

Transparency and Accountability of Fiscal Activities in Villages

2024MS-2 | December 2024

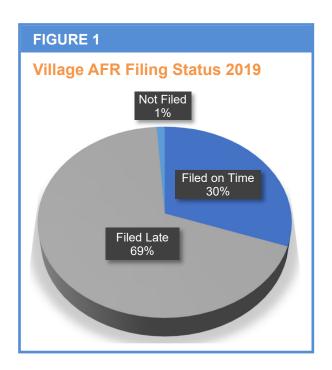
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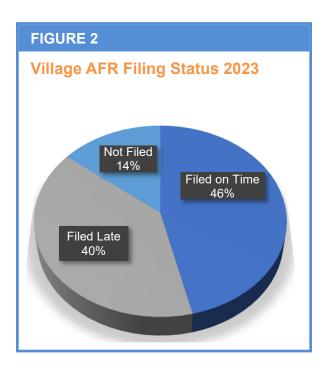
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Executive Summary

New York State (NYS) has 532 villages ranging in size from fewer than 50 residents with a budget of \$173,450 to almost 60,000 residents with a budget of \$93.8 million. Villages provide essential services for their residents, who elect a board to plan, guide and manage operations, including the funding of the annual budget to provide those services. Village officials in NYS should be transparent and accountable, by making financial information readily available to the public. By being open, providing information and keeping public records regarding their financial activities current and accessible, residents are able to see how their tax dollars are being spent, and they are given the opportunity to provide feedback to officials.

Annual Financial Report – Of the 532 villages, 246 (46 percent) filed their statutorily required fiscal year 2023 Annual Financial Report (AFR) with the Office of the State Comptroller (OSC) on time, 210 villages (40 percent) filed the AFR with OSC after the statutory due date and 76 villages (14 percent) did not file. While the share of villages filing on time to ensure the public has access to financial information has improved from 30 percent to 46 percent since 2019, the number of villages that do not file their required AFR has grown from six in 2019 to 76 in 2023, a concerning trend (Figures 1 & 2).





We reviewed² the fiscal year 2023 AFR filing status for 30 villages (Villages) across NYS and identified the primary reasons for not filing, as explained by Village officials, which were due to incomplete accounting records, turnover in the Chief Fiscal Officer (CFO) position, and needing training or technical help in filing. Failure to file by the statutory deadline, or not filing the AFR at all, calls into question the financial standing of the Village as well as the general effectiveness of the management of the Village, and leaves residents, policymakers and other interested parties with little to no information regarding the fiscal performance of their government.

- 1 Data as of September 13, 2024. Since then,11 villages have filed with OSC as of December 13, 2024.
- 2 The scope of our review does not constitute an audit under generally accepted government auditing standards (GAGAS).

<u>CFO Records and Reports</u> – We identified that CFOs in 28 of the 30 Villages we reviewed provided either untimely and incomplete, timely but incomplete, or no financial reports to the Village Board (Board). As such, in only two of the 30 Villages that we reviewed did the CFOs provide timely and complete financial reports. Without timely and complete financial information, a board may not be able to develop realistic budgets, adopt proper property tax levies, monitor operations, or create long-term financial plans. Furthermore, if financial information is not available to the public, taxpayers are less able to assess a village's fiscal standing and may question whether property tax increases are justified and needed.

Annual Audits – For the 30 selected Villages, there was no evidence of an annual audit being conducted for 28 villages, or 93 percent. A board cannot determine whether the CFO's accounting records are properly maintained, and reports are complete and accurate without performing the annual audit. The primary reasons for no annual audit, as explained by Village officials, were due to being unaware of the audit requirement, poor accounting records and delays encountered by the Certified Public Accounting (CPA) firms that were engaged to perform the audit. OSC audits of the Villages selected had identified that 21 had failed to maintain complete and up-to-date accounting records.

Village boards should ensure openness by making adequate financial information accessible and by performing annual audits. Ultimately, transparency serves as a cornerstone of good governance, promoting accountability, reducing opportunities for financial mismanagement and ensuring that public funds are used effectively.

