

STATE UNIVERSITY CONSTRUCTION FUND

**ANNUAL INVESTMENT REPORT**

FOR THE PERIOD OF APRIL 1, 2022 THROUGH MARCH 31, 2023

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1. Investment Guidelines

See Attachment (A) - "Investment Guidelines".

2. Amendment to Investment Guidelines

The Investment Guidelines were reviewed and approved by the Trustees on May 3, 2023. See Attachment (B) - "Updates to Investment Guidelines".

3. Explanation of the Investment Guidelines

All of the State University Construction Fund's (the Fund) investments are maintained by the Commissioner of Taxation and Finance pursuant to the provisions of Article 8-A of the Education Law. The Fund requires the Commissioner of Taxation and Finance to adhere to their "Investment Policy" and the Office of said commissioner is required to consult with the Fund prior to investing monies of the Fund. The Fund evaluates investment options after reviewing them with the Office of the Commissioner of Taxation and Finance and confirms each investment selection by letter. All investments of the Fund are restricted to the investments authorized by its Investment Guidelines and the Office of the Commissioner of Taxation and Finance is required to provide the Fund with written verification of investments and monthly reconciliations thereof.

The Fund's Trustees are provided with quarterly investment reports for their review. Further, the Fund is required to engage an independent public accounting firm annually to review its compliance with Section 201.3 of Title Two of the Official Compilation of Codes, Rules and Regulations of the State of New York.

4. Annual Independent Audit Report

See Attachment (C) - "Independent Accountants' Report on Investment Compliance".

5. Investment Income of the Fund

\$742,793

6. Fees, Commissions and Charges Paid to Investment Bankers, Etc.

New York State Department of Treasury Custodial Fees - \$70,000.



**FINAL**

**STATE UNIVERSITY CONSTRUCTION FUND**

**GUIDELINES FOR INVESTMENT**

**Summary**

Section 2925 of the Public Authorities Law requires the Board to adopt by resolution investment guidelines to apply to the investment of all monies of the State University Construction Fund (Fund).

**Procedures**

I. Objectives

A. The primary objectives of the Fund's investment activities are:

- i. To protect each investment's principal;
- ii. To maximize earnings, subject to the safety of investments, on the Fund's monies that are not required for immediate use;
- iii. To conform with all applicable Federal, State and other laws and regulations; and
- iv. To maintain a system of adequate internal controls with an emphasis on safeguarding assets and accurate recordkeeping of investments.

II. Delegation of Investment Management

- A. The Fund's General Manager or designee shall be responsible for the Fund's investments.



- B. Pursuant to Section 377 of the Education Law, all investments are to be made for the Fund by the Commissioner of Taxation and Finance or his or her authorized representative.
- C. The Department of Taxation and Finance is designated the sole custodian of the Fund's investments.

### III. Internal Control Procedures

- A. The Office of Capital Finance is responsible for establishing and maintaining an internal control structure to provide reasonable assurance that investments are made in accordance with these Guidelines and that they are safeguarded against loss from unauthorized use or disposition.
- B. The specific internal controls relating to collusion and separation of transaction authority and recordkeeping is maintained by the following:
  - i. The designation of the Department of Taxation and Finance as the sole custodian of the Fund's investments.
  - ii. All records and documents relating to investments are independently summarized and reported on a periodic basis by the Fund's Controller's Office.
  - iii. Warrants, including wire transfers, to enable disbursements must contain two signatures for authorization.

### IV. Investment Procedures

- A. The Commissioner of Taxation and Finance will consult with the Fund prior to any change in investments to evaluate investment options (investment type, term, required collateral, and rate of return) and the Fund's cash flow requirements.
- B. The Fund will formally confirm each investment selection by letter or by other electronic communication to the Commissioner of Taxation and Finance.
- C. The Commissioner of Taxation and Finance will provide the Fund with written verification of each investment transaction and monthly account statements showing all transactions and investment balances held on behalf of the Fund.

### V. Permitted Investments

- A. Pursuant to Section 377 of the Education Law and Section 98-A of the State Finance Law, the following investments are permitted:
  - i. Obligations of the United States Government and its Agencies with a maturity of twelve years or less.

- ii. Repurchase agreements with a maturity of ninety days or less that are collateralized by obligations of the United States Government and its Agencies.
- iii. Certificates of deposit purchased from banks or trust companies located within New York State with a maturity of five years or less. To the extent a certificate of deposit is not insured by the Federal Deposit Insurance Corporation, it must be collateralized by obligations of the United States Government and its Agencies.
- iv. Commercial paper with a maturity of two-hundred seventy days or less that carries the highest rating of two independent rating agencies.

VI. Diversity of Investments

- A. The investments of the Fund shall be diversified by financial institution, investment instrument, rate of return, and maturity pursuant to policies established by the Commissioner of Taxation and Finance.

VII. Authorized Financial Institutions and Dealers

- A. A list of Eligible Banking Institutions and Broker-Dealers authorized by the Commissioner of Taxation and Finance is contained in Appendix A. This list is subject to change in accordance with the policies and procedures established by the Commissioner of Taxation and Finance.

