How to Observe the Meeting:

1. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

Send an email to Crissy.Mello@hayward-ca.gov by 2:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Council Budget and Finance Committee and City staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. <https://hayward.legistar.com/Calendar.aspx>

When submitting written comments, indicate in the email if you want your comment read into the record. Requests will be allowed provided the reading will not exceed three (3) minutes consistent with the time limit for speakers at Council Committee meetings. Email comments will become part of the record of Council Committee meetings. The Chair can limit the time for reading written comments.

Please click the link below to join the webinar:

<https://hayward.zoom.us/j/88434207916?pwd=R3hyeitMYWhvbEFyTjdQdnJvK01rUT09>

Webinar ID: 884 3420 7916

Password: Budget@N16

Or join by phone:

US: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 884 3420 7916

Password: 9422591254

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS:

Limited Only to Items on the Agenda and Submitted in Writing Prior to the Meeting.

APPROVAL OF MINUTES

1. [MIN 22-127](#) Review and Approve the Council Budget and Finance Committee September 21, 2022, Meeting Minutes

Attachments: [Attachment I Minutes](#)

REPORTS/ACTION ITEMS

2. [ACT 22-121](#) Investment Portfolio Review and FY 2023 Statement of
Investment Policy Update

Attachments: [Attachment I Staff Report](#)
[Attachment II 2021-2022 Year-End Portfolio Review](#)
[Attachment III PFM Asset Management Annual Policy Review](#)
[Memo](#)
[Attachment IV FY 2023 Statement of Investment Policy](#)

3. [ACT 22-119](#) Overview of Funds at the East Bay Community Foundation

Attachments: [Attachment I Staff Report](#)

4. [ACT 22-120](#) Transient Occupancy Tax (TOT) Review

Attachments: [Attachment I Staff Report](#)

FUTURE AGENDA ITEMS

5. [ACT 22-117](#) Review and Approve the FY 2023 Agenda Planning Calendar

Attachments: [Attachment I Agenda Planning Calendar](#)

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS

ADJOURNMENT

Next Meeting - 5:00 p.m., Wednesday, December 21, 2022

The City of Hayward's Open Data Portal was designed to allow the public to explore, visualize, and download publicly accessible data. The Open Data Portal allows a clear view of the City's financial performance. Access to the portal may be found at <https://haywardca.opengov.com/CITY>



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777 B Street
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File #: MIN 22-127

DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT

Review and Approve the Council Budget and Finance Committee September 21, 2022, Meeting Minutes

RECOMMENDATION

That the Council Budget and Finance Committee (CBFC) reviews and approves the September 21, 2022 CBFC meeting minutes.

SUMMARY

The CBFC held a meeting on September 21, 2022, and the draft minutes are attached for the CBFC's review and approval.

ATTACHMENTS

Attachment I 9/21/22 CBFC Meeting Minutes



COUNCIL BUDGET & FINANCE COMMITTEE MEETING
Meeting Minutes of September 21, 2022

Call to Order: 5:01 p.m.

Members Present: Mayor Halliday, Councilmember Lamnin, and Councilmember Wahab

Members Absent: N/A

Staff: Kelly McAdoo, Nicole Gonzales, Nicholas Mullins, Rick Rivera, Nick Tabari, Crissy Mello

Guests: Didacus Ramos, George Syrop, Susan Harman

Public Comments: No public comments.

1. Approval of Meeting Minutes from June 15, 2022

Action: Unanimous approval as submitted.

2. Public Bank East Bay Update

- City Manager McAdoo presented an update on the Public Bank East Bay.

Action: The Committee supported and recommended that the draft letter to the Alameda County Board of Supervisors and updated resolution be presented to the full City Council for consideration at an upcoming City Council meeting.

3. CalPERS Update

- Deputy Director Gonzales presented an update on CalPERS' recent preliminary announcement of its FY 2021-2022 return on its investments.

Action: The Committee received the presentation.

4. Review and Approve the FY 2023 Agenda Planning Calendar

Action: The Committee reviewed the calendar and requested the following changes:

- a) Reschedule the FY 2022 Annual Audit to November 16, 2022, or the first week of December

- b) Reschedule the FY 2024 Budget Process & Calendar Review to January 18, 2023*
- c) Public Banking to remain on non-scheduled future agenda topics*

Committee Members/Staff Announcements: None.

Adjournment: The meeting was adjourned at 5:34pm.



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File #: ACT 22-121

DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT

Investment Portfolio Review and FY 2023 Statement of Investment Policy Update

RECOMMENDATION

That the Council Budget and Finance Committee reviews and comments on the FY 2021-2022 Year-End Portfolio Review (Attachment II) and recommends Council approval of the proposed updates from the City's portfolio manager, PFM Asset Management, to the Fiscal Year 2023 Statement of Investment Policy (Attachments III and IV).

SUMMARY

This report provides an overview of the FY 2021-2022 year-end City investment portfolio. Staff is recommending that the Committee reviews the Fiscal 2023 Statement of Investment Policy.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	2021-2022 Year-End Portfolio Review
Attachment III	PFM Asset Management Annual Policy Review Memo
Attachment IV	FY 2023 Statement of Investment Policy



DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT: Investment Portfolio Review and FY 2023 Statement of Investment Policy Update

RECOMMENDATION

That the Council Budget and Finance Committee reviews and comments on the FY 2021-2022 Year-End Portfolio Review (Attachment II) and recommends Council approval of the proposed updates from the City's portfolio manager, PFM Asset Management, to the Fiscal Year 2023 Statement of Investment Policy (Attachments III and IV).

SUMMARY

This report provides an overview of the FY 2021-2022 year-end City investment portfolio. Staff is recommending that the Committee reviews the Fiscal 2023 Statement of Investment Policy.

BACKGROUND

The City's Statement of Investment Policy (the Policy) requires that Council approve any staff-recommended changes to the Policy. This year's Policy has recommended changes under Policy Section X; Investment Instruments, to address recent California Government Code ("Code") changes that will go into effect on January 1, 2023. A detailed summary of the proposed changes is available in Attachment III. Staff worked in conjunction with the City's portfolio manager, PFM Asset Management, to review the policy.

DISCUSSION

As part of the overview of the FY 2021-2022 year-end investment portfolio, staff reviewed and evaluated the need for any changes to the Policy. In conjunction with the City's portfolio manager, staff recommends that the Committee recommend approval of the FY 2023 Statement of Investment Policy (Policy).

STRATEGIC ROADMAP

This is a routine operational item and does not relate to any of the priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

There is no fiscal impact to the Committee receiving this report.

PUBLIC CONTACT

The Revised Statement of Investment Policy (Attachment IV) will be presented to the full City Council on December 6, 2022, for adoption.

Prepared and Recommended by: Nicole Gonzales, Deputy Director of Finance
Dustin Claussen, Director of Finance

Approved by:



Kelly McAadoo, City Manager

City of Hayward

Annual Investment Update Fiscal Year 2021-2022

November 16, 2022

415.393.7270

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PFM Asset Management LLC

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Monique Spyke
Managing Director
PFM Asset Management LLC

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Market Update

Current Market Themes



- ▶ The U.S. economy is characterized by:
 - ▶ High inflation
 - ▶ Deteriorating housing market
 - ▶ Depressed consumer confidence
 - ▶ Worsening economic outlook that is propped up by a strong labor market



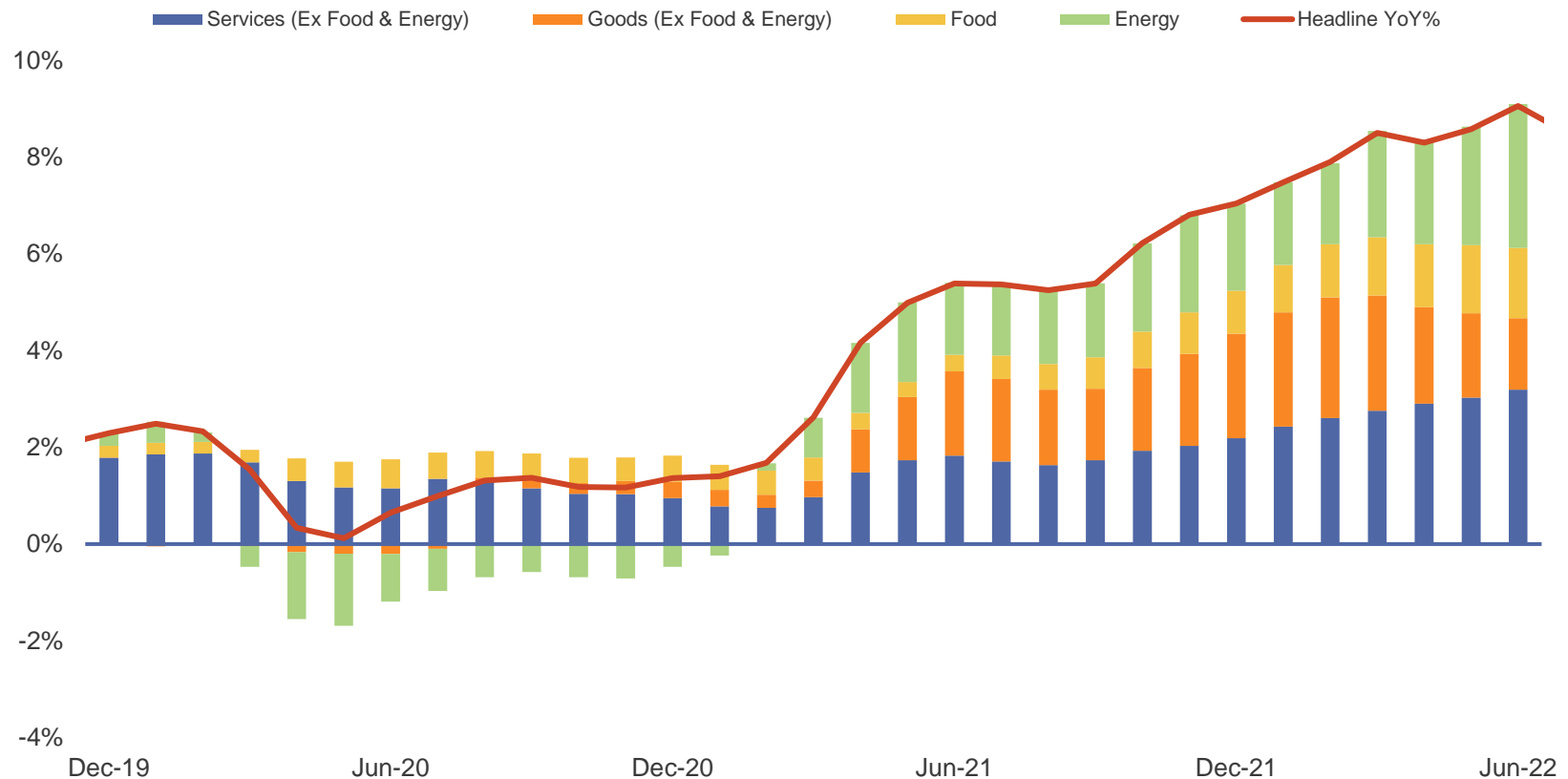
- ▶ The Federal Reserve has committed to a heavy-handed policy
 - ▶ More aggressive rate hikes to battle persistent inflation
 - ▶ Short-term fed funds rate projected to reach near 4.50% by year-end
 - ▶ Increased pace of quantitative tightening



