COMPLIANCE AUDIT

City of Harrisburg Firefighters' Pension Plan

Dauphin County, Pennsylvania For the Period January 1, 2017 to December 31, 2018

March 2020



Commonwealth of Pennsylvania Department of the Auditor General

Eugene A. DePasquale • Auditor General





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EUGENE A. DEPASQUALE AUDITOR GENERAL

The Honorable Mayor and City Council City of Harrisburg Dauphin County Harrisburg, PA 17101

We have conducted a compliance audit of the City of Harrisburg Firefighters' Pension Plan for the period January 1, 2017 to December 31, 2018. We also evaluated compliance with some requirements subsequent to that period when possible. The audit was conducted pursuant to authority derived from Section 402(j) of Act 205 and in accordance with the standards applicable to performance audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our finding and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our finding and conclusions based on our audit objective.

The objective of the audit was to determine if the pension plan was administered in compliance with applicable state laws, regulations, contracts, administrative procedures, and local ordinances and policies.

Our audit was limited to the areas related to the objective identified above. To determine whether the pension plan was administered in compliance with applicable state laws, regulations, contracts, administrative procedures, and local ordinances and policies, our methodology included the following:

- We determined whether state aid was properly determined and deposited in accordance with Act 205 requirements by verifying the annual deposit date of state aid and determining whether deposits were made within 30 days of receipt for all years within the period under audit.
- We determined whether annual employer contributions were calculated and deposited in accordance with the plan's governing document and applicable laws and regulations by examining the municipality's calculation of the plan's annual financial requirements and minimum municipal obligation (MMO) and comparing these calculated amounts to amounts actually budgeted and deposited into the pension plan as evidenced by supporting documentation.

- We determined whether annual employee contributions were calculated, deducted, and deposited into the pension plan in accordance with the plan's governing document and applicable laws and regulations by testing total members' contributions on an annual basis using the rates obtained from the plan's governing document in effect for all years within the period under audit and examining documents evidencing the deposit of these employee contributions into the pension plan.
- · We determined whether retirement benefits calculated for all six of the plan members who retired during the current audit period, and through the completion of our fieldwork procedures, represent payments to all (and only) those entitled to receive them and were properly determined and disbursed in accordance with the plan's governing document, applicable laws and regulations by recalculating the amount of the monthly pension benefit due to retired individuals and comparing these amounts to supporting documentation evidencing amounts determined and actually paid to recipients.
- We determined whether the January 1, 2017 actuarial valuation report was prepared and submitted by March 31, 2018 in accordance with Act 205 and whether selected information provided on this report is accurate, complete, and in accordance with plan provisions to ensure compliance for participation in the state aid program by comparing selected information to supporting source documentation.
- We determined whether the terms of the contractual agreement with the Pennsylvania Municipal Retirement System were in accordance with the plan's governing document, if separately stated, and applicable laws and regulations by comparing the terms of the contractual agreement with the plan's governing document, if separately stated, and applicable laws and regulations.
- We determined whether all annual special ad hoc postretirement reimbursements received by the municipality were authorized and appropriately deposited in accordance with Act 147 by tracing information to supporting documentation maintained by plan officials.

The City of Harrisburg Firefighters' Pension Plan participates in the Pennsylvania Municipal Retirement System (PMRS), which is an agent multiple-employer public employee retirement system that acts as a common investment and administrative agent for participating municipal pension plans. PMRS issues a separate Comprehensive Annual Financial Report, copies of which are available from the PMRS accounting office. PMRS's financial statements were not audited by us and, accordingly, we express no opinion or other form of assurance on them.

City officials are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the City of Harrisburg Firefighters' Pension Plan is administered in compliance with applicable state laws, regulations, contracts, administrative procedures, and local ordinances and policies. In conducting our audit, we obtained an understanding of the city's internal controls as they relate to the city's compliance with those requirements and that we

considered to be significant within the context of our audit objective, and assessed whether those significant controls were properly designed and implemented. Additionally and as previously described, we tested transactions, assessed official actions, performed analytical procedures, and interviewed selected officials to provide reasonable assurance of detecting instances of noncompliance with legal and regulatory requirements or noncompliance with provisions of contracts, administrative procedures, and local ordinances and policies that are significant within the context of the audit objective.

