

# Utah Money Management Council

350 N. State Street, Suite 180  
P. O. Box 142315  
Salt Lake City, Utah 84114-2315  
(801) 538-1883 (801) 538-1465 Fax  
mmcouncil@utah.gov



MONEY MANAGEMENT COUNCIL MEETING  
THURSDAY JANUARY 16, 2014  
AT THE UTAH STATE TREASURER'S OFFICE  
ROOM 180  
3:00 PM

## A G E N D A

1. APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2013 MEETING
2. MONTHLY REPORTS
  - A) Division of Securities
  - B) Department of Financial Institutions
  - C) Deposit and Investment report update
  - D) Review of enforcement actions on financial institutions
3. 5 YEAR RULE REVIEW OF RULE 19
4. OTHER BUSINESS AS NEEDED
5. SCHEDULE NEXT MEETING

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Kathy Wilkey, Administrative Assistant, at Room 180 State Capitol Building, (801) 538-1468.

Mark O. McRae, Chair  
Bountiful City  
790 South 100 East  
Bountiful, UT 84010  
Phone (801) 298-6090  
mmcrae@bountifulutah.gov

Mark D. Watkins, Vice Chair  
US Bank  
170 South Main St., Ste 600  
Salt Lake City, UT 84101  
Phone (801) 534-6209  
mark.d.watkins@usbank.com

Kirt Slauch  
Key Bank  
36 S. State Street, Ste 2500  
Salt Lake City UT 84111  
Phone (801) 297-5717  
kirt\_w\_slauch@keybank.com

John B. Bond  
Weber County  
2380 Washington Blvd., Ste 350  
Ogden, UT 84401  
Phone (801) 399-8007  
jbond@co.weber.ut.us

Douglas L. DeFries  
Bank of Utah  
2605 Washington Blvd.  
Ogden, UT 84401  
Phone (801) 409-5175  
ddefries@bankofutah.com

**STATE MONEY MANAGEMENT COUNCIL-MINUTES  
THURSDAY DECEMBER 19, 2013**

The regular meeting of the State Money Management Council was held in the Offices of the State Treasurer, 350 North State Street, Suite 180 at 3:00 p.m., Thursday, December 19, 2013. In attendance were:

Mark McRae, Chair  
Kirt Slaugh  
Ann Pedroza, Staff  
Richard Ellis, State Treasurer  
David Damschen, Deputy State Treasurer  
Scott Burnett, Zions Wealth Advisors  
In attendance by phone were:  
John Bond  
Doug DeFries  
Tom Bay, Department of Financial Institutions

**Minutes of November Meeting**

The minutes of the November 21, 2013 meeting were approved unanimously.

**Monthly Reports**

**Securities Division:**

Ms. Black sent an e-mail noting that there were no changes to the Securities Division's reports.

**Financial Institutions' Report:**

Mr. Bay presented the January 1, 2014 quarterly certification of public funds allotments for Qualified Depositories noting that the new addition of Web Bank as presented in the last meeting was on the list. He informed the Council that there were no other changes of note to the list.

Mr. Bay then reviewed the monthly report as of November month end noting that three banks are currently utilizing over 50% of their maximum allotment. They are Gunnison Valley Bank, The Village Bank and Utah Independent Bank. Mr. Bay noted that he has sent Gunnison Valley Bank and The Village Bank the quarterly letter noting that they are over 80% of their maximum uninsured public funds allotment. Council discussed this briefly.

**Late Deposit and Investment Report Update:**

Ms. Pedroza noted for the Council that there are 30 reports that have not been filed for the June 2013 reporting period.

**Review of Enforcement Actions:**

Mr. Damschen informed the Council that there were no new enforcement actions since the last meeting.

**Acceptance of Reports:**

It was motioned and seconded, and all of the above reports were accepted unanimously.