- ▶ Asset prices have fallen sharply in 2022 as a result of:
 - ▶ The impact of higher rates on bond prices and equity valuations
 - ▶ Wider credit spreads
 - ▶ High levels of volatility and uncertainty

Inflation Was a Primary Driver of Fed Activity

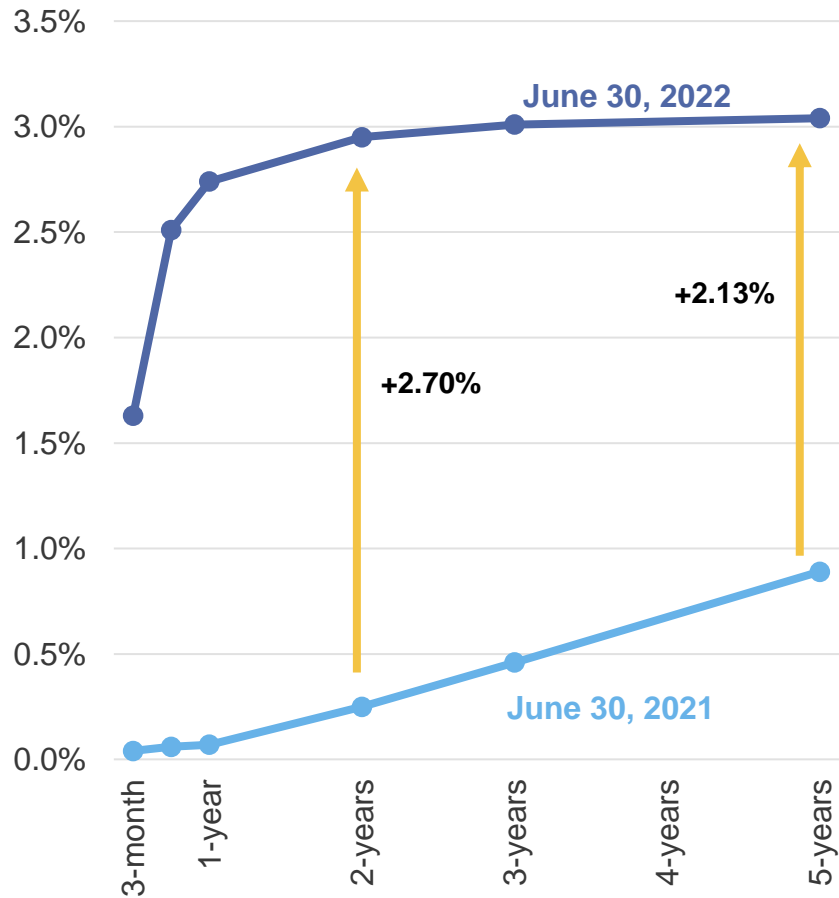
Factors Contributing to the Consumer Price Index (CPI YoY)



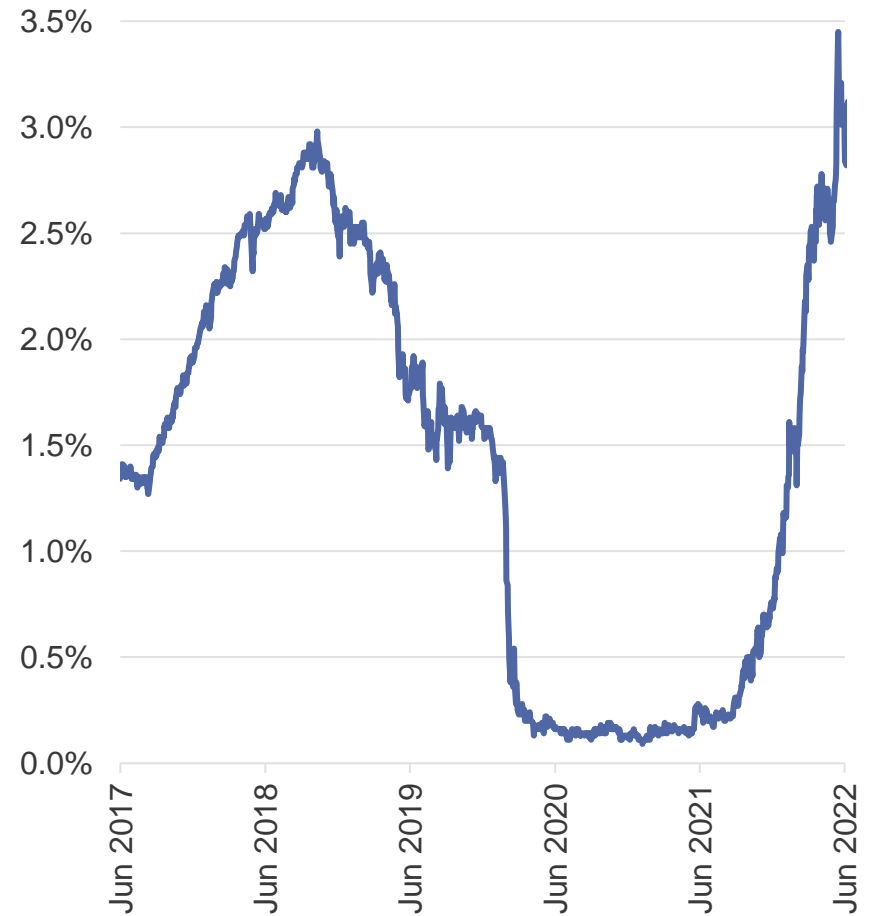
Source: Bloomberg, as of August 2022.

Yields Have Moved Sharply Higher

U.S. Treasury Yield Curves



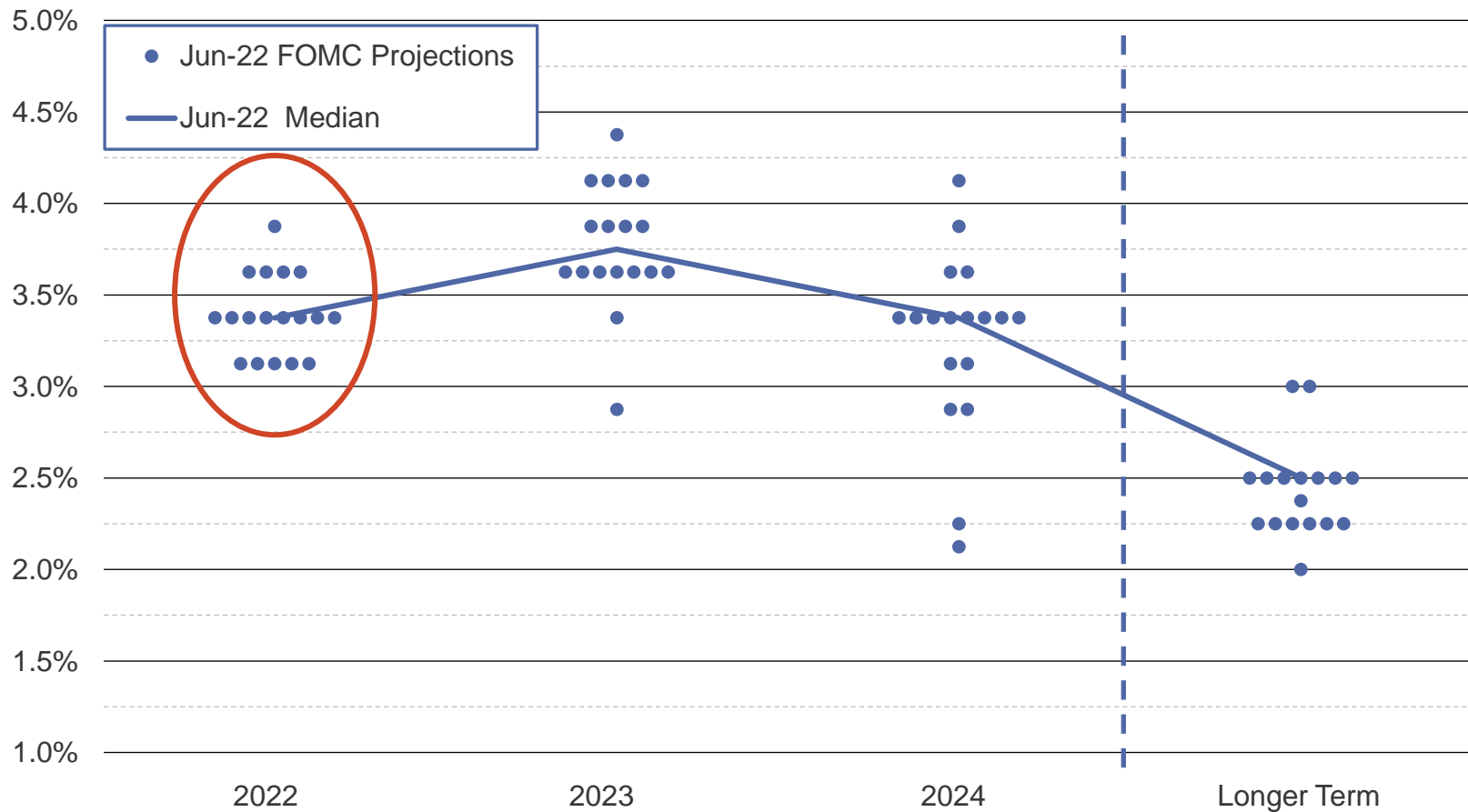
2-Year Treasury Yield June 30, 2017 – June 30, 2022



Source: Bloomberg.

Federal Reserve Officials Project 1.75% More in Rate Hikes in 2022

Fed Participants' Assessments of 'Appropriate' Monetary Policy

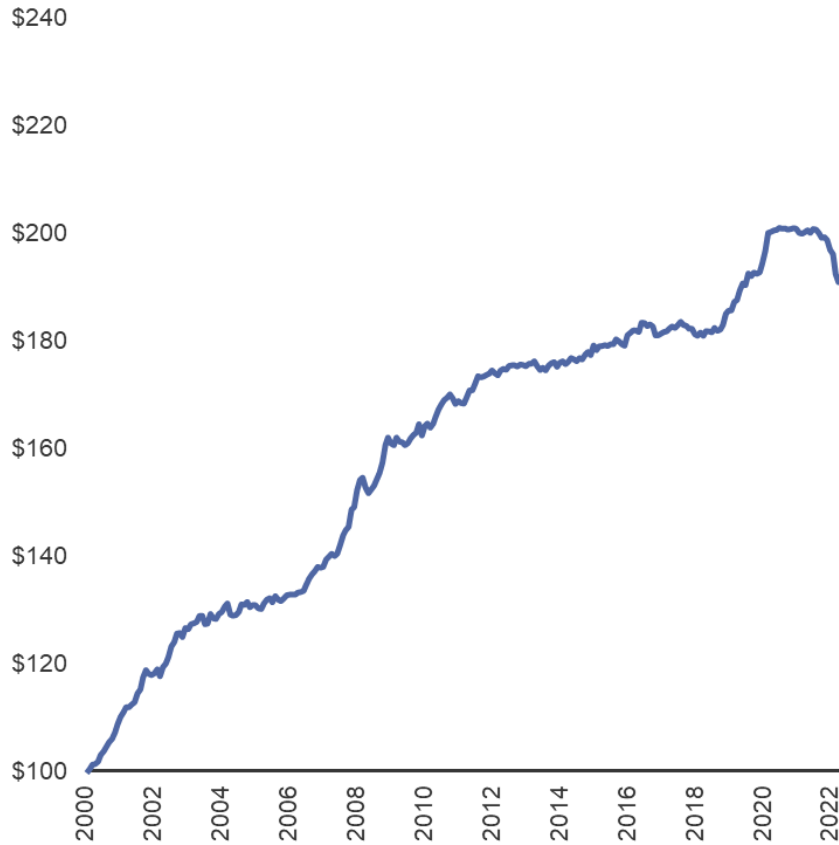


Source: Federal Reserve and Bloomberg. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end.