Transparency and Accountability of Fiscal Activities in Villages

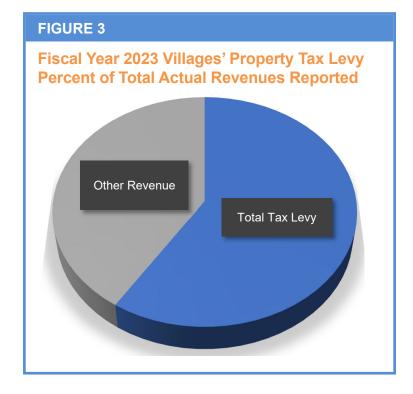
Overview

Villages provide essential municipal services for residents, such as street maintenance and improvement, snow removal, water, sewer, refuse collection, and fire and police protection. Village boards are elected by their residents to plan, guide and manage village operations, including the funding of the annual budget.³ Villages are highly dependent on property owners to fund their operations through the collection of real property tax payments. Therefore, boards need reliable financial information to monitor and manage financial operations, make financial decisions, establish the future real property tax levy, and establish plans for long-term operating and capital needs.

For fiscal year 2023, 456 village boards approved real property tax levies totaling approximately \$1.3 billion. Property tax payments accounted for over half, or 59 percent,⁴ of the total \$2.2 billion revenue collected (Figure 3).

It is important for the public to know how village officials spend tax dollars to provide services. Transparency is also important for public participation and accountability and allows residents the opportunity to provide feedback on the quality and adequacy of services as well as decisions that impact the village's long-term financial stability. Transparency means ensuring that reliable, complete and timely information is readily available and accessible.

A village's accountability is undermined when village officials fail to keep public records regarding its financial activities current and accessible. Moreover, residents are not afforded the opportunity to hold their elected officials accountable for the financial operations that are funded with tax



dollars. Internally, transparency occurs when village officials and the board openly share financial information, fostering accountability. Externally, transparency signals that the village operates openly. Therefore, requirements exist to help ensure records and reports are maintained and the public has access to financial information.⁵ Failure to file on time or not filing the AFR at all reduces transparency and calls into question the financial standing of the village as well as the general effectiveness of the management of the village.

³ See Appendix A for background information on village operations, relevant laws and specific requirements.

⁴ The calculation is based on the villages who filed an AFR with OSC as of September 13, 2024.

⁵ See Appendix A for background information on village operations, relevant laws and specific requirements.

Many Villages Are Not Filing Their Annual Financial Reports On Time

The annual report of a village's financial position and results of operations, known as the AFR, must be filed with OSC between 60-120 days after the close of the fiscal year⁶ by the CFO. The AFR provides detailed information about the village's finances and includes such items as revenues, expenditures, debt, cash reserves and fund balance. Further, the AFR must be made available to the public by:

- Publishing a notice in the village's official newspaper within 10 days that the AFR has been filed and is available to the public for inspection, and
- Making the AFR, to the extent practicable, accessible on the village's official website.

The timely reporting of annual financial information increases the transparency of the village's operations – a benefit to the public who can access data online to understand the recent and current financial condition. In the longer-term, consistent filing creates a comprehensive historical financial picture for the stakeholders who rely on this data including:

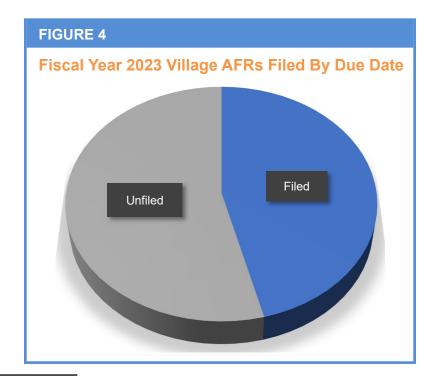
- Local officials,
- Taxpayers,
- Researchers,
- Credit rating agencies,

- Legislators,
- The media, and
- Other interested parties.

For the 532 villages located throughout nine economic regions⁷ (regions) of NYS, the number of villages that had not filed their AFR by the statutory due date was 286 in fiscal year 2023, or 54 percent (Figure 4).

Of the 286 villages that did not file by the required statutory due date, 210 villages filed late, delaying public access to financial information, and 76 villages did not file their fiscal year 2023 AFR with OSC.⁸

These 76 villages, with a total population of more than 369,000 people, levied taxes totaling \$288 million. The two highest non-filer tax

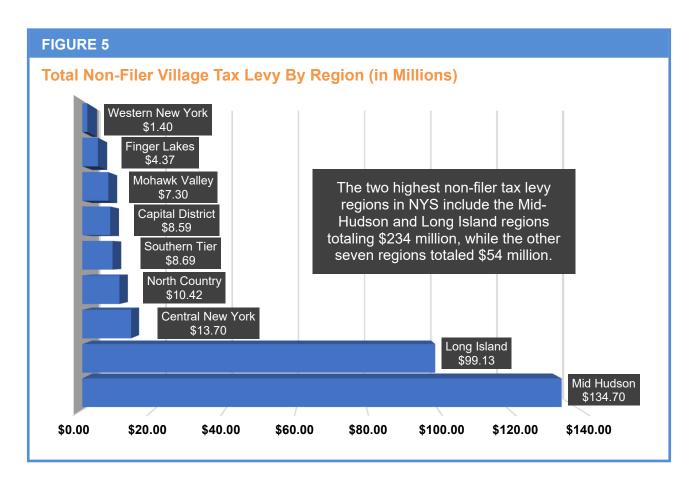


⁶ Villages with populations under 5,000 have 60 days to file, between 5,000 to 19,999 have 90 days, and populations with 20,000 or more have 120 days. Villages, as appropriate, may request an extension of the filing deadline, to extend the time to file up to a total of 120 days.

