

**CITY OF ST. MARYS NONUNIFORMED PENSION PLAN**

**ELK COUNTY**

**COMPLIANCE AUDIT REPORT**

**FOR THE PERIOD**

**JANUARY 1, 2009, TO DECEMBER 31, 2010**





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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.

Pension plan aid is provided from a 2 percent foreign casualty insurance premium tax, a portion of the foreign 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 St. Marys Nonuniformed Pension Plan is also governed by implementing regulations adopted by the 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 177 - General Local Government Code, Act of December 19, 1996 (P.L. 1178, No. 177), as amended, 53 Pa.C.S. § 101 et seq.
- Act 317 - The Third Class City Code, Act of June 23, 1931 (P.L. 932, No. 317), as amended, 53 P.S. § 35101 et seq.

The City of St. Marys Nonuniformed Pension Plan is a single-employer defined benefit pension plan locally controlled by the provisions of Ordinance No. 151, as amended, for employees hired before January 24, 2001, and Ordinance No. 176, as amended, adopted pursuant to Act 317, for employees hired after January 24, 2001. The plan is also affected by the provisions of collective bargaining agreements between the city and its nonuniformed employees.





The Honorable Mayor and City Council  
City of St. Marys  
Elk County  
St. Marys, PA 15857

We have conducted a compliance audit of the City of St. Marys Nonuniformed Pension Plan for the period January 1, 2009, to December 31, 2010. The audit was conducted pursuant to authority derived from Section 402(j) of Act 205 and in accordance with *Government Auditing Standards* applicable to performance audits issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our finding and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our finding and conclusions based on our audit objectives.

The objectives of the audit were:

1. To determine if municipal officials took appropriate corrective action to address the finding contained in our prior audit report; and
2. 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 objectives identified above. The City of St. Marys contracted with an independent certified public accounting firm for annual audits of its basic financial statements which are available at the city's offices. Those 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 St. Marys Nonuniformed 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 objectives, and assessed whether those significant controls were properly designed and implemented. Additionally, we tested transactions, assessed official actions, performed analytical procedures and interviewed selected officials to the extent necessary to satisfy the audit objectives.

The results of our tests indicated that, in all significant respects, the City of St. Marys Nonuniformed 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 – Noncompliance With Prior Audit Recommendation – Pension Benefits  
Not In Compliance With The Third Class City Code

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

The contents of this report were discussed with officials of the City of St. Marys and, where appropriate, their responses have been included in the report.

August 9, 2011

JACK WAGNER  
Auditor General

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
STATUS OF PRIOR FINDING

Noncompliance With Prior Audit Recommendation

The City of St. Marys has not complied with the prior audit recommendation concerning the following as further discussed in the Finding and Recommendation section of this report:

- Pension Benefits Not In Compliance With The Third Class City Code

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
FINDING AND RECOMMENDATION

Finding – Noncompliance With Prior Audit Recommendation – Pension Benefits Not In Compliance With The Third Class City Code

Condition: As initially disclosed in the prior audit report for the period January 1, 2003, to December 31, 2004, the city adopted a home rule charter pursuant to the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. § 2901 et seq. (previously 53 P.S. § 1-10 et seq.). Our audit of the nonuniformed pension plan has revealed that the city continues to provide benefits to its nonuniformed employees who were hired prior to January 24, 2001, which are less than those prescribed by the Third Class City Code, as noted below:

Benefit	Governing Document	Third Class City Code
Disability benefit	A member who becomes disabled after he has completed ten (10) years of Credited Service will be entitled to a total and permanent disability pension after being disabled for a period of six (6) months. The amount of the pension will be equal to the pension accrued to the date of disability. (Section 4.04)	An employee who incurs a total and permanent disability after completing 10 years of service and before attaining age 60 shall receive a benefit equal to the normal retirement benefit but without offset for social security benefits. (Sections 4343 & 4343(2))
Normal retirement age	Normal retirement age is 65 with 20 years of service. (Section 1.23)	Normal retirement age is 60 with 20 years of service. (Section 4342)
Survivor benefit	For those participants who are married for at least one year on the date of retirement, a monthly annuity for the life of the Participant and on the Participant's death, one-half of the Participant's monthly annuity payable to the spouse for her lifetime. (Section 1.22)	The surviving spouse of a deceased employee who was retired or killed in service shall receive a benefit equal to 50% of the pension benefit to which the participant was entitled as of the date of death. (Section 4343)

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
FINDING AND RECOMMENDATION

Finding – (Continued)

<u>Benefit</u>	<u>Governing Document</u>	<u>Third Class City Code</u>
Basic monthly pension benefit	The basic monthly pension shall be equal to 30% of the average monthly salary. The minimum pension benefit is \$18 multiplied by the number of years of service at retirement or other severance. (Section 4.01)	Basic Monthly pension benefit is 50% of the amount which would constitute the average annual salary or wages which the member received during the last or any five years of his or her employment by said city, whichever is higher. (Section 4343)

Criteria: On January 24, 2001, the Commonwealth of Court of Pennsylvania issued its opinion in *Municipality of Monroeville v. Monroeville Police Department Wage Policy Committee*. Therein, the court held that Section 2962(c)(5) of the Home Rule Charter and Optional Plans Law, 53 p Pa. C.S. § 2962(c)(5), “clearly precludes home rule municipalities from providing pension benefits different from those prescribed in general law including Act 600.” The court’s holding was in accord with the position taken by this Department since at least January 1995.