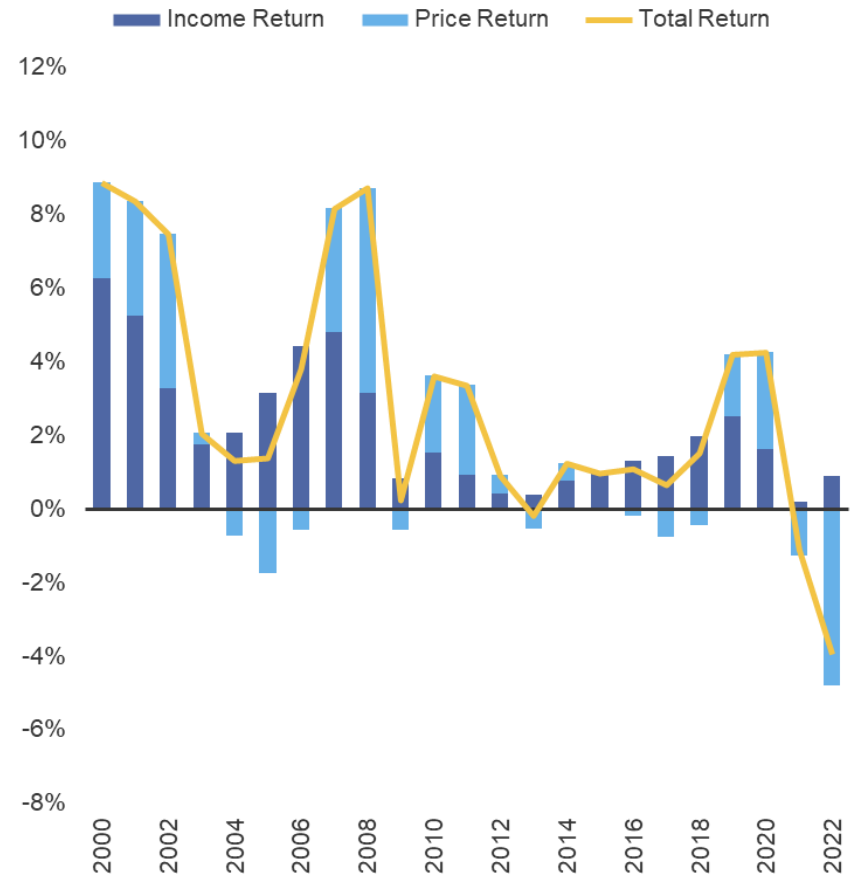
Surging Yields Gave Back Pandemic Gains

ICE BofA 1-5 Year
Treasury Index

Growth of \$100
(1/1/2000 - 6/30/2022)



Annual Price & Income Returns



Source: ICE BofAML Indices via Bloomberg, as of 6/30/2022; PFAM calculations. 2022 Price, income, and total return is YTD as of 6/30/2022.

FY21-22 In Review

KEY TAKEAWAYS

- Overall economic activity was robust in 2021, supported by massive levels of monetary support by the Federal Reserve (Fed) and numerous rounds of fiscal support from Congress to combat the effects of the pandemic.
- Rising inflation became a major issue for the economy.
- Interest rates climbed at the fastest pace seen in recent history. The yield on two-year Treasury notes rose from 0.28% last September, to 0.73% by year end, and reached 2.96% at the end of June 2022.



Investment Program Highlights

Hayward's Investment Objectives

Safety

- High quality investments
- Management of credit and market risk

Liquidity

- Cash flow coordination with the staff
- Allocation to overnight funds

Yield

- Duration management
- Active trading and continual evaluation of relative value among allowable sectors

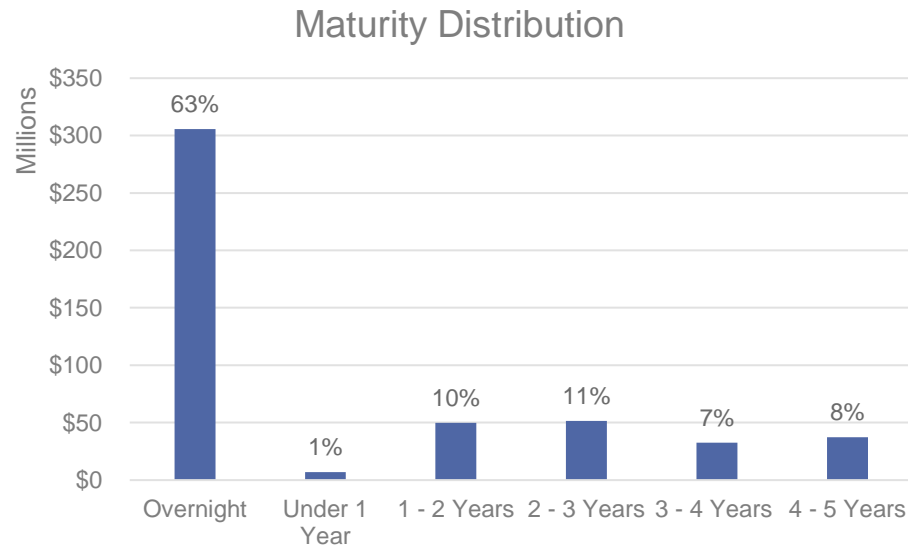
Diversification

- Diversification by sector, issuer, and maturity

The City's Strategy at a Glance

Working Well in Current Interest Rate Environment – Ready to Adapt to Changing Conditions

Aggregate Portfolio Statistics	
Total Market Value	\$177,853,953
Average Duration	2.51 years
Average Yield at Cost	1.10%
Average Yield at Market	3.14%

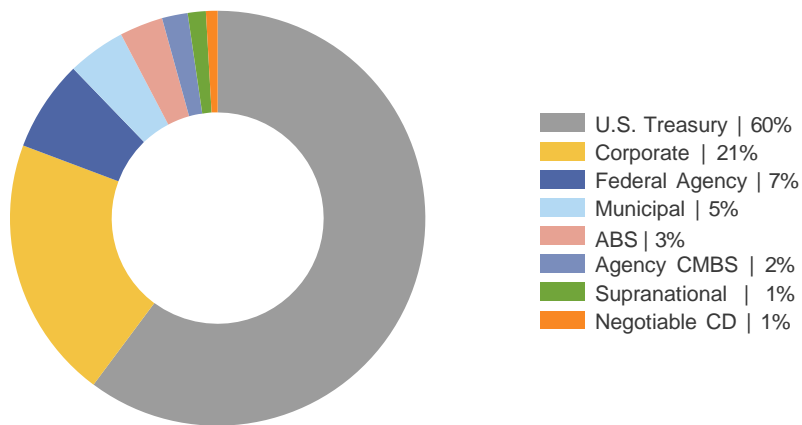


- Calculated based on market value, as of June 30, 2022.
- Percentages may not total 100% due to rounding.

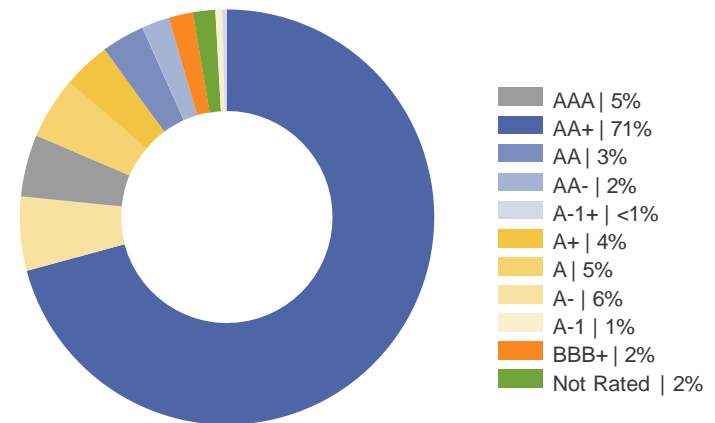
The City's Strategy at a Glance

- The portfolio is well diversified among U.S. Treasuries, Federal Agencies, Supranational Agencies, Negotiable Certificates of Deposit (CDs), Corporate Notes, Asset-Backed Securities, and Municipal Obligations.
- The portfolio comprises securities of high credit quality.

Sector Allocation



Credit Quality - S&P



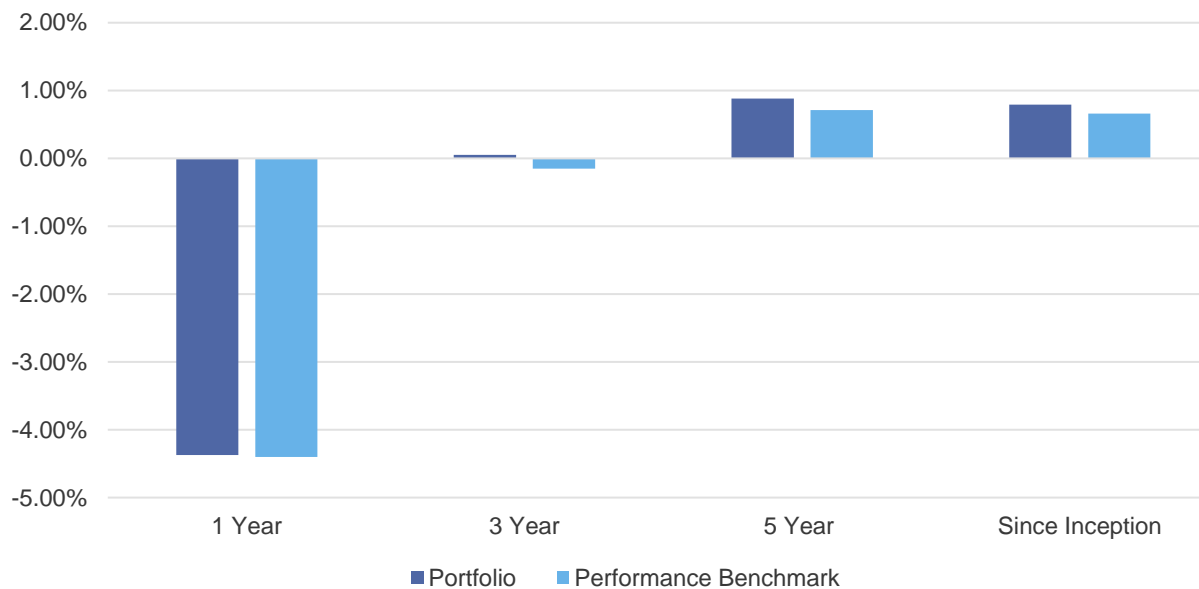
- Calculated based on market value, as of June 30, 2022.
- Percentages may not total 100% due to rounding.
- Ratings provided by Standard & Poor's.
- "Not Rated" category comprises securities that were rated in the category of "A" or better by at least one NRSRO at the time of purchase.
- Excludes the City's LGIP, cash, and money market fund balances.