### **Other Business**

Ms. Pedroza informed the Council that included in the packet was an Affidavit from Mr. Slaugh noting that if there are any actions taken by the Council that affect Key Bank he will recuse himself from the action. Ms. Pedroza noted that while reviewing her pas files, there had been affidavits on file for members that were representing financial institutions. She suggested that this been done for all other current members. Council discussed this briefly and asked Ms. Pedroza to follow up.

Ms. Pedroza informed the Council that the two rules have been submitted to the Division of Administrative Rules and will be published for comment as of January 1, 2014. They can be made effective as early as February 7, 2014. Council discussed this briefly with Mr. Ellis noting that if there are comments the Council should probably review them before making the rules effective.

Mr. McRae asked Mr. Bond how the two training sessions with Mr. Watkins went and Mr. Bond responded that they had discussed the new rules and also discussed with public entities how to be prepared to work with their councils if pressured to reach for yield. Council discussed this briefly.

Ms. Pedroza informed the Council that the quarterly mailing and the newsletter will go out as of the beginning of January. She asked if someone wanted to provide an article for the newsletter as discussed in the last meeting. Council discussed this briefly and Mr. Slaugh offered to work on this.

### **Schedule Next Meeting**

The Council then scheduled the next meeting for January 16, 2014 at 3:00 p.m. in the offices of the State Treasurer. With no other business before the Council, they adjourned at 3:26 p.m.



State of Utah  
 Department of Commerce  
 Division of Securities

GARY R. HERBERT  
 Governor

SPENCER J. COX  
 Lieutenant Governor

FRANCINE A. GIANI  
 Executive Director

KEITH WOODWELL  
 Director, Division of Securities

TO: Money Management Council  
 FROM: Michele Black, Division of Securities  
 RE: Current List Certified Dealer  
 DATE: January 16, 2014

The following is the list of Certified Dealers and Agent(s) effective **January 16, 2014**:

**Ameriprise Financial Services, Inc.**

Agents:	Daniel S. Nelsen	7730 Union Park Avenue, Suite 300 Midvale, UT 84047
	Bruce R. Wingrove	" "
	Rex Baxter	" "

**Barclays Capital Inc.**

Agents:	Peter Bjurstein	555 California Street, 30th Floor San Francisco, CA 94104
---------	-----------------	--

**BNP Paribas Securities Corp.**

Agents:	Amit Ashok Jogal	2527 Camino Ramon San Ramon, CA 94583
	Alexandra Maria Linden	" "
	Paul Thomas Montaquila	" "
	Anthony Hoan Pham	" "
	Kari Prichard	" "

**DA Davidson & Co.**

Agents:	Hank Jenkins	1600 Broadway, Suite 1100 Denver, CO 80202
	Traci Lohnes Salinas	7730 South Union Park Avenue, Suite 220 Midvale, UT 84047
	Nicholas Yip	" "

**George K. Baum & Company**

Agents: Susan P. Gardner

Joseph C. Higginbottom

Frederic H. Jones

Stephen L. Strong

Brett C. Turnbull

4801 Main Street, Suite 500

Kansas City, MO 64112

1400 Wewatta Street, Suite 800

Denver, CO 80202

15 West South Temple, #1090

Salt Lake City, UT 84101

“ ”

4801 Main Street, Suite 500

Kansas City, MO 64112

**Goldman Sachs & Co.**

Agents: Ryan Newman

Chris Trinkus

200 West Street 5<sup>th</sup> Floor

New York, NY 10282

“ ”

**Incapital LLC**

Agents: William H. Money III

Marcus Nield

299 South Main Street, Suite 1317

Salt Lake City, UT 84111

“ ”

