

# COMPLIANCE AUDIT

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## City of Nanticoke Police Pension Plan Luzerne County, Pennsylvania For the Period January 1, 2016 to December 31, 2017

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December 2018



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 Nanticoke  
Luzerne County  
Nanticoke, PA 18634

We have conducted a compliance audit of the City of Nanticoke Police Pension Plan for the period January 1, 2016 to December 31, 2017. 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 conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our 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 the plan member who retired during the current audit period, 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 monthly pension benefits due to the retired individual and comparing these amounts to supporting documentation evidencing amounts determined and actually paid to the recipient.
- We determined whether the January 1, 2015 and January 1, 2017 actuarial valuation reports were prepared and submitted by March 31, 2016 and 2018, respectively, in accordance with Act 205 and whether selected information provided on these reports 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 plan's unallocated insurance contract, including ownership and any restrictions, were in compliance with plan provisions, investment policies, and state regulations by comparing the terms of the contract with the plan's provisions, investment policies, and state 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 Nanticoke 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 Nanticoke Police 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 Nanticoke Police Pension Plan was administered in compliance with applicable state laws, regulations, contracts, administrative procedures, and local ordinances and policies.

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 City of Nanticoke 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.

December 10, 2018



EUGENE A. DEPASQUALE  
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 Nanticoke Police 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 147 - Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, Act of December 14, 1988 (P.L. 1192, No. 147), as amended, 53 P.S. § 896.101 et seq.

Act 67 - The Third Class City Code, Act of November 24, 2015 (P.L. 242, No. 67),  
(formerly 317) as amended, 11 Pa. C.S. § 10101 et seq.

The City of Nanticoke Police Pension Plan is a single-employer defined benefit pension plan locally controlled by the provisions of Ordinance No. 16-2007, as amended, adopted pursuant to Act 317. The plan is also affected by the provisions of collective bargaining agreements between the city and its police officers. The plan was established June 1, 1969. Active members are required to contribute 4 percent of compensation to the plan. As of December 31, 2017, the plan had 13 active members, no terminated members eligible for vested benefits in the future, and 20 retirees receiving pension benefits from the plan.

## **BACKGROUND – (Continued)**

As of December 31, 2017, selected plan benefit provisions are as follows:

### Eligibility Requirements:

Normal Retirement	Age 50 and 20 years of service
Early Retirement	None
Vesting	A member is 100% vested after 12 years of service

### Retirement Benefit:

Benefit equal to 50% of average monthly pay based on highest 5 consecutive years of employment or pay at retirement, if greater, plus a monthly service increment (maximum \$100) of 1/40<sup>th</sup> of the basic pension benefit per year of service over 20 and before age 65.

### Survivor Benefit:

Benefit equal to 100% of benefits to surviving spouse or 50% of benefit to children under age 18.

### Service Related Disability Benefit:

Benefit equal to 50% of average monthly pay at time of disability.

CITY OF NANTICOKE POLICE PENSION PLAN  
SUPPLEMENTARY INFORMATION  
(UNAUDITED)

The supplementary information contained on Pages 3 through 5 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, 2015, 2016, AND 2017