Performance

As of June 30, 2022

Combined Portfolio Performance	
2Q22	-0.89%
FY 21-22	-4.37.%
Since Inception	0.79%

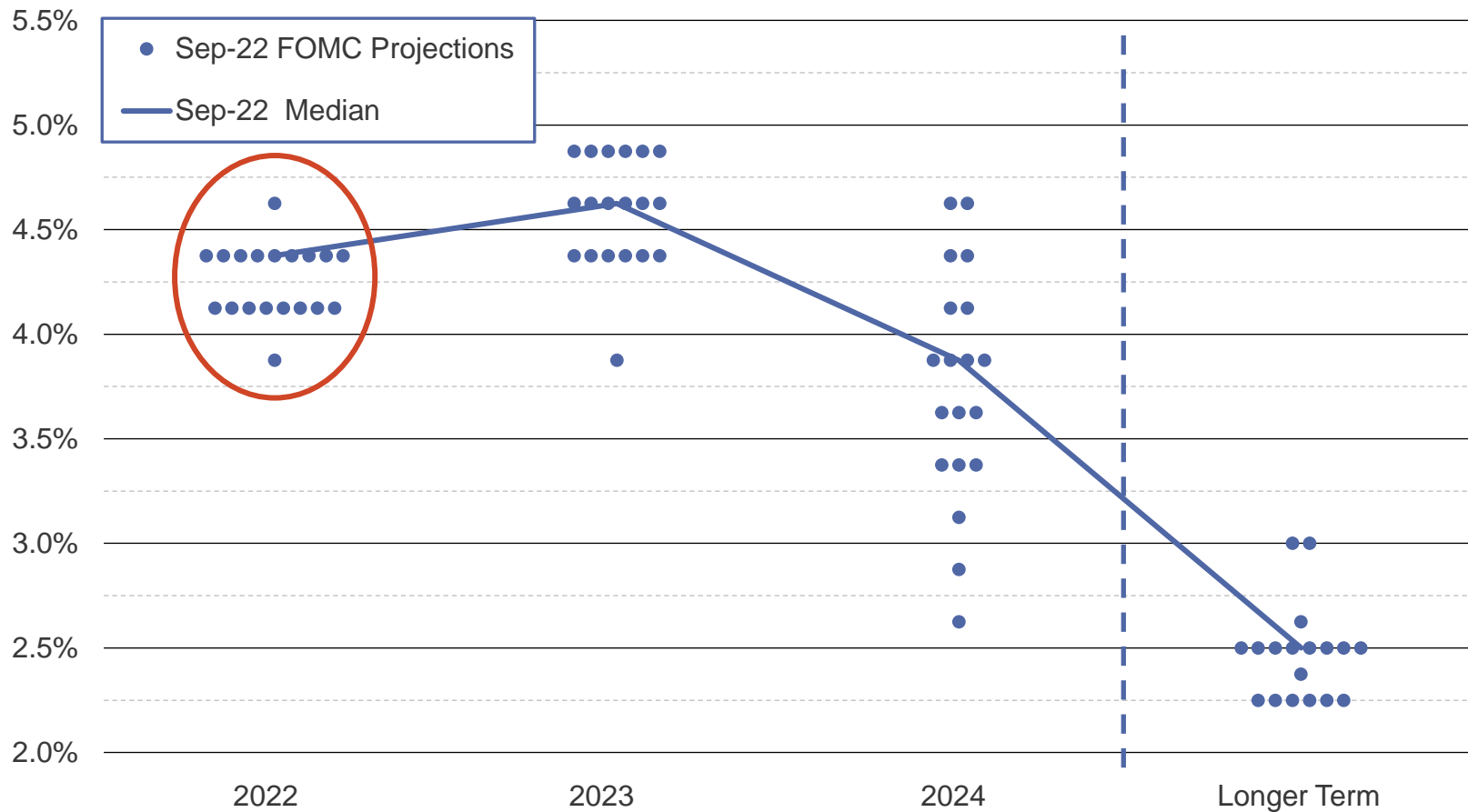
Historical Performance



- Performance on a trade-date basis, gross (i.e., before fees).
- LGIP and cash excluded from performance calculations.
- Past performance is not indicative of future returns. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis.
- Since inception date September 30, 2012. The portfolio's benchmark is currently the ICE BofAML 1-5 Year U.S. Treasury Index. Prior to 12/31/21 it was the ICE BofAML 1-3 Year U.S. Treasury Index. Source: Bloomberg.

Federal Reserve Officials Project Elevated Rates Through the End of 2023

Fed Participants' Assessments of 'Appropriate' Monetary Policy



Source: Federal Reserve and Bloomberg. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end.

KEY TAKEAWAYS

- Fed to continue raising interest rates in 2022 to combat high inflation
- Economic growth expectations have moved lower, along with consumer sentiment
- Consumer balance sheets are healthy enough to weather the record-breaking inflation

RISKS TO OUTLOOK

- Continued aggressive monetary policy tightening
- Increased probability of recession
- Continued high inflation
- Risk of Covid resurgence

PORTFOLIO STRATEGY

- Carefully manage risk and **maintain high credit quality**
- **Reduce market value risk** by limiting allocation to 4- to 5-year maturities
- Continue to **diversify the portfolio** to safely increase earnings potential
- Explore **opportunities for liquidity**
- **Adjust strategy** as needed to address changing needs of the portfolio



Disclaimer

Investment advisory services are provided by PFM Asset Management LLC (“PFMAM”), an investment adviser registered with the U.S. Securities and Exchange Commission and a subsidiary of U.S. Bancorp Asset Management, Inc. (“USBAM”). USBAM is a subsidiary of U.S. Bank National Association (“U.S. Bank”). U.S. Bank is a separate entity and subsidiary of U.S. Bancorp. U.S. Bank is not responsible for and does not guarantee the products, services or performance of PFMAM. The information contained is not an offer to purchase or sell any securities. Additional applicable regulatory information is available upon request.

For more information regarding PFMAM's services or entities, please visit www.pfmam.com.

November 8, 2022

Memorandum

To: Dustin Claussen, Director of Finance
City of Hayward

From: Monique Spyke, Managing Director
Allison Kaune, Senior Analyst
PFM Asset Management LLC

Re: Investment Policy Review

We have completed our review of the City of Hayward's (the "City") FY 2022 Investment Policy (the "Policy"). This year we are recommending Policy changes in response to changes to California Government Code ("Code") that will go into effect on January 1, 2023, following the passage of Senate Bill 1489 ("SB 1489") in September 2022. We have summarized our changes below and have attached a marked-up version of the Policy to illustrate our recommendations.

Senate Bill 1489, also known as the Local Government Omnibus Act of 2022, made a number of changes to Code, including several that impact the investment of public funds and the reporting practices of public agencies. Changes made to Code section 53601, the section of Code that governs the investment of public funds, include language stating that an investment's term or remaining maturity shall be measured from the settlement date to final maturity, and, that a security purchased in accordance with Code section 53601 shall not have a forward settlement date exceeding 45 days from the time of investment. Previously, Code was silent on both items. To address these Code changes, we recommend the City add the new Code language to Policy section X. Investment Instruments, as shown in the attached marked-up Policy.

SB 1489 also modified Code section 53646 and its quarterly reporting requirements. Per Code, producing a quarterly report is optional for public agencies. However, should an agency choose to produce a quarterly report, certain requirements must be met. One of those requirements was to produce the quarterly report within thirty (30) days following the end of the quarter. With SB 1489 that time has been extended to forty-five (45) days. The City's Policy does not explicitly require a quarterly report and contains no language regarding the due date of such reporting. As such, no Policy changes are needed to address this Code change.

Please let us know if you have any questions. Thank you.



FY ~~2022~~2023

Statement of Investment Policy

Finance Department
Director of Finance, Dustin Claussen
Policy last amended: ~~Jan 26, 2021~~ Dec 6, 2022

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I. Introduction

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities. Activities that comprise good cash management include accurate cash projections, the expeditious collection of revenue, the control of disbursements, cost-effective banking relations, and arranging for a short-term borrowing program that coordinates working capital requirements and investment opportunities.

- A. Included** – Funds included in this Statement of Investment Policy are described in the City’s annual financial report, and include: General Fund, Special Revenue Funds, Capital Projects Funds, Enterprise Funds, Internal Service Funds, Fiduciary Funds, Housing Finance Agency Funds, Successor Hayward Housing Authority funds, and Hayward Redevelopment Agency Successor Agency funds. The Statement of Investment Policy applies to all transactions involving the financial assets and related activity of the foregoing funds.
- B. Excluded** – The following funds are excluded from the Statement of Investment Policy: Deferred Compensation Fund assets and monies held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of the City, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements may be invested in accordance with the ordinance, resolution, indenture or agreement approved by the City Council which govern the issuance of those bonds, or lease installment sale, or other agreement, rather than this Statement of Investment Policy.

II. Statement of Objectives

It is the policy of the City of Hayward to invest public funds not required for immediate day-to-day operations in safe and liquid investments with maturities under five years, in conformance with the California state statutes governing the investment of public funds. Investments are intended to achieve a reasonable rate of return while minimizing the potential for capital losses arising from market changes or issuer default.

In managing the City of Hayward's Investment Portfolio, the City's primary objectives are safety, liquidity, and yield.

1. **Safety** – Safety of principal is the foremost objective of the City, followed by liquidity and yield. Each investment transaction shall seek to first ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value.
2. **Liquidity** – The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated.
3. **Yield** – The City may establish a performance benchmark based on current investment objectives and constraints. The investment portfolio shall be managed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's policy constraints and cash flow requirements. The City should not take undue risk to obtain above-market rates of return.
4. **Diversification** – The City's investment portfolio will be diversified to avoid concentrating investments in specific security types or in individual financial institutions.

While the City will not make investments for the purpose of trading or speculation as the dominant criterion, the Director of Finance shall seek to enhance total portfolio return by means of active portfolio management.

III. Use of State Investment Guidelines

Government Code Sections 53601, 53607, and 53646 of the State of California regulate investment practices. It is the policy of the City of Hayward to use the State's provisions for local government investments as the base for developing and implementing the City's investment policies and practices.

