

## EXHIBIT A

### 66.0603 Investments.

#### (1g) DEFINITION.

(a) In this section, "governing board" has the meaning given under s. [34.01 \(1\)](#) but does not include a local cultural arts district board created under subch. [V of ch. 229](#).

#### (1m) INVESTMENTS.

(a) A county, city, village, town, school district, drainage district, technical college district or other governing board, other than a local professional football stadium district board created under subch. [IV of ch. 229](#), may invest any of its funds not immediately needed in any of the following:

1. Time deposits in any credit union, bank, savings bank, trust company or savings and loan association which is authorized to transact business in this state if the time deposits mature in not more than 3 years.
2. Bonds or securities issued or guaranteed as to principal and interest by the federal government, or by a commission, board or other instrumentality of the federal government.
3. Bonds or securities of any county, city, drainage district, technical college district, village, town or school district of this state.

**3m.** Bonds issued by a local exposition district under subch. [II of ch. 229](#).

**3p.** Bonds issued by a local professional baseball park district created under subch. [III of ch. 229](#).

**3q.** Bonds issued by a local professional football stadium district created under subch. [IV of ch. 229](#).

**3s.** Bonds issued by the University of Wisconsin Hospitals and Clinics Authority.

**3t.** Bonds issued by a local cultural arts district under subch. [V of ch. 229](#).

**3u.** Bonds issued by the Wisconsin Aerospace Authority.

4. Any security which matures or which may be tendered for purchase at the option of the holder within not more than 7 years of the date on which it is acquired, if that security has a rating which is the highest or 2nd highest rating category assigned by Standard & Poor's corporation, Moody's investors service or other similar nationally recognized rating agency or if that security is senior to, or on a parity with, a security of the same issuer which has such a rating.

5. Securities of an open-end management investment company or investment trust, if the investment company or investment trust does not charge a sales load, if the investment company or investment trust is registered under the investment company act of 1940, [15 USC 80a-1 to 80a-64](#), and if the portfolio of the investment company or investment trust is limited to the following:

- a. Bonds and securities issued by the federal government or a commission, board or other instrumentality of the federal government.
- b. Bonds that are guaranteed as to principal and interest by the federal government or a commission, board or other instrumentality of the federal government.
- c. Repurchase agreements that are fully collateralized by bonds or securities under subd. [5. a.](#) or [b.](#)

#### (b)

1. A town, city, or village may invest surplus funds in any bonds or securities issued under the authority of the municipality, whether the bonds or securities create a general municipality liability or a liability of the property owners of the municipality for special improvements, and may sell or hypothecate the bonds or securities. Funds of an employer, as defined by s. [40.02 \(28\)](#), in a deferred compensation plan may also be invested and reinvested in the same manner authorized for investments under s. [881.01](#).

2. Funds of any school district operating under ch. [119](#), held in trust for pension plans intended to qualify under section [401](#) (a) of the Internal Revenue Code, other than funds held in the public employee trust fund, may be invested and reinvested in the same manner as is authorized for investments under s. [881.01](#).

3. A school district may invest and reinvest funds that are held in trust, other than funds held in the public employee trust fund, solely to provide any of the following benefits, in the same manner as is authorized for investments under s. [881.01](#):

- a. Post-employment health care benefits provided either separately or through a defined benefit pension plan.
- b. Other post-employment benefits provided separately from a defined benefit pension plan.

4. A school board may not discuss or vote on establishing a trust fund to provide the benefits described in subd. [3](#) unless the notice of the school board meeting at which the discussion or vote may occur includes the issue as a separate agenda item.

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5. A city, village, town, county, drainage district, technical college district, or other governing board as defined by s. [34.01 \(1\)](#) may invest and reinvest funds that are held in trust, other than funds held in the public employee trust fund, solely to provide any of the following benefits, in the same manner as is authorized for investments under s. [881.01](#):

- a. Post-employment health care benefits provided either separately or through a defined benefit pension plan.
- b. Other post-employment benefits provided separately from a defined benefit pension plan.

6. Funds that are held in trust to provide the benefits described in subds. [3](#) and [5](#) shall be held in a trust fund that is separate from all other trust funds created by, or under the control of, the local governmental unit.

(c) A local government, as defined under s. [25.50 \(1\) \(d\)](#), may invest surplus funds in the local government pooled-investment fund. Cemetery care funds, including gifts where the principal is to be kept intact, may also be invested under ch. [881](#).

(d) A county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. [34.01 \(1\)](#) may engage in financial transactions in which a public depository, as defined in s. [34.01 \(5\)](#), agrees to repay funds advanced to it by the local government plus interest, if the agreement is secured by bonds or securities issued or guaranteed as to principal and interest by the federal government.