VIII. Collateral and Delivery of Securities

- A. The Fund relies upon the policies and procedures of the Commissioner of Taxation and Finance to ensure that the market value of collateral and accrued interest, if any, shall equal or exceed the value of the secured investment and accrued interest at all times.
- B. The Fund's Controller's Office verifies the market value of collateral on a monthly basis using the bid or closing price as quoted in The Wall Street Journal.
- C. The interests of the Fund are protected by the physical delivery of purchased securities to the Commissioner of Taxation and Finance, or, in the case of book-entry transactions, on the crediting of purchased securities to the Commissioner's Federal Reserve System account.

IX. Reporting Guidelines

- A. The Fund's Trustees are hereby deemed its Investment Committee and they shall be provided with quarterly investment reports for their review and action in accordance with Section 2925(5) of the Public Authorities Law.
- B. The Fund's annual financial statements shall contain all disclosures related to investments as required by the Governmental Accounting Standards Board (GASB).
- C. The Fund shall submit an annual investment report to the Division of Budget with copies to the Office of the State Comptroller, the Senate Finance Committee, and the Assembly Ways and Means Committee as required by Section 2925(7) of the Public Authorities Law that shall include the following:
  - i. The investment guidelines and any amendments to such guidelines since the last report;
  - ii. An explanation of the investment guidelines and amendments;
  - iii. The results of the annual independent audit;
  - iv. The investment income record of the Fund; and
  - v. A list of the total fees, commissions or other charges paid since the last report.

X. Audit Procedures

- A. The Fund shall obtain an annual independent audit of its investments in accordance with Section 2925(3)(f) of the Public Authorities Law that shall determine whether the Fund complied with these Investment Guidelines, as well as applicable Federal, State, and other laws and regulations.
  - i. A description of the scope and objectives of the audit;
  - ii. A statement attesting that the audit was conducted in accordance with generally accepted government auditing standards;
  - iii. A description of any material weaknesses in the internal controls;
  - iv. A description of all non-compliance with the Fund's Investment Guidelines as well as applicable Federal, State, and other laws and regulations;
  - v. A statement of positive assurance of compliance on the items tested; and

vi. A statement on any other material deficiency or finding identified during the audit.

B. The audit report shall be filed within 90 days after the close of the Fund's fiscal year with the Office of Budget and Policy Analysis of the Office of the State Comptroller.

XI. Annual Review and Revisions to Guidelines

A. These Investment Guidelines shall be reviewed annually by the Board of Trustees who may, from time to time, amend the same.

XII. Effective Date

A. These Guidelines are effective immediately.

*March 2008*  
*March 2009*  
*April 2016*  
*April 2017*  
*April 2018*  
*April 2019*  
*March 2020*  
*April 2021*  
*April 2022*  
*May 2023*

**Appendix A**  
**Department of Taxation and Finance**  
**Approved Eligible Banking Institutions and Broker-Dealers**  
**as of March 1, 2023**

**For Federal and State Government Obligations:**

Bank of America Securities  
Cantor Fitzgerald  
Citigroup  
Great Pacific  
HSBC  
JP Morgan Securities  
Key Bank  
Loop Capital  
Mizuho Securities USA  
Morgan Stanley Smith Barney  
Royal Bank of Canada  
Ramirez & Co. Inc.  
Wells Fargo\*  
Siebert Williams Shank & Co., LLC.

**For Certificates of Deposit:**

Bank of Castile\*\*  
Chemung Canal Trust Company  
Citizens and Northern Bank\*\*  
Community Bank, N.A.\*\*  
Evans National Bank\*\*  
Five Star Bank\*\*  
Genesee Regional Bank\*\*  
Glens Falls National Bank and Trust Company\*\*  
KeyBank, N.A.\*\*  
Lyons National Bank\*\*  
Manufacturers & Traders Trust Company\*\*  
NBT Bank, N.A.\*\*  
Solvay Bank\*\*  
Tioga State Bank\*\*  
Tompkins Trust Company\*\*

\* Not used for the Fund's investments

\*\* Used for linked deposit program

## **Attachment B**

### **State University Construction Fund Updates to Investment Guidelines May – 2023**

The Fund's modifications to investment guidelines are as follows:

1. None





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**Independent Accountants' Report on Compliance with the  
Requirements of Section 201.3 of Title Two of the *Official Compilation of  
Codes, Rules, and Regulations of the State of New York***

Board of Trustees  
State University Construction Fund:

We have examined the State University Construction Fund's (the Fund), a component unit of the State of New York, compliance with the requirements of Section 201.3 of Title Two of the *Official Compilation of Codes, Rules and Regulations of the State of New York* for the year ended March 31, 2023. Management is responsible for the Fund's compliance with the specified requirements. Our responsibility is to express an opinion on the Fund's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Fund complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Fund complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the engagement.

Our examination does not provide a legal determination on the Fund's compliance with specified requirements. In our opinion, the Fund complied, in all material respects, with the requirements of Section 201.3 of Title Two of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* for the year ended March 31, 2023.

This report is solely for the information and use of the Fund management, the Board of Trustees, and New York State, and is not intended to be and should not be used by anyone other than those specified parties.

**KPMG LLP**

August 29, 2023