The results of our procedures indicated that, in all significant respects, the City of Harrisburg Firefighters' Pension Plan was administered in compliance with applicable state laws, regulations, contracts, administrative procedures, and local ordinances and policies, except as noted in the following finding further discussed later in this report:

Finding – Failure To Implement Mandatory Provisions Of Act 205

The accompanying supplementary information is presented for purposes of additional analysis. We did not audit the information or conclude on it and, accordingly, express no form of assurance on it.

The contents of this report were discussed with officials of the City of Harrisburg and, where appropriate, their responses have been included in the report. We would like to thank city officials for the cooperation extended to us during the conduct of the audit.

February 25, 2020

EUGENE A. DEPASQUALE

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Auditor General

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BACKGROUND

On December 18, 1984, the Pennsylvania Legislature adopted the Municipal Pension Plan Funding Standard and Recovery Act (P.L. 1005, No. 205, as amended, 53 P.S. § 895.101 et seq.). The Act established mandatory actuarial reporting and funding requirements and a uniform basis for the distribution of state aid to Pennsylvania's public pension plans. Section 402(j) of Act 205 specifically requires the Auditor General, as deemed necessary, to make an audit of every municipality, which receives general municipal pension system state aid and of every municipal pension plan and fund in which general municipal pension system state aid is deposited.

Annual state aid allocations are provided from a 2 percent foreign (out-of-state) casualty insurance premium tax, a portion of the foreign (out-of-state) fire insurance tax designated for paid firefighters and any investment income earned on the collection of these taxes. Generally, municipal pension plans established prior to December 18, 1984, are eligible for state aid. For municipal pension plans established after that date, the sponsoring municipality must fund the plan for three plan years before it becomes eligible for state aid. In accordance with Act 205, a municipality's annual state aid allocation cannot exceed its actual pension costs.

In addition to Act 205, the City of Harrisburg Firefighters' Pension Plan is also governed by implementing regulations adopted by the former Public Employee Retirement Commission published at Title 16, Part IV of the Pennsylvania Code and applicable provisions of various other state statutes including, but not limited to, the following:

Act 15 - Pennsylvania Municipal Retirement Law, Act of February 1, 1974 (P.L. 34, No. 15), as amended, 53 P.S. § 881.101 et seq.

The City of Harrisburg Firefighters' Pension Plan is a single-employer defined benefit pension plan locally controlled by the provisions of Ordinance No. 3 of 2016, adopted pursuant to Act 15. The plan is also affected by the provisions of collective bargaining agreements between the city and its firefighters. The plan was established January 1, 1947. Active members are required to contribute 5 percent of compensation, plus one dollar per month to the plan. As of December 31, 2018, the plan had 83 active members, 1 terminated member eligible for vested benefits in the future, and 135 retirees receiving pension benefits funded through annuities purchased with plan assets.

BACKGROUND – (Continued)

As of December 31, 2018, selected plan benefit provisions are as follows:

Eligibility Requirements:

Normal Retirement Age 50

Early Retirement None

Vesting A member is 100% vested after 10 years of service.

Retirement Benefit:

Benefit equals 2.5% times credited service times Final Average Salary (FAS) but in no event is the basic benefit greater than 50% of FAS. FAS based upon final year's salary or the average of the highest five consecutive years of the ten years prior to retirement, whichever is higher. Service increment of 1.25% of final salary for each complete year of credited service in excess of 20 years.

Survivor Benefit:

Before Retirement Eligibility Upon death spouse receives 50% of FAS.

After Retirement Eligibility Upon death spouse receives 100% of member's benefit.

Disability Benefit:

If unable to perform gainful employment, member receives 50% of the FAS provided credited service is at least 4 years.

Finding - Failure To Implement Mandatory Provisions Of Act 205

<u>Condition</u>: During the prior three audits, a verbal observation was issued to plan officials notifying them of the passage of Act 44 of 2009, which effectively amended Act 205 for the procurement of professional services contracts, and recommending that the municipality adopt the mandatory provisions, accordingly. However, during the current audit period, the municipality again failed to adopt such mandatory provisions.