**LPL Financial LLC**

Agents: Stephen H. Beierlein

Timothy W. Floyd

Chad D. Waddoups

5929 South Fashion Point Drive

Ogden, UT 84403

2104 West Sunset Boulevard

St. George, UT 84770

7181 South Campus View Drive

West Jordan, UT 84084

**Morgan Stanley**

Agents: Cody Adams

Paul Barton

Deidre M. Cortney

Johnthomas L. Cumbow

Douglas Felt

Phil Fonfara

60 East South Temple 20<sup>th</sup> Floor

Salt Lake City, UT 84111

6510 S. Millcreek Drive, Suite 100

Holladay, UT 84121

3033 East 1<sup>st</sup> Avenue, Suite 820

Denver, CO 80206

50 North Laura Street, Suite 2000

Jacksonville, FL 32202

60 E. South Temple

Salt Lake City, UT 84111

1101 5<sup>th</sup> Avenue

San Rafael, CA 94901

**Morgan Stanley cont.**

Agents:	John Hallgren	60 East South Temple Salt Lake City, UT 84111
	Debra Lyman	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121
	Thomas E. Nielson	" "
	John R. Ott	1101 5 <sup>th</sup> Avenue San Rafael, CA 94901
	Brian Parcell	60 E. South Temple Salt Lake City, UT 84111
	Angela Leach Pizzichini	3033 East 1 <sup>st</sup> Avenue, Suite 820 Denver, CO 80206
	Joseph A. Ranucci	50 North Laura Street, Suite 2000 Jacksonville, FL 32202
	F. Barton Reuling	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121
	Robert H. Rose	60 East South Temple Salt Lake City, UT 84111
	Kenneth Webster	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121

**Pierpont Securities, LLC**

Agents:	Jamison Yardley	299 South Main Street, Suite 1300 Salt Lake City, UT 84111
---------	-----------------	---

**Raymond James & Associates, Inc.**

Agents:	Mark McKinnon	2825 East Cottonwood Parkway, Suite 500 Salt Lake City, UT 84124
---------	---------------	---

**RBC Capital Markets, LLC**

Agents:	Todd N. Adams	299 South Main Street, #2000 Salt Lake City, UT 84111
	Eric Ajlouny	345 California Street San Francisco, CA 94104
	Eddie Barber Jr.	299 South Main Street, #2000 Salt Lake City, UT 84111
	Scott Chappell	" "
	Robert S. Cheney	" "
	Walter Hall	345 California, 29 <sup>th</sup> Floor San Francisco, CA 94104
	Tracy L. Maltby	805 SW Broadway, Suite 1800 Portland, OR 97205

**RBC Capital Markets, LLC cont.**

Agents: Craig Martucci	299 South Main Street, #2000 Salt Lake City, UT 84111
Ronald N. Mason	" "
Bradley T. Miller	" "
Brent Peterson	805 SW Broadway, Suite 1800 Portland, OR 97205
Patrick Porter	299 South Main Street, Suite 2000 Salt Lake City, UT 84111
John Styrbicki	60 South 6 <sup>th</sup> Street Minneapolis, MN 55402
Russell Tobler	299 South Main Street, Suite 2000 Salt Lake City, UT 84111
Sam Vetas	" "
Michael Zetahmeyer	60 South 6 <sup>th</sup> Street Minneapolis, MN 55402

**Robert W. Baird & Co. Incorporated**

Agents: Donald Eckstein	4017 Hillsboro Pike Suite 403 Nashville, TN 37215
Dean R. Cottle	222 South Main Street, Suite 1840 Salt Lake City, UT 84101

**UBS Financial Services Inc.**

Agents: Don M. Bunnell	299 South Main, Suite 2100 Salt Lake City, UT 84111
Barry B. Bowen	" "
John Doke	100 Crescent Court, Suite 600 Dallas, TX 75201
Matthew J. Hufford	299 South Main, Suite 2100 Salt Lake City, UT 84111
Fred C. Luedke	100 Crescent Court, Suite 600 Dallas, TX 75201
Jim Madden	" "
Nat Mosley	" "
Christopher Soutas	299 South Main, Suite 2100 Salt Lake City, UT 84111