IV. Delegation of Authority

The responsibility for conducting the City's investment program is hereby delegated to the Director of Finance, who has established written procedures for the operation of the investment program, consistent with this Statement of Investment Policy. The Finance Director has further authority, with consent of the City Council, to engage the services of one or more external investment managers to assist in the management of the City's investment portfolio in a manner consistent with the City's Statement of Investment Policy. Such managers must be registered under the Investment Advisors Act of 1940.

V. Investment Advisory Committee

The City Manager will appoint an Investment Advisory Committee (IAC). The IAC shall, at minimum, consist of the Assistant City Manager, Director of Finance or Deputy Director of Finance, City Attorney or Assistant City Attorney, one department head, and a minimum of one non-City employee that possesses financial skills to be chosen by the City Manager as available.

The IAC shall meet at least quarterly for the purpose of overseeing the implementation of the City's investment program and assuring it is consistent with the Statement of Investment Policy as approved by the Council. The committee shall include in its discussions such topics as economic outlook, portfolio diversification and maturity structure, potential risks to the City's funds, approval of authorized financial institutions, and the performance of the investment portfolio. Written investment procedures must be approved by the IAC.

VI. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program or impair their ability to make impartial decisions.

All members of the City's IAC shall annually file Statements of Economic Interests (SEIs or Form 700) with the California Fair Political Practices Commission.

VII. Investment Policy Adoption

The City's Statement of Investment Policy shall be annually reviewed and approved by the Investment Advisory Committee and thereafter shall be reviewed and approved by the City Council at a public meeting.

VIII. Standard of Prudence

All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. Nevertheless, in a diversified portfolio, it must be recognized that occasional measured losses are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

The standard of prudence to be used by investment officials shall be the "prudent investor standard," which states:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a

like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

Investment officers acting in accordance with written procedures and the Statement of Investment Policy, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy.

IX. Reporting

The following investment activity reports will be completed.

A. Monthly

The Director of Finance shall post a monthly investment and transaction summary to the City's public website that will be available to the City Manager, Investment Advisory Committee, City Council Budget & Finance Committee, City Council, and the general public. Code section 53607 requires agencies to make a monthly report of transactions available to the legislative body.

The investment summary will list investment transactions executed during the month, and will report key aspects of the investment portfolio, including the following information about each investment instrument: issuer, par amount, purchase price, sales price, realized gains and losses, maturity dates, credit ratings, and the percentage of the portfolio by each type of investment.

B. Periodic

While there is no legislative requirement for quarterly investment activity reporting, the Director of Finance shall submit periodic investment reports to the City Manager, Investment Advisory Committee, City Council Budget & Finance Committee, and City Council.

A periodic report shall include all components of the City's monthly report, highlight key aspects of information contained in the investment reports, and inform readers of economic conditions affecting the portfolio. The report will present recent investment performance and future investment strategy; disclose any perceived threats to portfolio quality, security or liquidity; compare the portfolio performance to that of the City's established performance benchmark, state compliance with the Investment Policy and include a statement denoting the ability to meet expenditure requirements for the next six months.

C. Annual

While there is no legislative requirement for submission of an annual investment report, the Director of Finance shall present a comprehensive annual report on the investment program and investment activity no later than 180 days following the end of the fiscal year. This report shall be presented to the Investment Advisory Committee. The annual report shall include a performance summary, shall suggest policies and improvements

that might enhance the investment program, and include an investment plan for the ensuing fiscal year. In conjunction with its review of the annual investment report, the Investment Advisory Committee shall review and reaffirm the Statement of Investment Policy of the City, whether or not specific policy modifications are suggested.

Following the annual review of the Statement of Investment Policy by the Investment Advisory Committee, the Investment Policy shall be submitted to the City Council, together with any changes recommended by the Investment Advisory Committee. The City Council shall consider any such recommended changes and approve the Statement of Investment Policy at a public meeting of the City Council.

X. Investment Instruments

A summary and description of authorized investment instruments is below.

INVESTMENT INSTRUMENT SUMMARY				
Security Type	Maximum Maturity	Min Credit Quality	Authorized Investment Limit	Per Issuer Limit
A. US Treasury Notes/Bills	5 Years	None	100%	100%
B. US Agencies	5 Years	None	100%	40%
B. US Agencies–Mortgage-Backed	5 Years	None	20%	20%
C. Banker’s Acceptance (BA)	180 days	A-1	40%	5%
D. Commercial Paper	270 days	A-1	40%	5%
E. Negotiable Certificates of Deposit	5 Years	“A”	30%	5%
F. Repurchase Agreements	1 Year	None	20%	20%
G. Medium Term Notes (MTN)	5 Years	“A”	30%	5%
H. Money Market Fund	N/A	AAAm	20%	10%
I. Alameda County Investment Pool	None	None	10%	10%
J. Shares of beneficial interest issued by a joint powers authority	None	AAAm	100%	N/A
K. LAIF	None	None	Max amount allowed by Advisory Board	N/A
L. Collateralized Certificates of Deposit	5 Years	None	25%	20%
M. Municipal Bonds	5 Years	“A”	20%	5%
N. Supranationals	5 Years	“AA”	30%	30%
O. Asset-Backed Securities	5 Yr WAL ¹	“AA”	20%	5%

The following sections describe individual investment types. The sections specify a

¹ WAL – Weighted Average Life. See glossary for definition

percentage limitation for a particular category of investment. That percentage is applied on the date of purchase. A later increase in a percentage resulting from a change in values or assets shall not constitute a violation of the Policy restriction. For purposes of compliance with this Policy, an investment's term or remaining maturity shall be measured from the settlement date to final maturity. A security purchased in accordance with this Policy shall not have a forward settlement date exceeding 45 days from the time of investment.

Unless stated otherwise in the Policy, no more than 5% of the City's portfolio may be invested in securities issued by any one issuer.

- A. United States Treasury Notes, Bonds, Bills, or Certificates of Indebtedness**, or those for which the faith and credit of the United States are pledged for the payment of principal and interest with a final maturity not exceeding five years from the date of trade settlement.

CA Govt Code 53601(b)

- B. Federal Agency or United States Government-Sponsored Enterprise (GSE) Obligations**, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies, or United States government-sponsored enterprises with a final maturity not exceeding five years from the date of trade settlement. There is no limit to the amount of the City's portfolio that may be invested in federal agency or GSE securities, except that the aggregate investment in federal agency mortgage-backed securities shall not exceed 20% of the City's total portfolio. Furthermore, the aggregate investment in any one federal agency or GSE issuer shall not exceed 40% of the City's total portfolio.

CA Govt Code 53601(f)

- C. Banker's Acceptances**, otherwise known as bills of exchange or time drafts, that are drawn on and accepted by a commercial bank with a final maturity not exceeding 180 days from the date of trade settlement, rated at least "A-1" or the equivalent by a nationally recognized statistical-rating organization (NRSRO). The aggregate investment in banker's acceptances shall not exceed 40% of the City's total portfolio.

CA Govt Code 53601(g)

- D. Prime Commercial Paper** with the highest letter and numerical rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph 1 or paragraph 2 below:

(1) The entity meets the following criteria:

- is organized and operating in the United States as a general corporation;
- has total assets in excess of five hundred million dollars (\$500,000,000); and
- has debt other than commercial paper, if any, that is rated in a rating category of at least "A" or its equivalent by a NRSRO.

(2) The entity meets the following criteria:

- is organized within the United States as a special purpose corporation, trust, or limited liability company;
- has program wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond; and
- has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Eligible commercial paper shall have a final maturity not exceeding 270 days from the date of trade settlement. The aggregate investment in commercial paper shall not exceed 40% of the City's total portfolio. Furthermore, the City may invest no more than 5% of its total investment assets in the commercial paper and the medium-term notes of any single issuer.

CA Govt Code 53601(h)

E. Negotiable Certificates of Deposit issued by a nationally- or state-chartered bank, a savings association or a federal association as defined by Section 5102 of the California Financial Code, a state or federal credit union, or by a federally-licensed or state-licensed branch of a foreign bank with a final maturity not exceeding five years from the date of trade settlement. Deposits are limited to institutions which have long-term debt rating in a rating category of at least "A" or the equivalent by a NRSRO. The aggregate investment in negotiable certificates of deposit shall not exceed 30% of the City's total portfolio.

CA Govt Code 53601(i)

F. Repurchase Agreements with a final termination date not exceeding 360 days from the date of trade settlement collateralized solely by United States Treasury, federal agency, or United States government sponsored enterprises permitted by this Statement of Investment Policy. The purchased securities (the "collateral") shall have a minimum market value of 102% of the dollar value of the funds invested. The market value of the collateral securities shall be marked-to-the-market daily and the value shall be adjusted no less frequently than weekly. No substitution of collateral shall be allowed without the prior approval of the Finance Director. All collateral securing repurchase agreements must be delivered to the City's custodian bank or handled under a tri-party repurchase agreement. The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to repurchase agreement.

Approved repurchase agreement counterparties shall have a repurchase agreement counterparty credit rating of at least "A-1" or the equivalent and a long-term credit rating of at least "A" or the equivalent by a NRSRO. Repurchase agreement counterparties shall execute a City approved master repurchase agreement with the City. No more than 20% of the City's total portfolio shall be invested in repurchase agreements.

CA Govt Code 53601 (j)

G. Medium-Term Notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the trade settlement, and rated in a rating category of at least “A” or the equivalent by a NRSRO at the time of purchase. The aggregate investment in medium-term notes shall not exceed 30% of the City’s total portfolio. Furthermore, the City shall invest no more than 5% of its total investment assets in the commercial paper and the medium-term notes of any single issuer.

CA Govt Code 53601 (k)

H. Money Market Funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision these companies shall either:

- (1) attain the highest ranking letter or numerical rating provided by not less than two of the three largest NRSROs, or
- (2) have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years of experience managing money market mutual funds and with assets under management in excess of \$1,000,000,000.

The purchase price of shares shall not exceed 20% of the City’s total portfolio and shall not include any commission that the companies may charge. Furthermore, no more than 10% of the City’s total portfolio may be invested in any one money market fund.

CA Govt Code 53601 (l)

I. Alameda County Investment Pool. The City’s maximum investment in the Alameda County pool is limited to 10% of the City’s total aggregate portfolio.

CA Govt Code 53684

J. Other Investment Pools. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (r), inclusive. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

- 1) The adviser is registered or exempt from registration with the Securities and

Exchange Commission.

- 2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
- 3) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

CA Govt Code 53601 (p)

K. State of California's Local Agency Investment Fund (LAIF). The City's participation in LAIF shall conform to State Regulation. The City maintains a total of two LAIF investment accounts and may invest the maximum amount permitted by LAIF's Local Investment Advisory Board. In general, it is the City's intention to use investment in LAIF as a temporary repository for short-term funds needed for liquidity purposes. The Finance Director shall maintain appropriate information concerning LAIF's current investment policies, practices and performance on file. The Finance Director shall also maintain files on LAIF's requirements for participation, including, but not limited to, limitations on deposits or withdrawals and the composition of the portfolio.