<u>Criteria</u>: Section 701-A of Act 205, as amended by Act 44, defines a "Professional Services Contract", as follows:

"Professional services contract." A contract to which the municipal pension system is a party that is:

- (1) for the purchase or provision of professional services, including investment services, legal services, real estate services and other consulting services; and
- (2) not subject to a requirement that the lowest bid be accepted.

In addition, Section 702-A (a) of Act 205 states, in part:

Each municipal pension system ... shall develop procedures to select the most qualified person to enter into a professional services contract. The procedures shall ensure that the availability of a professional services contract is advertised to potential participants in a timely and efficient manner. Procedures shall include applications and disclosure forms to be used to submit a proposal for review and to receive the award of a professional services contract.

Additionally, Section 702-A (c), (e), (f) and (h) state, in part:

Review. Procedures to select the most qualified person shall include a review of the person's qualifications, experience and expertise and the compensation to be charged.

Conflict of interest. The municipal pension system shall adopt policies relating to potential conflicts of interest in the review of a proposal or the negotiation of a contract.

Public information. Following the award of a professional services contract, all applications and disclosure forms shall be public except for proprietary information or other information protected by law.

Finding - (Continued)

Notice and summary. The relevant factors that resulted in the award of the professional services contract must be summarized in a written statement to be included in or attached to the documents awarding the contract. Within ten days of the award of the processional services contract, the original application, a summary of the basis for the award and all required disclosure forms must be transmitted to all unsuccessful applications and posted on the municipal pension system's Internet website, if an Internet website is maintained, at least seven days prior to the execution of the professional services contract.

Section 703-A (c) states, in part:

Upon advertisement for a professional services contract by the municipal pension system, the contractor may not cause or agree to allow a third party to communicate with officials or employees of the municipal pension system except for requests for technical clarification.

<u>Cause</u>: Plan officials believed the plan would fall under the city's general procedures for obtaining outside service and failed to ensure compliance with provisions of Act 205 as previously recommended.

<u>Effect</u>: The city's failure to adopt the required provisions stipulated in Act 205 regarding the procurement of professional investment and advisory services for the pension plan could result in a general lack of overall transparency of the proposed actions to be taken by plan officials relative to the awarding of future investment and advisory service contracts for the plan.

Recommendation: We recommend that municipal officials obtain a comprehensive understanding of Act 205 provisions for the procurement of professional services and develop and implement formal written procedures to ensure compliance with these provisions which should include the maintaining of appropriate and sufficient supporting documentation evidencing every phase of the process to ensure the transparency of the actions taken by plan officials relative to the awarding of any future professional services contracts for its pension plan.

Finding - (Continued)

<u>Management's Response</u>: The city's response was provided by the city's solicitor and is included in its entirety as follows:

The City of Harrisburg respectfully disagrees with the proposition that the City is required to adopt the provisions of the Municipal Pension Plan Funding Standard and Recovery Act, as amended, 53 P.S. §§ 895.101, et seq., (hereinafter Act 44), as it applies to the adoption of local legislation to provide for the procurement of professional service contracts for our two (2) pensions in the PMRS system.

Chapter 7-A of the Act includes procedures for such a process, which in relevant part provide:

Each municipal pension system, including the Pennsylvania Municipal Retirement System, shall develop procedures to select the most qualified person to enter into a professional services contract. The procedures shall ensure that the availability of a professional services contract is advertised to potential participants in a timely and efficient manner. Procedures shall include applications and disclosure forms to be used to submit a proposal for review and to receive the award of a professional services contract.

See 53 P.S. § 895.702-A (a).