**Wells Fargo Advisors LLC**

Agents: Daniel Payne	201 South Main Street, Suite 160 Salt Lake City, UT 84101
David Payne	" "
Timothy Payne	" "

**Wells Fargo Advisors LLC cont.**

Agents: R. Dane Bradshaw

6550 South Millrock Drive  
Holladay, UT 84121

Josh G. Burgon

“

“

**Wells Fargo Securities LLC**

Agents: Benjamin Byington

299 South Main Street  
Salt Lake City, UT 84111

Thomas Degenaars

“

“

Brandon Hodge

“

“

Larry Lundberg

1445 Ross Avenue  
Dallas, TX 75202

Chandos Robertson

299 South Main Street  
Salt Lake City, UT 84111

Ryan Stoker

“

“

Randy Church

“

“

**Zions Bank Capital Markets**

Agents: Veronica Atkinson

One South Main Street, 17<sup>th</sup> Floor  
Salt Lake City, UT 84133

Kindra Corbin

“

“

Jacqueline Davies

“

“

Neil Decker

“

“

Wendy Jones

“

“

Brad Mayeda

“

“

Daniel Ricks

“

“

Ty Roberts

“

“

Ben Sehy

“

“

Kathy Sullivan

“

“

**Zions Direct, Inc.**

Agents: Veronica Atkinson

One South Main Street, 17<sup>th</sup> Floor  
Salt Lake City, UT 84133

Kindra Corbin

“

“

Jacqueline Davies

“

“

Neil Decker

“

“

Wendy Jones

“

“

Brad Mayeda

“

“

Daniel Ricks

“

“

Ty Roberts

“

“

Ben Sehy

“

“

Kathy Sullivan

“

“



State of Utah  
 Department of Commerce  
 Division of Securities

GARY R. HERBERT  
 Governor

SPENCER J. COX  
 Lieutenant Governor

FRANCINE A. GIANI  
 Executive Director

KEITH WOODWELL  
 Director, Division of Securities

TO: Money Management Council  
 FROM: Michele Black, Division of Securities  
 RE: Current List Certified Dealer  
 DATE: January 16, 2014

The following is the list of Certified Dealers and Agent(s) effective January 16, 2014:

**Ameriprise Financial Services, Inc.**

Agents:	Daniel S. Nelsen	7730 Union Park Avenue, Suite 300 Midvale, UT 84047
	Bruce R. Wingrove	" "
	Rex Baxter	" "

**Barclays Capital Inc.**

Agents:	Peter Bjurstein	555 California Street, 30th Floor San Francisco, CA 94104
---------	-----------------	--

**BNP Paribas Securities Corp.**

Agents:	Amit Ashok Jogal	2527 Camino Ramon San Ramon, CA 94583
	Alexandra Maria Linden	" "
	Paul Thomas Montaquila	" "
	Anthony Hoan Pham	" "
	Kari Prichard	" "

**DA Davidson & Co.**

Agents:	Hank Jenkins	1600 Broadway, Suite 1100 Denver, CO 80202
	Traci Lohnes Salinas	7730 South Union Park Avenue, Suite 220 Midvale, UT 84047
	Nicholas Yip	" "

**George K. Baum & Company**

Agents: Susan P. Gardner

Joseph C. Higginbottom

Frederic H. Jones

Stephen L. Strong

Brett C. Turnbull

4801 Main Street, Suite 500

Kansas City, MO 64112

1400 Wewatta Street, Suite 800

Denver, CO 80202

15 West South Temple, #1090

Salt Lake City, UT 84101

“ ”

4801 Main Street, Suite 500

Kansas City, MO 64112

**Goldman Sachs & Co.**

Agents: Ryan Newman

Chris Trinkus

200 West Street 5<sup>th</sup> Floor

New York, NY 10282

“ ”

**Incapital LLC**

Agents: William H. Money III

Marcus Nield

299 South Main Street, Suite 1317

Salt Lake City, UT 84111

“ ”