CA Govt Code 16429.1

L. Collateralized Certificates of Deposit in FDIC-insured financial institutions located in California with a maximum maturity no longer than five years from the date of deposit. Deposits are limited to banks who have a long-term debt rating in a rating category of at least "A" or the equivalent and a short-term debt rating of at least "A-1" or the equivalent by a NRSRO. The City may waive collateral for any portion of its deposit that is covered by federal deposit insurance.

Money shall not be deposited in any state or federal credit union if a member of the legislative body of the City, or any person with investment decision making authority of the administrative office, manager's office, budget office, auditor-controller's office, or treasurer's office of the City, also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or supervisory committee, of the state or federal credit union.

The amount on deposit shall not exceed the total paid-up capital (to include capital notes and debentures) and surplus of any depository bank, or the total of the net worth of any savings and loan association. However, deposits in collateralized certificates of deposit shall not exceed 25% of the City's total portfolio, nor shall the City deposit more than 20% of its total portfolio in the collateralized certificates of deposit of any one bank.

CA Govt Code 53649

M. Municipal Bonds issued by the state of California and any local agency within the state, including bonds payable solely out of revenues from a revenue-producing

property owned, controlled, or operated by the state or any local agency, or by a department, board, agency or authority of the state or any local agency.

Registered treasury notes or bonds of any of the other 49 United States in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 United States, in addition to California.

The aggregate investment in municipal bonds may not exceed 20% of the City's total portfolio.

CA Govt Code 53601(c), CA Govt Code 53601(d), and CA Govt Code 53601(e)

- N. Supranationals** defined as United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a final maturity not exceeding five years from the trade settlement, and eligible for purchase and sale within the United States. Supranationals shall be rated in a rating category of at least "AA" or the equivalent by a NRSRO at the time of purchase.

The aggregate investment in supranationals may not exceed 30% of the City's total portfolio.

CA Govt Code 53601(q)

- O. Asset-Backed Securities** defined as all mortgage pass-through securities, collateralized mortgage obligations, mortgage-backed or other pay-through bonds, equipment lease-backed certificates, consumer receivable pass-through certificates, and consumer receivable-backed bonds, with a final maturity not exceeding five years from the trade settlement.

Asset-backed securities shall be rated in a rating category of at least "AA" or the equivalent by a NRSRO at the time of purchase and have a maximum remaining maturity of five years or less.

The aggregate investment in asset-backed securities may not exceed 20% of the City's total portfolio.

CA Govt Code 53601(o)

XI. Prohibited Investments

Investments not specifically approved by this Statement of Investment Policy are prohibited, including inverse floaters, range notes, mortgage derived interest-only strips, and securities that could result in zero interest accrual if held to maturity, except as provided in the subsequent paragraph.

Notwithstanding the prohibitions stated in the above paragraph, effective January 1, 2021, the City may invest in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. The City may hold these instruments until their maturity dates. Securities described in this paragraph shall remain in effect only until January 1, 2026, and as of that date is repealed.

XII. Credit Downgrade

The minimum rating criteria for particular investment categories is applied on the date of purchase. The City may from time to time be invested in a security whose rating is downgraded. In the event a rating drops below the minimum allowed rating category for that given investment type, the securities shall be reviewed and a plan of action shall be recommended by the Director of Finance or investment manager. The Director of Finance may consult the Investment Advisory Committee on the action to be taken and shall advise its Chairman and Members of the final disposition of the matter either by e-mail or fax.

If an investment advisor is used, the investment advisor will immediately notify the Director of Finance if a purchased security has been downgraded below accepted minimums specified herein, or if the security is placed on negative credit watch, where downgrade could result in a rate drop below acceptable levels of that fact. The course of action to be followed will then be decided on a case-by-case basis, considering such factors as the reason for the rate drop, prognosis for recovery or further drop, and market price of the security. The City Council will be advised of the situation and intended course of action by e-mail or fax.

XIII. Maturity and Diversification

Maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled to permit the City to meet all projected obligations.

The City may not invest in a security that exceeds five years from the date of purchase unless City Council has granted express authority to make that investment no less than three months prior to the investment.

XIV. Internal Controls

The Finance Director shall establish a system of internal controls. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City. Controls deemed most important include:

- **Clearly delegating authority to subordinate staff members.** Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control

structure that is contingent on the various staff positions and their respective responsibilities.

- **Separating transaction authority from accounting and record keeping.** By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- **Delivery versus payment.** All trades where applicable will be executed by delivery vs. payment (DVP). This ensures that securities are deposited in the eligible financial institution before the release of funds. A third party custodian as evidenced by safekeeping receipts will hold securities.
- **Avoiding physical delivery securities.** Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
- **Confirming telephone transactions for investments and wire transfers in writing.** Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
- **Developing wire transfer agreements with the lead bank or third party custodian.** This agreement should outline the various controls and security provisions, and delineate responsibilities of each party making and receiving wire transfers.

XV. Banks and Security Dealer Selection

The Investment Advisory Committee shall approve all financial institutions from which securities are purchased or sold.

In selecting financial institutions for the deposit or investment of City funds, the Finance Director shall consider the creditworthiness of institutions. The Finance Director shall continue to monitor financial institutions' credit characteristics and financial history throughout the period in which City funds are deposited or invested.

Only primary government securities dealers that report to the New York Federal Reserve shall be used for the purchase of repurchase agreements. (It is acknowledged that inclusion on the primary dealer listing of the Federal Reserve Bank of New York is not a guarantee of creditworthiness.)

Effective October 14, 1987, the City shall be prohibited from investing funds with any person who is knowingly or intentionally engaged in the development or production of nuclear weapons. Person is defined as any person, private corporation, institution or other entity, which is within the jurisdiction of the City of Hayward.

If a third-party investment advisor is authorized to conduct investment transactions on the City's behalf, the investment advisor may use its own list of approved broker/dealers and financial institutions for investment purposes.

XVI. Risk Tolerance

The City recognizes that investment risks can result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. Investment managers are expected to display prudence in the selection of securities as a way to minimize default risk. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

The Director of Finance shall periodically establish guidelines and strategies to control risks of default, market price changes and illiquidity. All investment reports shall specifically address whether current investment results have been affected by any of the foregoing risks, and shall explain what actions investment officials have taken to control or correct for such risks.

A thorough investigation of any money market fund or investment pool, including LAIF and the Alameda County Pool, is required prior to investing, as well as on an ongoing basis. The following information should be obtained and analyzed:

- I. A description of eligible investment securities
- II. A written statement of investment policies and objectives
- III. A description of interest calculation and their distribution, and the treatment of gains and losses
- IV. A description of how the securities are safeguarded and how often the

- securities are priced and the program audited
- V. Information about the size and frequency of deposits and withdrawals allowed, and how much notice is needed for withdrawals
- VI. A schedule for receiving statements and portfolio listings
- VII. A fee schedule, as well as how and when the fees are assessed
- VIII. The rating of the pool/fund
- IX. Information about investment advisers, including registration with the Securities and Exchange Commission, length of experience and total assets under management

In addition to these general policy considerations, the following specific policies will be strictly observed:

1. All investment funds will be placed directly with qualified financial institutions. The City will not deposit or invest funds through third parties or money brokers.
2. A competitive bid process, utilizing financial institutions approved by the Investment Advisory Committee, will be used to place investment purchases. Based on annual evaluation, securities dealers, banks, and other financial institutions will be dropped or continued on the eligibility list. The following criteria will be used in the evaluation:
 - a. Number of transactions competitively won
 - b. Prompt and accurate confirmation of transactions
 - c. Efficient securities delivery
 - d. Accurate market information account servicing

If a third party investment advisor is authorized to conduct investment transactions on the City's behalf, the investment advisor may rely on its review process and use its own list of approved broker/dealers for investment purposes.

3. The Finance Director may designate an official to manage investments and designate a second official to perform investment management during absences of the primary designee. The Finance Director shall ensure that competent investment management is maintained and shall ensure that, if both designated investment officials are replaced or are simultaneously absent, any temporary replacement(s) shall be closely supervised, indoctrinated in the requirements of this Statement of Investment Policy, and given written investment procedures regulating the authority to invest in maturities beyond six months by means of appropriate controls and restraining requirements.
4. In order to assist in identifying "qualified financial institutions," the Finance Director shall forward copies of the City's Statement of Investment Policy to those financial institutions with which the City is interested in doing business and require written acknowledgement of the policy.

XVII. Safekeeping and Custody

To protect against potential fraud and embezzlement, the assets of the City shall be secured through third-party custody and safekeeping procedures.

The investment official shall be bonded to protect the public against possible embezzlement and malfeasance. An independent auditor shall review safekeeping procedures annually. The auditor may conduct surprise audits of safekeeping and custodial procedures.

All cash and securities in the City's portfolio shall be held in safekeeping in the City's name by a third party bank trust department, acting as agent for the City under the terms of a custody agreement executed by the bank and the City.

All securities will be received and delivered using standard delivery versus payment (DVP) procedures; the City's safekeeping agent will only release payment for a security after the security has been properly delivered. The only exception to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools, and (ii) money market funds, since the purchased securities are not deliverable.

Appendix A**Comparison and Interpretation of Credit Ratings¹****Long-Term Debt Ratings**

Rating Interpretation	Moody's	Standard & Poor's	Fitch
Best Quality Grade	Aaa	AAA	AAA
High Quality Grade	Aa1 Aa2 Aa3	AA+ AA AA-	AA+ AA AA-
Upper Medium Grade	A1 A2 A3	A+ A A-	A+ A A-
Medium Grade	Baa1 Baa2 Baa3	BBB+ BBB BBB-	BBB+ BBB BBB-
Speculative Grade	Ba1 Ba2 Ba3	BB+ BB BB-	BB+ BB BB-
Low Grade	B1 B2 B3	B+ B B-	B+ B B-
Poor Grade to Default	Caa	CCC+	CCC
In Poor Standing	- -	CCC CCC-	- -
Highly Speculative Default	Ca C	CC -	CC -
Default	- - -	- - D	DDD DD D

Short-Term/Commercial Paper Investment Grade Ratings

Rating Interpretation	Moody's	Standard & Poor's	Fitch
Superior Capacity	P-1	A-1+/A-1	F1+/F1
Strong Capacity	P-2	A-2	F2
Acceptable Capacity	P-3	A-3	F3

¹ These are general credit rating guidelines and are for information only.

Appendix B

Glossary

ASK PRICE: The price at which a seller offers to sell a security to a buyer.

ASSET-BACKED SECURITIES: Bonds created from various types of consumer debt. Returns on these securities come from customer payments on their outstanding loans. The primary types of asset-backed securities are mortgages, home equity loans, auto loans, leases, credit card receivables and student loans.

BANKERS' ACCEPTANCE: A letter of credit issued in a foreign trade transaction which allows exporters to receive payment prior to importation of their goods. Banks provide short-term financing to facilitate the transaction and may sell the obligation to a third party. Bankers' Acceptances are secured by the issuer of the bill, while the underlying goods also serve as collateral.

BANK DEPOSITS: Collateral in the form of currency that may be in the form of demand accounts (checking) or investments in accounts that have a fixed term and negotiated rate of interest.

BENCHMARK: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BID PRICE: The price at which a buyer offers to purchase a security from the seller.