By Ordinance No. 35 of 1984, Harrisburg elected to join the Pennsylvania Municipal Retirement System (PMRS). Between 1984 and 1987, the non-uniformed municipal employees pension plan and the firefighters pension plan were separately placed under PMRS contracts. In both instances, the City, by Ordinance, agreed "to be bound by all the requirements and provisions of the Pennsylvania Municipal Retirement Law, the amendments thereto, regulations promulgated by the Pennsylvania Municipal Retirement Board, and the terms and conditions of the enrollment contract." Harrisburg Code, Sections 2-705.2 and 2-709.2. The effect thereof is that the City is bound by the PMRS pension system provisions.

Understanding that the two (2) pension plans at issue are controlled by PMRS, the retention of professional services for each pension plan rests in PMRS control. That has been the case since prior to the enactment of Act 44 in 2009. For the City to now amend its related Ordinances to include Act 44 procurement procedures would be a legislative action that has no recognizable basis or application. Such would risk confusion of the City's right to secure such services for future City officials, plan members and retirees. Moreover, for the City to adopt a Resolution to do so would be meaningless, as a Resolution places the stated obligation outside the Harrisburg Code.

Finding - (Continued)

On the basis of the information available, the Office of City Solicitor cannot advise the Administration or City Council that there is an applicable obligation under Act 44 to adopt the Section 702-A (a) requirements at this time. As provided by the Code, the Law Bureau is required to review all proposed legislation for form and legality prior to submittal to the City Council. See Harrisburg Code 1-201.1.D. In my review, I cannot determine that the requested modification would be an obligation when the municipal pension is controlled by a third party system. Therefore, such legislation would not satisfy the requirement of approval of legality as it would be surplusage.

Of course, should the City ever elect to leave PMRS, the City would be required to undertake the necessary due diligence to comply with then-existing law. If Act 44 remains as is at such a hypothetical future moment, then the City would need to undertake the Act 44 obligations in order to transfer any pension plan to another system. Just as no one could predict that Act 44 would be adopted after our PMRS elections, Harrisburg cannot predict the future state of the law in the unlikely event that one or both plans elect to leave PMRS. Whatever the state of the law at the time, the City would have to satisfy the applicable obligations.

Auditor's Conclusion: We respect the municipality's position regarding its plans that participate in PMRS, and appreciate that the city solicitor is aware of the city's responsibilities under Act 44 in the event that the city would ever elect to leave its current custodial arrangement with PMRS; however, it is not a proactive approach to wait until that eventual occurrence, no matter how unlikely the city considers it to be, to determine what procurement requirements are relevant and must be followed. While the solicitor and current municipal officials may be well versed in the requirements regarding the procurement of professional services contracts, a turnover in municipal officials responsible for the administration of the city's pension plans could contribute to requirements not being followed, which could be prevented by the mere existence of written procedures which are statutorily required by Act 205 (as amended by Act 44). Therefore, we agree to disagree on this matter and compliance with the finding recommendation will be monitored through our next audit of the plan.

The supplementary information contained on Pages 7 through 10 reflects the implementation of GASB Statement No. 67, *Financial Reporting for Pension Plans*. The objective of this statement is to improve financial reporting by state and local governmental pension plans.

SCHEDULE OF CHANGES IN THE NET PENSION LIABILITY AND RELATED RATIOS FOR THE YEARS ENDED DECEMBER 31, 2014 AND 2015

		<u>2014</u>		<u>2015</u>
Total Pension Liability				
Service cost	\$	1,325,049	\$	1,253,437
Interest		3,536,047		3,611,615
Difference between expected and actual experience		241,776		-
Changes of assumptions		-		(60,658)
Benefit payments, including refunds of member				
contributions		(3,614,868)		(3,700,881)
Net Change in Total Pension Liability		1,488,004		1,103,513
Total Pension Liability - Beginning		64,749,958		66,237,962
Total Pension Liability - Ending (a)	\$	66,237,962	\$	67,341,475
Plan Fiduciary Net Position				
Contributions - employer	\$	22,130	\$	358,000
Contributions - member	_	226,360	•	250,526
PMRS investment income		3,930,425		3,973,188
Market value investment income		260,947		(4,568,980)
Benefit payments, including refunds of member				(1,200,200)
contributions		(3,614,868)		(3,700,881)
PMRS administrative expense		(4,260)		(4,300)
Additional administrative expense		(150,733)		(165,634)
Net Change in Plan Fiduciary Net Position		670,001		(3,858,081)
Plan Fiduciary Net Position - Beginning		72,447,623		73,117,624
Plan Fiduciary Net Position - Ending (b)	\$	73,117,624	\$	69,259,543
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Net Pension Liability - Ending (a-b)	<u> </u>	(6,879,662)	\$	(1,918,068)
Plan Fiduciary Net Position as a Percentage of the Total				
Pension Liability		110.39%		102.85%
Estimated Covered Employee Payroll	\$	5,001,922	\$	4,886,967
Net Pension Liability as a Percentage of Covered				
Employee Payroll		(137.54%)		(39.25%)