Cause: Municipal officials indicated that the city does not have adequate funds to support the costs of the recommended benefit changes.

Effect: Plan provisions which are not in compliance with the Third Class City Code could result in plan members or their beneficiaries being denied benefits to which they are statutorily entitled.

Recommendation: We again recommend to the extent that the city has failed to provide benefits to its nonuniformed employees which are mandated by the Third Class City Code that the city increase those benefits to the levels prescribed by the Code, as enumerated herein, for members hired prior to January 24, 2001, at its earliest opportunity to do so.

Management’s Response: Municipal officials disagreed with the finding recommendation. City officials stated that the plan was collectively bargained between the employees and the city council.

Auditor’s Conclusion: Based on the criteria previously cited, the finding and recommendation remain as stated.

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
 SUPPLEMENTARY INFORMATION  
 (UNAUDITED)

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, 2005, is as follows:

	(1)	(2)	(3)	(4)	(5)	(6)
Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) - Entry Age (b)	Unfunded (Assets in Excess of) Actuarial Accrued Liability (b) - (a)	Funded Ratio (a)/(b)	Covered Payroll (c)	Unfunded (Assets in Excess of) Actuarial Accrued Liability as a % of Payroll [(b-a)/(c)]
01-01-05	\$ 1,981,685	\$ 2,324,413	\$ 342,728	85.3%	\$ 1,349,877	25.4%
01-01-07	2,554,678	2,586,204	31,526	98.8%	1,417,558	2.2%
01-01-09	2,185,067	2,976,834	791,767	73.4%	1,592,474	49.7%

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
SUPPLEMENTARY INFORMATION  
(UNAUDITED)

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.

Trends in unfunded (assets in excess of) actuarial accrued liability and annual covered payroll are both affected by inflation. Expressing the unfunded (assets in excess of) actuarial accrued liability as a percentage of annual covered payroll (Column 6) approximately adjusts for the effects of inflation and aids analysis of the plan's progress made in accumulating sufficient assets to pay benefits when due. Generally, where there is an unfunded actuarial accrued liability, the smaller this percentage, the stronger the plan. However, when assets are in excess of the actuarial accrued liability, the higher the bracketed percentage, the stronger the plan.

CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
SUPPLEMENTARY INFORMATION  
(UNAUDITED)

SCHEDULE OF CONTRIBUTIONS FROM EMPLOYER  
AND OTHER CONTRIBUTING ENTITIES

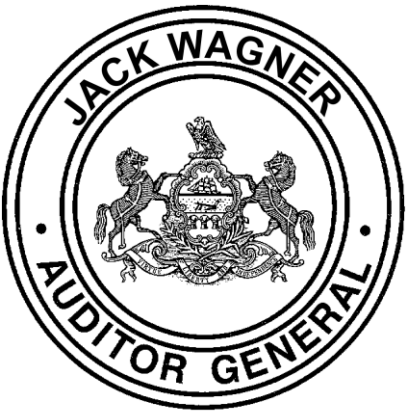
Year Ended December 31	Annual Required Contribution	Percentage Contributed
2005	\$ 126,022	100.0%
2006	113,550	103.6%
2007	109,429	105.4%
2008	83,159	113.4%
2009	88,934	103.7%
2010	90,148	128.2%



CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
 SUPPLEMENTARY INFORMATION  
 NOTES TO SUPPLEMENTARY SCHEDULES  
 (UNAUDITED)

The information presented in the required 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, 2009
Actuarial cost method	Entry age normal
Amortization method	Level dollar
Remaining amortization period	Established at 1/1/85 – 6 years Established after 1/1/85 – 59 years
Asset valuation method	Market value
Actuarial assumptions:	
Investment rate of return *	7.5%
Projected salary increases *	5.0%
* Includes inflation at	Not disclosed
Cost-of-living adjustments	None assumed



CITY OF ST. MARYS NONUNIFORMED PENSION PLAN  
REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett  
Governor  
Commonwealth of Pennsylvania

City of St. Marys Nonuniformed Pension Plan  
Elk County  
P.O. Box 1994  
St. Marys, PA 15857

The Honorable Sally Geyer	Mayor
Mr. David J. Greene	City Manager
Ms. Carol Muhitch	Finance Director

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, Room 318 Finance Building, Harrisburg, PA 17120. If you have any questions regarding this report or any other matter, you may contact the Department of the Auditor General by accessing our website at [www.auditorgen.state.pa.us](http://www.auditorgen.state.pa.us).