BOND: A debt investment in which an investor loans money to an entity (corporate or governmental) that borrows the funds for a defined period of time at a fixed interest rate called a coupon payment. Bonds are used by companies, municipalities, states and the U.S. government to finance a variety of projects and operating activities.

BROKER: A broker aligns buyers and sellers of securities and receives a commission when a sale occurs. Brokers generally do not hold inventory or make a market for securities.

CALIFORNIA LOCAL AGENCY OBLIGATIONS: Bonds that are issued by a California county, city, city and county, including a chartered city or county, school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation.

CD (CERTIFICATE OF DEPOSIT): Time deposits issued by a bank, savings or federal credit union, or state-licensed branch of a foreign bank. Negotiable Certificates of Deposits rely on the credit rating of the issuing entity.

COLLATERAL: Securities, evidence of deposit, or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank

to secure deposits of public monies.

COLLATERALIZATION: Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

COMMERCIAL PAPER: Short-term unsecured promissory note issued by a company or financial institution. Commercial paper is issued at a discount and matures at face value. Usually a maximum maturity of 270 days, and given a short-term debt rating by one or more NRSROs.

COUNTY POOLED INVESTMENT FUNDS: The aggregate of all funds from public agencies placed in the custody of the county treasurer or chief finance officer for investment and reinvestment.

COUPON: The annual rate of interest that a bond's issuer promises to pay the bondholder, expressed as a percentage of the bond's face value.

CREDIT RISK: Credit risk is the likelihood that an issuer will be unable to make scheduled payments of interest or principal on an outstanding obligation.

CUSTODIAN: An agent such as a broker or a bank that stores a customer's investments for safekeeping. The custodian does not have fiduciary responsibilities.

DEALER: A dealer, as opposed to a broker, acts as a principal in security transactions, selling securities from, and buying securities for his/her own position.

DEFAULT: To default is to fail to repay principal or make timely interest payments on a bond or other debt investment security, or failure to fulfill the terms of a note or contract.

DELIVERY VERSUS PAYMENT (DVP): A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

DURATION: The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

FIDUCIARY: An individual who holds something in trust for another and bears liability for its safekeeping.

FLOATING RATE INVESTMENTS: Notes whose interest rate is adjusted according to the interest rates of other financial instruments. These instruments provide protection against rising or falling interest rates, but may pay lower yield than fixed rate notes.

FUTURES: Commodities, which are sold in the present time and are to be delivered at a future date.

INTEREST ONLY STRIPS: Securities with cash flow based entirely on the monthly interest payments received from a mortgage, Treasury, or bond payment. No principal is included in these types of securities.

INVERSE FLOATING RATE INVESTMENTS: Variable-rate notes (such as inverse floating rate notes) whose coupon and value increase as interest rates decrease.

INVESTMENT PROGRAM: The process of modern portfolio management. The process includes establishing investment policy, analysis of the economic and capital markets environment, portfolio monitoring and rebalancing, and measuring performance.

LIQUIDITY: The ease with which investments can be converted to cash at their present market value. Liquidity is significantly affected by the number of buyers and sellers trading a given security and the number of units of the security available for trading.

LOCAL AGENCY BONDS: These bonds are issued by a county, city, city and county, including a chartered city or county, school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation.

LOCAL AGENCY INVESTMENT FUND (LAIF): A voluntary investment fund open to state and local government entities and certain non-profit organizations in California in which organization pools their funds for investment. LAIF is managed by the State Treasurer's Office.

MARKET RISK: Market risk is the risk that investments will change in value based on changes in general market prices.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract which includes provisions specific to the governmental agency that is signed by an authorized officer with each counterparty. A master agreement will often specify details to the nature of transactions, the relationship of the parties to the agreement, parameters pertaining to the ownership and custody of collateral, and remedies in the event of default by either party.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MEDIUM TERM NOTES (MTN): Unsecured, investment-grade senior debt securities of major corporations that are sold either on a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to

market opportunities or to investor preferences.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

MORTGAGE-BACKED SECURITIES: A debt instrument with a pool of real estate loans as the underlying collateral. The mortgage payments of the real estate assets are used to pay interest and principal on the bonds.

MORTGAGE PASS-THROUGH SECURITIES: A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

MUTUAL FUNDS: An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments.

Money market mutual funds invest exclusively in short-term (1-day to 1-year) debt obligations such as Treasury bills, certificates of deposit, and commercial paper. The principal objective is the preservation of capital and generation of current income.

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION (NRSRO):

The formal term to describe a credit rating agency that is registered with the U.S. securities and exchange commission's office of credit ratings. Ratings provided by NRSROs are used frequently by investors and are used as benchmarks by federal and state agencies. Examples include Moody's, Standard and Poor's, and Fitch.

OFFER: The price asked by a seller of securities. See Ask Price and Bid Price.

OPTION: A contract that provides the right or obligation, depending on the buyer or seller's position within the contract, to buy or to sell a specific amount of a specific security within a predetermined time period at a specified price. A call option provides the right to buy the underlying security. A put option provides the right to sell the underlying security. The seller of the contracts is called the writer.

PORTFOLIO: A collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL ONLY STRIPS: Securities with cash flow based entirely on the principal payments received from an obligation.

RANGE NOTES: A range note is a bond that pays interest if a specified interest rate remains above or below a certain level and/or remains within a certain range.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or

its current market price.

REPURCHASE AGREEMENT (RP, Repo): A contractual transaction between an investor and an issuing financial institution (bank or securities dealer). The investor exchanges cash for temporary ownership or control of collateral securities, with an agreement between the parties that on a future date, the financial institution will repurchase the securities.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held by the bank in the customer's name.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION (SEC): A federal government agency comprised of five commissioners appointed by the President and approved by the Senate. The SEC was established to protect the individual investor from fraud and malpractice in the marketplace. The Commission oversees and regulates the activities of registered investment advisers, stock and bond markets, broker/dealers, and mutual funds.

STATE OBLIGATIONS: Registered treasury notes or bonds of the 50 United States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the 50 United States.

STRIPS: Bonds, usually issued by the U.S. Treasury, whose two components, interest and repayment of principal, are separated and sold individually as zero-coupon bonds. Strips are an acronym for Separate Trading of Registered Interest and Principal of Securities.

SUPRANATIONALS: International financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe.

TRUSTEE: An individual or organization, which holds or manages and invests assets for the benefit of another. The trustee is legally obliged to make all trust-related decisions with the trustee's interests in mind, and may be liable for damages in the event of not doing so.

U.S. AGENCY OBLIGATIONS: Federal agency or United States government-sponsored enterprise obligations (GSEs), participations, or other instruments. The obligations are issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. Issuers include: Fannie Mae, Farmer Mac, Federal Farm Credit Banks, Freddie Mac, Federal Home

Loan Banks, Financing Corporation, Tennessee Valley Authority, Resolution Trust Funding Corporation, World Bank, Inter-American Development Bank, and PEFCO.

U.S. TREASURY OBLIGATIONS (TREASURIES): Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk and are the benchmark for interest rates on all other securities in the U.S. and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury Bills: All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury Bills (T-bills). The Treasury currently issues 3-month and 6-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth cash flows.

Treasury Notes: All securities issued with initial maturities of 2- to 10-years are called Treasury Notes (T-notes), and pay interest semi-annually.

Treasury Bonds: All securities issued with initial maturities greater than 10-years are called Treasury Bonds (T-bonds). Like Treasury Notes, they pay interest semi-annually.

WAL: Weighted Average Life: Is the weighted average time for principal repayment, that is, the average time it takes for every dollar of principal to be repaid. The time weights are based on the principal payments, i.e., the years with more principal payments will have a higher weight..

YIELD: The rate of annual income return on an investment, expressed as a percentage. Yield does not include capital gains.

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 purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

ZERO-COUPON BOND: A bond on which interest is not payable until maturity (or earlier redemption), but compounds periodically to accumulate to a stated maturity amount. Zero-coupon bonds are typically issued at a discount and repaid at par upon maturity.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: ACT 22-119

DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT

Overview of Funds at the East Bay Community Foundation

RECOMMENDATION

That the Committee receives the report on the East Bay Community Foundation (EBCF) and Hayward Community Foundation funds.

SUMMARY

The purpose of this report is to provide an overview of the funds that the City currently holds with the East Bay Community Foundation (EBCF). In addition, this report provides an update on cannabis revenue and seeks feedback on the appropriation of that revenue towards the Hayward Community Foundation, consistent with prior Council direction.

ATTACHMENTS

Attachment I Staff Report



DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: City Manager

SUBJECT: Overview of Funds at the East Bay Community Foundation

RECOMMENDATION

That the Committee receives the report on the East Bay Community Foundation (EBCF) and Hayward Community Foundation funds.

SUMMARY

The purpose of this report is to provide an overview of the funds that the City currently holds with the East Bay Community Foundation (EBCF). In addition, this report provides an update on cannabis revenue and seeks feedback on the appropriation of that revenue towards the Hayward Community Foundation, consistent with prior Council direction.

BACKGROUND AND DISCUSSION

Cannabis Revenue and the Proposed Hayward Community Foundation

In November 2016, 60 percent of Hayward voters approved Measure EE, establishing a general tax of no more than 15 percent of gross receipts for all products associated with medical or adult use of cannabis. Council set the Measure EE tax rate at 6 percent of gross receipts in March 2018 and increased the tax rate to 7 percent in October 2019. At that time, Council authorized that the 7 percent tax rate would be allocated in a way to support community benefits. Council directed that one-seventh of the cannabis tax revenue collected would be set aside to build funding for future community benefits.

In FY 2022, the City of Hayward received \$842,860 from cannabis revenue, bringing the total amount of cannabis revenue collected to \$1,284,736 since the general tax was approved by the Hayward voters. There is currently one cannabis dispensary operating in Hayward.

In keeping with Council's direction, one-seventh of the FY 2022 cannabis tax collected will result in the allocation of \$120,409 to a separate fund (Hayward Community Foundation) designated to track those funds for future community benefit programming efforts. The

appropriation of FY 2022 cannabis tax revenue collected will be included in the FY 2023 mid-year budget. The total appropriation of \$120,409 for cannabis tax revenue was collected in FY 2022, bringing the total collected to \$183,534.

Council has also indicated support for waiting until \$1 million in cannabis-related funds are collected before dispersing funds from the Hayward Community Foundation. Staff plans to retain the funds in the City's accounts until \$1 million has accumulated to avoid paying annual administrative fees through EBCF or any other foundation. Until then, staff will continue to assess its partnership with EBCF to evaluate if it is the right organizational fit for this purpose.

Existing Funds at EBCF

Stack Center Capital Campaign Fund: In June 2021, the City partnered with EBCF to set up a fund to raise money for the Stack Youth and Family Center construction. So far, the fund has received \$3,193 from 32 donors. Funds were primarily received in the summer of 2021. Staff is working with a fundraising consultant for this project, and anticipates restarting the fundraising outreach to community members again in the next couple of months. Staff is continuing to work with EBCF to ensure that thank you letters are sent to donors.