	<u>2015</u>	<u>2016</u>	<u>2017</u>
Total Pension Liability			
Service cost	\$ 180,126	\$ 189,132	\$ 218,149
Interest	409,354	400,425	460,806
Differences between expected and actual experience	-	-	(39,121)
Changes of assumptions	-	-	135,657
Benefit payments, including refunds of member contributions	<u>(295,108)</u>	<u>(299,827)</u>	<u>(322,389)</u>
Net Change in Total Pension Liability	294,372	319,730	453,102
Total Pension Liability – Beginning	<u>5,815,344</u>	<u>6,109,716</u>	<u>6,429,446</u>
Total Pension Liability – Ending (a)	<u><u>\$ 6,109,716</u></u>	<u><u>\$ 6,429,446</u></u>	<u><u>\$ 6,882,548</u></u>
Plan Fiduciary Net Position			
Contributions – employer	\$ 317,945	\$ 329,240	\$ 351,559
Contributions – member	37,586	40,107	37,681
Net investment income	(194,289)	253,272	617,301
Benefit payments, including refunds of member contributions	<u>(295,108)</u>	<u>(299,827)</u>	<u>(322,389)</u>
Administrative expense	<u>(4,600)</u>	<u>-</u>	<u>(7,400)</u>
Net Change in Plan Fiduciary Net Position	<u>(138,466)</u>	<u>322,792</u>	<u>676,752</u>
Plan Fiduciary Net Position – Beginning	<u>4,414,178</u>	<u>4,275,712</u>	<u>4,598,504</u>
Plan Fiduciary Net Position – Ending (b)	<u><u>\$ 4,275,712</u></u>	<u><u>\$ 4,598,504</u></u>	<u><u>\$ 5,275,256</u></u>
Net Pension Liability – Ending (a-b)	<u><u>\$ 1,834,004</u></u>	<u><u>\$ 1,830,942</u></u>	<u><u>\$ 1,607,292</u></u>
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	69.98%	71.52%	76.65%
Estimated Covered Employee Payroll	\$ 951,319	\$ 959,962	\$ 881,226
Net Pension Liability as a Percentage of Covered Employee Payroll	192.79%	190.73%	182.39%



CITY OF NANTICOKE POLICE PENSION PLAN  
 SUPPLEMENTARY INFORMATION  
 (UNAUDITED)

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, 2016 and 2017, calculated using the discount rate of 7.00%, 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 (6.00%)	Current Discount Rate (7.00%)	1% Increase (8.00%)
Net Pension Liability – 12/31/16	\$ 2,645,632	\$ 1,830,942	\$ 1,150,203
Net Pension Liability – 12/31/17	\$ 2,510,998	\$ 1,607,292	\$ 856,842

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
2009	\$ 4,720	\$ 29,336	\$ (24,616)	\$ -	-
2010	8,170	23,461	(15,291)	-	-
2011	112,411	117,861	(5,450)	-	-
2012	120,321	120,321	-	-	-
2013	193,520	193,520	-	-	-
2014	198,670	198,670	-	887,820	22.38%
2015	317,945	317,945	-	951,319	33.42%
2016	329,240	329,240	-	959,962	34.30%
2017	351,559	351,559	-	881,226	39.89%

\* Due to GASB Statement No. 67, *Financial Reporting for Pension Plans*, being implemented only recently, the amount of Covered-Employee Payroll was not provided for years prior to 2014.

CITY OF NANTICOKE POLICE PENSION PLAN  
SUPPLEMENTARY INFORMATION  
(UNAUDITED)

SCHEDULE OF INVESTMENT RETURNS

Annual Money-Weighted Rate of Return, Net of Investment Expense:

2017	14.25%
2016	6.71%

CITY OF NANTICOKE POLICE 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, 2013, is as follows:

	(1)	(2)	(3)	(4)
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)
01-01-13	\$ 3,757,836	\$ 5,413,514	\$ 1,655,678	69.4%
01-01-15	4,315,248	5,815,344	1,500,096	74.2%
01-01-17	4,893,966	6,525,982	1,632,016	75.0%

CITY OF NANTICOKE POLICE 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.

CITY OF NANTICOKE POLICE 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	Level dollar
Remaining amortization period	11 years
Asset valuation method	5-year smoothing with the actuarial value of assets limited to a maximum of 120% and a minimum of 80% of the fair market value of assets
Actuarial assumptions:	
Investment rate of return	7.0%
Projected salary increases	5.0%

CITY OF NANTICOKE POLICE PENSION PLAN  
REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

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Commonwealth of Pennsylvania

**The Honorable Richard Wiaterowski**  
Mayor

**Mr. William Brown**  
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**Mr. Kevin Coughlin**  
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**Ms. Lesley Butczynski**  
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**Ms. Nicole Colatosti-Mackiewicz**  
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**Mr. John Pietrzyk**  
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**Ms. Donna M. Wall**  
Interim City Manager

**Ms. Jennifer Polito**  
City Clerk

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