SCHEDULE OF CHANGES IN THE NET PENSION LIABILITY AND RELATED RATIOS FOR THE YEARS ENDED DECEMBER 31, 2016, 2017, AND 2018

	<u>2016</u>	<u>2017</u>	2018
Total Pension Liability			
Service cost	\$ 1,093,507	\$ 1,249,662	\$ 1,327,699
Interest	3,660,185	3,638,609	3,701,026
Change of benefits	-	-	585,378
Difference between expected and actual experience	(306,406)	-	477,158
Change of assumptions	1,972,328	-	-
Transfers	-	-	86,177
Benefit payments, including refunds of member			
contributions	(3,823,520)	(3,809,526)	(3,830,633)
Net Change in Total Pension Liability	2,596,094	1,078,745	2,346,805
Total Pension Liability - Beginning	67,341,475	69,937,569	71,016,314
Total Pension Liability - Ending (a)	\$ 69,937,569	\$ 71,016,314	\$ 73,363,119
DI DII I NI DII			
Plan Fiduciary Net Position	ф 2 00.0 5 0	Φ 227.146	Φ 525.722
Contributions - employer	\$ 280,858	\$ 327,146	\$ 535,723
Contributions - member	262,850	252,162	268,012
PMRS investment income	3,985,356	3,881,771	3,932,452
Market value investment income	2,443,062	8,536,421	(7,251,028)
Transfers	-	-	86,177
Benefit payments, including refunds of member contributions	(2.922.520)	(2.900.526)	(2.920.622)
	(3,823,520)	(3,809,526)	(3,830,633)
PMRS administrative expense	(4,240)	(4,120)	(4,280)
Additional administrative expense	(195,247)	(178,519)	(175,488)
Net Change in Plan Fiduciary Net Position	2,949,119	9,005,335	(6,439,065)
Plan Fiduciary Net Position - Beginning	69,259,543	72,208,662	81,213,997
Plan Fiduciary Net Position - Ending (b)	\$ 72,208,662	\$ 81,213,997	\$ 74,774,932
Net Pension Liability - Ending (a-b)	\$ (2,271,093)	\$ (10,197,683)	\$ (1,411,813)
Plan Fiduciary Net Position as a Percentage of the Total			
Pension Liability	103.25%	114.36%	101.92%
Estimated Covered Employee Payroll	\$ 4,716,216	\$ 5,033,786	\$ 5,348,126
Net Pension Liability as a Percentage of Covered Employee Payroll	(48.15%)	(202.58%)	(26.40%)

Sensitivity Of The Net Pension Liability To Changes In The Discount Rate

The following presents the net pension liability of the city as of December 31, 2014 and 2015, calculated using the discount rate of 5.5%, as well as what the city's net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower or 1 percentage-point higher than the current rate:

	1% Decrease (4.5%)	Current Discount Rate (5.5%)	1% Increase (6.5%)
Net Pension Liability - 12/31/14	\$ 149,255	\$ (6,879,662)	\$ (12,742,804)
Net Pension Liability - 12/31/15	\$ 6,480,470	\$ (1,918,068)	\$ (8,895,677)

In addition, the following presents the net pension liability of the city as of December 31, 2016, 2017, and 2018, calculated using the discount rate of 5.25%, as well as what the city's net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower or 1 percentage-point higher than the current rate:

	Current 1% Decrease Discount Rate 1% Increase (4.25%) (5.25%) (6.25%)		
Net Pension Liability - 12/31/16	\$ 6,564,131	\$ (2,271,093)	\$ (9,598,786)
Net Pension Liability - 12/31/17	\$ (1,226,181)	\$ (10,197,683)	\$ (17,638,401)
Net Pension Liability - 12/31/18	\$ 7,982,096	\$ (1,411,813)	\$ (9,201,805)

SCHEDULE OF CONTRIBUTIONS

Year Ended December 31	Actuarially Determined Contribution	Actual Contributions	Contribution Deficiency (Excess)	Covered- Employee Payroll	Contributions as a Percentage of Covered- Employee Payroll
2014	\$ -	\$ 22,130	\$ (22,130)	\$5,001,922	0.44%
2015	358,000	358,000	-	4,886,967	7.33%
2016	280,858	280,858	-	4,716,216	5.96%
2017	327,146	327,146	-	5,033,786	6.50%
2018	535,723	535,723	-	5,348,126	10.02%

SCHEDULE OF FUNDING PROGRESS

Historical trend information about the plan is presented herewith as supplementary information. It is intended to help users assess the plan's funding status on a going-concern basis, assess progress made in accumulating assets to pay benefits when due, and make comparisons with other state and local government retirement systems.

The actuarial information is required by Act 205 biennially. The historical information, beginning as of January 1, 2013, is as follows:

	(1)	(2)	(3)	(4)
			Unfunded	
		Actuarial	(Assets in	
		Accrued	Excess of)	
	Actuarial	Liability	Actuarial	
Actuarial	Value of	(AAL) -	Accrued	Funded
Valuation	Assets	Entry Age	Liability	Ratio
Date	(a)	(b)	(b) - (a)	(a)/(b)
01-01-13	\$ 73,407,165	\$ 63,399,066	\$ (10,008,099)	115.8%
01-01-15	75,162,285	66,237,962	(8,924,323)	113.5%
01-01-17	78,243,707	69,937,569	(8,306,138)	111.9%

The comparability of trend information is affected by changes in actuarial assumptions, benefit provisions, actuarial funding methods, accounting policies, and other changes. Those changes usually affect trends in contribution requirements and in ratios that use the actuarial accrued liability as a factor.

Analysis of the dollar amount of the actuarial value of assets, actuarial accrued liability, and unfunded (assets in excess of) actuarial accrued liability in isolation can be misleading. Expressing the actuarial value of assets as a percentage of the actuarial accrued liability (Column 4) provides one indication of the plan's funding status on a going-concern basis. Analysis of this percentage, over time, indicates whether the system is becoming financially stronger or weaker. Generally, the greater this percentage, the stronger the plan.

CITY OF HARRISBURG FIREFIGHTERS' PENSION PLAN SUPPLEMENTARY INFORMATION NOTES TO SUPPLEMENTARY SCHEDULES (UNAUDITED)

The information presented in the supplementary schedules was determined as part of the actuarial valuation at the date indicated. Additional information as of the latest actuarial valuation date follows:

Actuarial valuation date January 1, 2017

Actuarial cost method Entry age normal

Amortization method Not applicable

Remaining amortization period None

Asset valuation method The Actuarial Value of Assets equals the plan's

member, municipal, DROP (if applicable) reserve accounts plus the retiree actuarial liability. This asset smoothing is based on the unique legislative structure of PMRS and the administrative rules adopted by the PMRS Board in conjunction with Pennsylvania Municipal Retirement Law, all of which are subject to comply with the Actuarial Standards of Practice No. 44, Selection and Use of Asset Valuation Methods when defining the actuarial

Value of Assets.

Actuarial assumptions:

Investment rate of return 5.25%, compounded annually, net of

investment and administration expenses.

Salary scale Total rate (including inflation) (e.g. age 25 –

7.05%; age 35 - 4.55%; age 45 - 3.97%;

age 55 - 3.44%; age 65 - 2.80%).

Cost-of-living adjustments 2.8% per year, subject to plan limitations.

CITY OF HARRISBURG FIREFIGHTERS' PENSION PLAN REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

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