Leadership Changes at EBCF

Last month, the Board of Directors at EBCF announced that Brandi Howard will join the Foundation as their new CEO on November 14, 2022. For the past year, the Foundation has had an interim CEO. Staff will meet with Ms. Howard in December or January to discuss the Foundation's capacity to meet Hayward's needs.

NEXT STEPS

Depending on the direction from this Committee, staff plans to take the following steps:

1. Bring an appropriation at mid-year to set aside \$120,409 of the FY 2022 cannabis revenue in a separate City fund for future distribution to the Hayward Community Foundation or other appropriate community benefit mechanism once the \$1 million threshold has been reached.
2. Continue to assess the partnership with EBCF to evaluate if it is the right organizational fit for the management of the Hayward Community Foundation funds.

Prepared by: Nicholas Mullins, Management Analyst
Jessica Lobedan, Community Services Manager
Mary Thomas, Management Analyst

Recommended by: Dustin Claussen, Director of Finance

Approved by:

A handwritten signature in black ink, appearing to read 'McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: ACT 22-120

DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT

Transient Occupancy Tax (TOT) Review

RECOMMENDATION

That the Committee provides feedback on this analysis and considers whether or not to adjust the City's TOT rate that Hayward voters approved by passing Measure NN in November 2020, allowing for a rate up to 14 percent.

SUMMARY

This report provides a review of the City's current TOT rate, and consideration for increasing the TOT rate in accordance with Measure NN, a voter-approved ballot measure, which authorized Council to adjust the TOT rate from 8.5 percent up to a maximum of 14 percent. In November 2020, the City continued to balance the impacts related to the economic uncertainties around the COVID crisis. At that time, Council directed staff to keep the TOT rate at its current rate of 8.5 percent to allow hoteliers time to recover from the pandemic. Council requested that an adjustment to the TOT rate be reviewed and considered when the economy recovered from the impacts of the pandemic.

The report provides an overview of the TOT rate and consideration for adjusting the TOT rate from 8.5 percent up to no more than 14 percent.

ATTACHMENTS

Attachment I Staff Report



DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT: Transient Occupancy Tax (TOT) Review

RECOMMENDATION

That the Committee provides feedback on this analysis and considers whether or not to adjust the City's TOT rate that Hayward voters approved by passing Measure NN in November 2020, allowing for a rate up to 14 percent.

SUMMARY

This report provides a review of the City's current TOT rate, and consideration for increasing the TOT rate in accordance with Measure NN, a voter-approved ballot measure, which authorized Council to adjust the TOT rate from 8.5 percent up to a maximum of 14 percent. In November 2020, the City continued to balance the impacts related to the economic uncertainties around the COVID crisis. At that time, Council directed staff to keep the TOT rate at its current rate of 8.5 percent to allow hoteliers time to recover from the pandemic. Council requested that an adjustment to the TOT rate be reviewed and considered when the economy recovered from the impacts of the pandemic.

The report provides an overview of the TOT rate and consideration for adjusting the TOT rate from 8.5 percent up to no more than 14 percent.

BACKGROUND

In January 2020, staff updated the Council Budget and Finance Committee on the City's Long-Range Financial Model. At the time, staff assumptions included a mild recession in FY 2021, resulting in a structural deficit in FY 2021, falling below the 20% target General Fund reserve in FY 2022, and depletion of the General Fund reserve by FY 2024. The Council Budget and Finance Committee requested an updated analysis of a potential ballot measure increasing the TOT and that direction be presented to the full Council.

In June 2020¹, Council was presented with a comparative analysis of TOT rates and revenues in neighboring agencies, as well as the presentation of the results of 2017 voter polling in comparison with election results from Bay Area cities that had previously presented ballot measures to voters. The analysis found that Hayward had the lowest TOT rate and ranked eleventh in per-capita TOT revenues of the sixteen Bay Area cities with populations over 100,000. At the time, past polling found that an increase in TOT was supported by approximately two-thirds of registered Hayward voters.

On July 14, 2020², Council authorized actions to place an increase in the City's TOT from 8.5 percent up to 14 percent before the voters of Hayward at the November 3, 2020, election. In November 2020, the voters of Hayward passed Measure NN, which allowed for an increase to the TOT from 8.5 percent to no more than 14 percent.

DISCUSSION

Recently, staff compared the City's TOT rate of 8.5 percent to that of sixteen other cities in the Bay Area with populations over 100,000. The City's current TOT rate remains the lowest among neighboring agencies. However, with the passage of Measure NN, Council has the authority to adjust the TOT rate up to 14 percent, which would place the City TOT rate within the highest rate compared to neighboring cities. In 2020, when Measure NN was approved by the Hayward voters, Council directed staff to hold the rate at 8.5 percent to allow local hoteliers to recover from the impacts of the pandemic. Table 1 below provides a comparison of current TOT rates among neighboring cities:

Table 1: Comparison of Current TOT Rates

City	TOT Rate
San Francisco	14.00%
Oakland	14.00%
San Mateo	14.00%
Fairfield	13.00%
Daly City	13.00%
Sunnyvale	12.50%
Berkeley	12.00%
Santa Clara	11.50%
Vallejo	11.00%
San Jose	10.00%
Fremont	10.00%
Concord	10.00%
Richmond	10.00%
Antioch	10.00%
Santa Rosa	9.00%
Hayward	8.50%

¹ [CITY OF HAYWARD - File #: LB 20-030 \(legistar.com\)](#)

² [CITY OF HAYWARD - File #: LB 20-038 \(legistar.com\)](#)

Prior to the pandemic, the TOT rate was set at 8.5 percent, generating approximately \$2.5 million in General Fund revenue per year in the five fiscal years proceeding that time. Projections for prior years, assuming higher rates had been in place, can be seen in Table 2, below. These rates reflect pre-pandemic revenue collection.

Table 2: TOT Revenue Under Different Rate Scenarios in FY 2015 through FY 2019

Fiscal Year	8.5% (Actual)	10%	12%	14%
FY 2015	\$ 2,033,057	\$ 2,391,831	\$ 2,870,197	\$ 3,348,564
FY 2016	\$ 2,591,468	\$ 3,048,786	\$ 3,658,543	\$ 4,268,300
FY 2017	\$ 2,559,873	\$ 3,011,615	\$ 3,613,938	\$ 4,216,261
FY 2018	\$ 2,808,158	\$ 3,303,715	\$ 3,964,458	\$ 4,625,201
FY 2019	\$ 2,822,564	\$ 3,320,663	\$ 3,984,796	\$ 4,648,929
Average	\$ 2,563,024	\$ 3,015,322	\$ 3,618,387	\$ 4,221,451

However, directly impacted by the implication of the COVID crisis, FY 2020 and FY 2021 revenues significantly declined. In FY 2022, TOT revenue is beginning to show signs of recovery with an increase of approximately \$0.5 million over FY 2021 in actual revenue collected. Table 3, below, provides updated projections for the last three years, since Measure NN was approved by Hayward voters. The table illustrates the impacts on the revenue source should higher rates have been in place during the past three fiscal years.

Table 3: TOT Revenue Under Different Rate Scenarios in FY 2020 through FY 2022

Fiscal Year	8.5% (Actual)	10%	12%	14%
FY 2020	\$2,186,926	\$2,572,854	\$3,087,425	\$3,601,996
FY 2021	\$1,552,148	\$1,826,056	\$2,191,268	\$2,556,479
FY 2022	\$1,978,905	\$2,328,124	\$2,793,748	\$3,259,373
Average	\$1,905,993	\$2,242,345	\$2,690,814	\$3,139,283

As illustrated in Table 3, if a 12 percent TOT had been in place since FY 2020, it would have generated an average of \$2.6 million per year, or a projected increase between \$0.6 million and \$0.9 million annually.

Staff would like to receive input from the Committee as to whether an increase in the TOT should be recommended to the City Council at this time.

FISCAL IMPACT

Prior to the COVID crisis, the TOT rate was set at 8.5 percent and generated approximately \$2.5 million in General Fund revenue per year in the five fiscal years proceeding that time.

As the City continues to recover from the impacts of the pandemic, the TOT revenue is expected to return to pre-pandemic levels, where the City collected on average \$2.5 million annually at a TOT rate of 8.5 percent. Should the City Council choose to exercise its right to

adjust the TOT rate up to 14 percent, the increase would result in positive impacts on the General Fund. If a 12 percent TOT rate was approved, using the pre-pandemic TOT annual average revenue, shown in Table 2, the City could potentially realize an increase of approximately \$1.0 annually in General Fund revenue.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Organizational Health. Specifically, this item relates to the implementation of the following project(s):

Project 1, Part 1.a: Maintain and Expand Fiscal Sustainability: Evaluate an increase in the Transient Occupancy Tax.

NEXT STEPS

If the Committee supports the consideration of adjusting the TOT rate in accordance with the voter-approved Measure NN, staff will provide the full City Council with an update and review of the TOT rate and analysis for consideration.

Prepared by: Nicole Gonzales, Deputy Director of Finance

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: ACT 22-117

DATE: November 16, 2022

TO: Council Budget and Finance Committee

FROM: Director of Finance

SUBJECT

Review and Approve the FY 2023 Agenda Planning Calendar

RECOMMENDATION

That the Council Budget and Finance Committee reviews and approves the FY 2023 Agenda Planning Calendar.

SUMMARY

The FY 2023 Agenda Planning Calendar suggests agenda topics for the year for the Committee's consideration.

ATTACHMENTS

Attachment I FY 2023 Agenda Planning Calendar



**COUNCIL BUDGET AND FINANCE COMMITTEE
FY 2023 Agenda Planning Calendar
November 16, 2022**

Meeting Location: Remote Participation

Meeting Time: 5:00 p.m.

Meeting Dates: The Council Budget & Finance Committee generally meets monthly on the 3rd Wednesday of the month, except for July and August, due to City Council Break. Special meetings will be scheduled as determined necessary by the Committee or the City Manager.

DATE	SUGGESTED TOPICS (subject to change)
November 16, 2022	Investment Portfolio Review and FY 2023 Statement of Investment Policy Update (External Investment Manager) Hayward Community Foundation Update Transient Occupancy Tax Review
December 21, 2022 <i>*(rescheduling)</i>	Presentation of FY 2022 Annual Audit
January 18, 2023	FY 2024 Budget Process and Calendar Review Annual Comprehensive Financial Report for the Year Ended June 30, 2022
February 15, 2023	FY 2023 Mid-Year Budget Review and General Fund Long Range Financial Model Update
March 15, 2023	Discussion on Mayor & City Council FY 2024 Budget FY 2024 Budget Process Update
April 19, 2023	FY 2024 Proposed Budget Discussion
May 17, 2023	Annual Review of City Issued Debt Annual City Benefit Liabilities and Funding Plan Review
June 21, 2023	FY 2024 Budget Process Debrief (Oral Presentation)

**Pending date*

**Non-scheduled future agenda topics:
(Cont'd on following page)**

- Fleet Utilization Study
- Pension Obligation Funds (as Updates Available)
- Additional Payment OPEB Trust
- Public Bank East Bay
- 238 Parcel Sales Update (Timing TBD on Transactions)