**LPL Financial LLC**

Agents: Stephen H. Beierlein

Timothy W. Floyd

Chad D. Waddoups

5929 South Fashion Point Drive

Ogden, UT 84403

2104 West Sunset Boulevard

St. George, UT 84770

7181 South Campus View Drive

West Jordan, UT 84084

**Morgan Stanley**

Agents: Cody Adams

Paul Barton

Deidre M. Cortney

Johnthomas L. Cumbow

Douglas Felt

Phil Fonfara

60 East South Temple 20<sup>th</sup> Floor

Salt Lake City, UT 84111

6510 S. Millcreek Drive, Suite 100

Holladay, UT 84121

3033 East 1<sup>st</sup> Avenue, Suite 820

Denver, CO 80206

50 North Laura Street, Suite 2000

Jacksonville, FL 32202

60 E. South Temple

Salt Lake City, UT 84111

1101 5<sup>th</sup> Avenue

San Rafael, CA 94901

**Morgan Stanley cont.**

Agents:	John Hallgren	60 East South Temple Salt Lake City, UT 84111
	Debra Lyman	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121
	Thomas E. Nielson	" "
	John R. Ott	1101 5 <sup>th</sup> Avenue San Rafael, CA 94901
	Brian Parcell	60 E. South Temple Salt Lake City, UT 84111
	Angela Leach Pizzichini	3033 East 1 <sup>st</sup> Avenue, Suite 820 Denver, CO 80206
	Joseph A. Ranucci	50 North Laura Street, Suite 2000 Jacksonville, FL 32202
	F. Barton Reuling	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121
	Robert H. Rose	60 East South Temple Salt Lake City, UT 84111
	Kenneth Webster	6510 S. Millrock Drive, Suite 100 Holladay, UT 84121

**Pierpont Securities, LLC**

Agents:	Jamison Yardley	299 South Main Street, Suite 1300 Salt Lake City, UT 84111
---------	-----------------	---

**Raymond James & Associates, Inc.**

Agents:	Mark McKinnon	2825 East Cottonwood Parkway, Suite 500 Salt Lake City, UT 84124
---------	---------------	---

**RBC Capital Markets, LLC**

Agents:	Todd N. Adams	299 South Main Street, #2000 Salt Lake City, UT 84111
	Eric Ajlouny	345 California Street San Francisco, CA 94104
	Eddie Barber Jr.	299 South Main Street, #2000 Salt Lake City, UT 84111
	Scott Chappell	" "
	Robert S. Cheney	" "
	Walter Hall	345 California, 29 <sup>th</sup> Floor San Francisco, CA 94104
	Tracy L. Maltby	805 SW Broadway, Suite 1800 Portland, OR 97205

**RBC Capital Markets, LLC cont.**

Agents: Craig Martucci	299 South Main Street, #2000 Salt Lake City, UT 84111
Ronald N. Mason	" "
Bradley T. Miller	" "
Brent Peterson	805 SW Broadway, Suite 1800 Portland, OR 97205
Patrick Porter	299 South Main Street, Suite 2000 Salt Lake City, UT 84111
John Styrbicki	60 South 6 <sup>th</sup> Street Minneapolis, MN 55402
Russell Tobler	299 South Main Street, Suite 2000 Salt Lake City, UT 84111
Sam Vetas	" "
Michael Zetahmeyer	60 South 6 <sup>th</sup> Street Minneapolis, MN 55402

**Robert W. Baird & Co. Incorporated**

Agents: Donald Eckstein	4017 Hillsboro Pike Suite 403 Nashville, TN 37215
Dean R. Cottle	222 South Main Street, Suite 1840 Salt Lake City, UT 84101