(e) Subject to s. [67.11 \(2\)](#) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. [67.12 \(12\)](#), a county having a population of 500,000 or more, or a person to whom the county has delegated investment authority under sub. [\(5\)](#), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. [881.01](#), any of the following:

1. Moneys held in any stabilization fund established under s. [59.87 \(3\)](#).
2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. [59.85](#) or general obligation promissory notes under s. [67.12 \(12\)](#) issued to provide funds for the payment of all or a part of the county's unfunded prior service liability.
3. Moneys appropriated or held by the county to pay debt service on appropriation bonds or general obligation promissory notes under s. [67.12 \(12\)](#).
4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. [2](#) that are available for investment until they are spent.
5. Moneys held in an employee retirement system of the county.

(f) Subject to s. [67.11 \(2\)](#) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. [67.12 \(12\)](#), a 1st class city, or a person to whom the city has delegated investment authority under sub. [\(5\)](#), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. [881.01](#), any of the following:

1. Moneys held in any stabilization fund established under s. [62.622 \(3\)](#).
2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. [62.62](#) or general obligation promissory notes under s. [67.12 \(12\)](#) issued to provide funds for the payment of all or a part of the city's unfunded prior service liability.
3. Moneys appropriated or held by the city to pay debt service on appropriation bonds or general obligation promissory notes under s. [67.12 \(12\)](#).
4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. [2](#) that are available for investment until they are spent.
5. Moneys held in an employee retirement system of the city.

(2) DELEGATION OF INVESTMENT AUTHORITY. A county, city, village, town, school district, drainage district, technical college district or other governing board, as defined in s. [34.01 \(1\)](#), may delegate the investment authority over any of its funds not immediately needed to a state or national bank, or trust company, which is authorized to transact business in this state if all of the following conditions are met:

- (a) The institution is authorized to exercise trust powers under s. [221.0316](#) or ch. [223](#).
- (b) The governing board renews annually the investment agreement under which it delegates its investment authority, and reviews annually the performance of the institution with which its funds are invested.

**(3) ADDITIONAL DELEGATION OF INVESTMENT AUTHORITY.**

(a) In addition to the authority granted under sub. [\(2\)](#), a school district operating under ch. [119](#) may delegate the investment authority over any of its funds not immediately needed and held in trust for its qualified pension plans to an

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investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under the Investment Advisers Act of 1940, [15 USC 80b-3](#).

**(b)** In addition to the authority granted under sub. [\(2\)](#), a school district may delegate the investment authority over the funds described under sub. [\(1m\) \(b\) 3](#), to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under [15 USC 80b-3](#).

**(c)**

**1.** In addition to the authority granted under sub. [\(2\)](#), a city, village, town, county, drainage district, technical college district, or other governing board as defined by s. [34.01 \(1\)](#) may delegate the investment authority over the funds described under sub. [\(1m\) \(b\) 5](#), to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under [15 USC 80b-3](#).

**2.** If a unit of government described under subd. [1](#), has established a trust described in sub. [\(1m\) \(b\) 5](#), it shall annually publish a written report that states the amount in the trust, the investment return earned by the trust since the last report was published, the total disbursements made from the trust since the last report was published, and the name of the investment manager if investment authority has been delegated under subd. [1](#).

**(4)** INVESTED FUND PROCEEDS IN POPULOUS CITIES, USE. In a 1st class city, all interest derived from invested funds held by the city treasurer in a custodial capacity on behalf of any political entity, except for pension funds, is general revenue of the city and shall revert to the city's general fund upon the approval by the political entity evidenced by a resolution adopted for that purpose.

**(5)** DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION FINANCING IN POPULOUS CITIES AND COUNTIES. The governing body of a county having a population of 500,000 or more, or a 1st class city, may delegate investment authority over any of the moneys described in sub. [\(1m\) \(e\)](#) or [\(f\)](#) to any of the following persons, which shall be responsible for the general administration and proper operation of the county's or city's employee retirement system, subject to the governing body's finding that such person has expertise in the field of investments:

**(a)** A public board that is organized for such purpose under county or city ordinances.

**(b)** A trustee, investment advisor, or investment banking or consulting firm.

**History:** [1999 a. 9 ss. 1607, 1608](#); [1999 a. 65 ss. 15 to 17](#); [1999 a. 150 ss. 93, 95, 168](#); [1999 a. 167 ss. 31, 32](#); [1999 a. 186 ss. 43, 44](#); [2001 a. 30](#); [2003 a. 264](#); [2005 a. 99, 335](#); [2007 a. 82, 115](#); [2009 a. 28](#).

**Cross-reference:** See also s. [157.50 \(6\)](#) as to investment of municipal care funds.

Based on the plain meaning of the word "investment," the exchange of surplus county funds for U.S. gold coins would be an investment within the meaning of s. 59.61 (3). This section provides the authorized list of investments that a county can make with county funds, and the statute does not authorize an investment in U.S. gold coins. [OAG 2-13](#).