

ORDINANCE NO. 89-14

AN ORDINANCE AUTHORIZING THE INVESTMENT OF SURPLUS PUBLIC FUNDS IN THE CONTROL OR POSSESSION OF NASSAU COUNTY, FLORIDA, IN CERTAIN BANK DEPOSITS AND OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. This ordinance is enacted pursuant to Section 125.31, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

A. Section 125.31(1), Florida Statutes, authorizes a county to enact an ordinance specifying investments for surplus public funds in its control or possession, if the desired investments are not otherwise set forth in Section 125.31, Florida Statutes.

B. Nassau County, Florida (the "County"), from time to time considers bond financing for certain public improvements and desires maximum flexibility in the investment of proceeds from the sale of the bonds and the security for payment of the bonds, and any other funds that may come into its possession or control.

C. Notice of intent to consider this ordinance has been published and made available to the public for inspection in the manner provided by law.

SECTION 3. INVESTMENT OF SURPLUS PUBLIC FUNDS. Any surplus public funds in the possession or control of the County may be invested in the following manner:

A. Direct obligations or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America (the "Government Obligations"), or receipts, certificates or other similar documents evidencing ownership of future principal or interest payments due on Government Obligations, which Government Obligations are held in a custody or trust account by a bank or savings and loan association which is either (1) a "qualified public depository" under the laws of the State of Florida or (2) has capital, surplus and undivided profits of not less than \$50,000,000, and which

is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as applicable.

B. Bonds, debentures, notes, participation certificates or other evidences of indebtedness issued, or the principal of and interest on which are unconditionally guaranteed, by the Federal Home Loan Bank System, the Export-Import Bank of the United States, the Federal Financing Bank, the Government National Mortgage Association, the Farmers Home Administration, the Federal Housing Administration or the Maritime Administration.

C. Deposits in any commercial bank or savings and loan association which is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as applicable, and is a "qualified public depository" under the laws of the State of Florida.

D. Repurchase agreements, fully and continuously secured by Government Obligations, with any bank, trust company, national banking association or savings and loan association which is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as applicable, and is a "qualified public depository" under the laws of the State of Florida; or with any registered government bond broker/dealer which is subject to the jurisdiction of the Securities Investors' Protection Corporation; provided, (1) such Government Obligations are held by the County or a third party which is (a) a Federal Reserve Bank, or (b) a bank or savings and loan association which is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as applicable, and is a "qualified public depository" under the laws of the State of Florida, or (c) a bank or savings and loan association approved in writing for such purposes by the municipal bond insurer, if applicable; and the County shall have received written confirmation from the third party that it holds such Government Obligations; and (2) a perfected first security interest in such Government Obligations is created for the benefit of the County.

E. Shares in a money market fund, the investments of which are exclusively in Government Obligations.

F. Any other agreements for the investment of money between the County and a bank, trust company, national banking association or corporation subject to registration with the Board of Governors of the Federal Reserve System under the Bank Holding Company Act of 1956 or the Federal National Mortgage Association, or any corporation, including insurance companies, (1) whose unsecured obligations or uncollateralized long term debt obligations have been assigned ratings by Standard & Poor's Corporation, New York, New York ("S&P"), and Moody's Investors Service, New York, New York ("Moody's"), which are equal to or higher than the ratings initially assigned by S&P and Moody's to the bonds then being issued by the County, or (2) which has issued a letter of credit contract, agreement or surety bond in support of debt obligations which have been so rated.

G. Any other investments authorized or permitted from time to time by Section 125.31, Florida Statutes, or any other law of the State of Florida controlling the investment of surplus public funds of a county.

The County shall, in any resolution authorizing the issuance of its bonds and providing for the investment of the proceeds of the sale of such bonds, select all or any portion of the above investment vehicles as permitted investments under such resolution, and, in its discretion, may provide additional restrictions to such investments in the resolution.

SECTION 4. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separable from the remaining provisions and shall in no way affect the validity of any of the other provisions hereof.


SECTION 5. REPEALING CLAUSE. All ordinances or parts thereof of the county in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

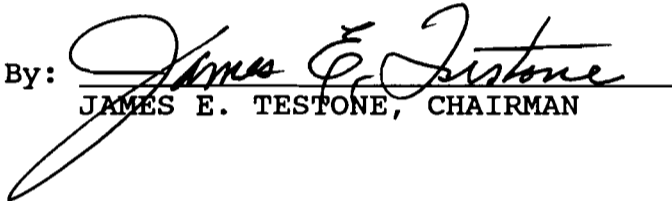
SECTION 6. EFFECTIVE DATE. A certified copy of this ordinance, as enacted, shall be filed by the Clerk of the Board of County Commissioners of the County with the Office of the Secretary of State of the State of Florida within 10 days after enactment, and this ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with such office.

Enacted May 23, 1989.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

ATTEST;

By: 
T. J. GREESON, CLERK

By: 
JAMES E. TESTONE, CHAIRMAN