**UBS Financial Services Inc.**

Agents: Don M. Bunnell	299 South Main, Suite 2100 Salt Lake City, UT 84111
Barry B. Bowen	" "
John Doke	100 Crescent Court, Suite 600 Dallas, TX 75201
Matthew J. Hufford	299 South Main, Suite 2100 Salt Lake City, UT 84111
Fred C. Luedke	100 Crescent Court, Suite 600 Dallas, TX 75201
Jim Madden	" "
Nat Mosley	" "
Christopher Soutas	299 South Main, Suite 2100 Salt Lake City, UT 84111

**Wells Fargo Advisors LLC**

Agents: Daniel Payne	201 South Main Street, Suite 160 Salt Lake City, UT 84101
David Payne	" "
Timothy Payne	" "

**Wells Fargo Advisors LLC cont.**

Agents: R. Dane Bradshaw

6550 South Millrock Drive  
Holladay, UT 84121

Josh G. Burgon

“ “

**Wells Fargo Securities LLC**

Agents: Benjamin Byington

299 South Main Street  
Salt Lake City, UT 84111

Thomas Degenaars

“ “

Brandon Hodge

“ “

Larry Lundberg

1445 Ross Avenue  
Dallas, TX 75202

Chandos Robertson

299 South Main Street  
Salt Lake City, UT 84111

Ryan Stoker

“ “

Randy Church

“ “

**Zions Bank Capital Markets**

Agents: Veronica Atkinson

One South Main Street, 17<sup>th</sup> Floor  
Salt Lake City, UT 84133

Kindra Corbin

“ “

Jacqueline Davies

“ “

Neil Decker

“ “

Wendy Jones

“ “

Brad Mayeda

“ “

Daniel Ricks

“ “

Ty Roberts

“ “

Ben Sehy

“ “

Kathy Sullivan

“ “

**Zions Direct, Inc.**

Agents: Veronica Atkinson

One South Main Street, 17<sup>th</sup> Floor  
Salt Lake City, UT 84133

Kindra Corbin

“ “

Jacqueline Davies

“ “

Neil Decker

“ “

Wendy Jones

“ “

Brad Mayeda

“ “

Daniel Ricks

“ “

Ty Roberts

“ “

Ben Sehy

“ “

Kathy Sullivan

“ “

<b>TO:</b>	<b>Money Management Council</b>
<b>FROM:</b>	<b>Michele Black, Division of Securities</b>
<b>RE:</b>	<b>Additions to the Certified Dealer List</b>
<b>DATE:</b>	<b>January 16, 2014</b>

The following agents and firms have been added to the existing list for conducting investment transactions with public treasures pursuant to rule 16 of the State Money Management Council.

**Robert W. Baird & Co. Incorporated**

Agents: Donald Eckstein  
Dean R. Cottle

6/30/13  
Late D&I reports  
As of  
01/16/14

Antimony Cemetery 6/10  
East Garland Cemetery 6/11  
Garden City Cemetery 6/12  
So Summit Cemetery 12/12  
Willard Cemetery 12/08

Carbon Co Housing Auth 6/11

Beaver Co Waste Mgt SSD#5 12/12  
Beaver Dam Village SS Dist 12/10 but filed 12/12  
Duchesne Co SS Dist #2 12/12  
Garfield Co SS Dist #1 12/12  
Iron Co SS Dist #3 12/12  
Pinon Forest SS Dist 12/12  
Summit SS Dist 12/12  
West Erda Imp Dist 6/11  
White Hills SS Dist 12/08

Leeds Town 12/12  
Mantua Town 12/12

Utah College of Applied Tech 12/12

Bluff Waterworks SS Dist 6/12  
Box Elder Co Serv Area #2 filed 6/12 but prior  
12/10  
Perry City Flood Control 6/12  
Bristlecone Wtr Imp Dist 6/12  
Cache Co Drain Dist #6 12/12  
E Duchesne Culinary Wtr Imp Dist 6/11  
East Lewiston Drain Dist #4 12/12  
Iowa String Drain Dist 6/12  
Lake Shore & Benjamin Drain Dist 6/10  
Mapleton Irrigation Co 6/11  
Rush Valley Wtr Dist 12/12

Liberty Academy 12/12

**R628. Money Management Council, Administration.**

**R628-19. Requirements for the Use of Investment Advisers by Public Treasurers.**

**R628-19-1. Authority.**

This rule is issued pursuant to Section 51-7-18(2)(b).

**R628-19-2. Scope.**

This rule establishes basic requirements for public treasurers when using investment advisers.

**R628-19-3. Purpose.**

The purpose of this rule is to outline requirements for public treasurers who are considering utilizing investment advisers to invest public funds.

**R628-19-4. Definitions.**

(1) The following terms are defined in Section 51-7-3 of the Act, and when used in this rule, have the same meaning as in the Act:

- (a) "Certified investment adviser";
- (b) "Council";
- (c) "Director"; and
- (d) "Investment adviser representative".

(2) For purposes of this rule:

(a) "Investment adviser" means either a federal covered adviser as defined in Section 61-1-13 or an investment adviser as defined in Section 61-1-13.

**R628-19-5. General Rule.**

1. A public treasurer may use an investment adviser to conduct investment transactions on behalf of the public treasurer as permitted by statute, rules of the Council, and local ordinance or policy.

2. A public treasurer using an investment adviser to conduct investment transactions on behalf of the public treasurer is responsible for full compliance with the Act and rules of the Council.

3. Due diligence in the selection of an investment adviser and in monitoring compliance with the Act and Rules of the Council and the performance of investment advisers is the responsibility of the public treasurer. (The Council advises public treasurers that reliance on certification by the Director may not be sufficient to fully satisfy prudent and reasonable due diligence.)

4. The public treasurer shall assure compliance with the following minimum standards:

(a) A public treasurer may use a Certified investment adviser properly designated pursuant to R628-15.

(b) A public treasurer's use of a Certified investment adviser shall be governed by a written investment advisory services agreement between the public treasurer and the Certified investment adviser. Terms of the agreement shall conform to the requirements of R628-15, and shall be adopted pursuant to all procurement requirements of statute and local ordinance or policy.

(c) Prior to entering into an investment advisory services

agreement with a Certified investment adviser, the public treasurer shall request and the investment adviser shall furnish, the SEC Form ADV Part II for review and consideration by the public treasurer.

(d) All investment transactions and activities of the public treasurer and the Certified investment adviser must be in full compliance with all aspects of the Money Management Act and Rules of the Council particularly those requirements governing criteria for investments, safekeeping, utilizing only certified dealers or qualified dealers, and purchasing only the types of securities listed in 51-7-11., 51-7-12. and 51-7-13. as applicable.

(e) Prior to entering into an investment advisory services agreement with a Certified investment adviser, the public treasurer shall request and the investment adviser shall furnish a clear and concise explanation of the investment adviser's program, objectives, management approach and strategies used to add value to the portfolio and return, including the methods and securities to be employed.

5. If selection of a Certified investment adviser to provide investment advisory services to a public treasurer is based upon the investment adviser's representation of special skills or expertise, the investment advisory services agreement shall require the Certified investment adviser to act with the degree of care, skill, prudence, and diligence that a person having special skills or expertise acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

6. The public treasurer is advised to review and consider standards of practice recommended by other sources, such as the Government Finance Officers Association, in the selection and management of investment adviser services.

**R628-19-6. Reporting to the Council.**

When a public treasurer has contracted with an investment adviser for the management of public funds, the public treasurer shall provide the detail of those investments to the Council, pursuant to Section 51-7-18.2.

**KEY: securities, investment advisers, public funds**

**Date of Enactment or Last Substantive Amendment: May 5, 2005**

**Authorizing, and Implemented or Interpreted Law: 51-7-18(2)(b); 61-1-13**