⁷ The nine economic regions of NYS (excluding New York City) are: Capital District, Central New York, Finger Lakes, Long Island, Mid-Hudson, Mohawk Valley, North Country, Southern Tier and Western New York. See Appendix C for a map of the regions.

⁸ Data as of September 13, 2024. Since then, 11 villages have filed with OSC as of December 13, 2024.

levy regions include the Mid-Hudson and Long Island regions totaling \$234 million, while the other seven regions totaled \$54 million (Figure 5).



Gaps in filing create missed opportunities for stakeholders to identify issues early, when they may be more easily remedied. In addition, larger localities that do not file often have substantial budgets and provide a greater variety of services – with proportionally more public dollars potentially at risk. When transparency is undermined in any of these units, it is cause for concern.

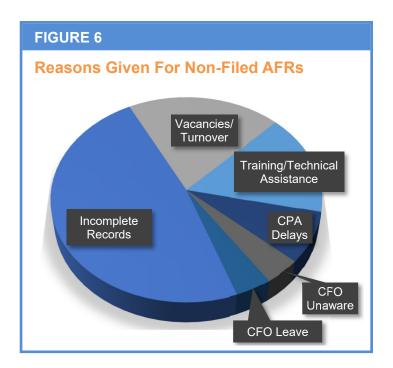
When basic financial data is not filed in a timely manner, it may indicate staff or officials do not possess the necessary skills to maintain and prepare financial information; prevent local officials from taking necessary steps to avoid a fiscal crisis; and diminish transparency and accountability, undermining public confidence.

Most of the Villages We Selected Did Not File Their AFR

We selected 30 Villages across the nine regions to review⁹ their fiscal year 2023 AFR filing status. We determined 25 did not file the AFR with OSC, four filed their AFRs significantly late (an average of 331 days), and one filed within the 90 day statutory requirement (Appendix B). All but one of the 30 CFOs were aware of the filing requirement. The Mayors, as the Chief Executive Officer (CEO) and member of the governing Board, also were generally aware of the annual filing requirement.

As shown in Figure 6, of the 25 Villages who did not file the AFR, the most common reason Board members and CFOs told us the fiscal year 2023 AFR was not filed was due to the CFO's incomplete records (12 Villages, or 48 percent). This was followed by:

- Vacancies or high turnover in the CFO position were experienced and/or loss of accounting staff at five Villages (20 percent),
- The CFO needed training or technical assistance in filing at four Villages (16 percent),
- The Board engaged a CPA to assist in filing, or preferred the CPA to audit the CFO's records prior to filing; however, the CPA had encountered delays at two Villages (8 percent),
- The CFO was unaware of the filing requirement at one Village (4 percent), and
- The CFO took significant leave which delayed filing at another Village (4 percent).



The transparency of Village operations is compromised when the AFR is not filed in a timely manner. Without available financial information, Village taxpayers have less ability to evaluate whether their tax dollars are spent in a prudent manner.

⁹ The scope of our review does not constitute an audit under GAGAS.

CFOs Had Incomplete Records and Provided Boards With Untimely or No Financial Information

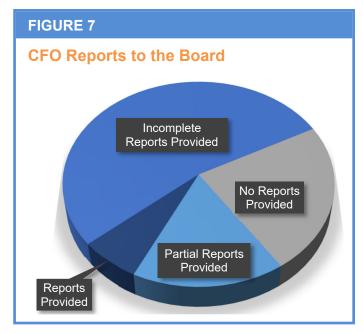
A board needs accurate and timely financial information to effectively monitor actual results of operations against budget estimates and available fund balance. Village CFOs should report fiscal activities to the board from properly maintained and up-to-date village records. Untimely or incomplete recording of transactions leads to incomplete or delayed reporting of financial information to the board. Recent village audits by OSC determined significant deficiencies in CFOs' records. Specifically, 21 Villages we selected failed to maintain complete and up-to-date accounting records. For example:

- One Village had failed to record \$2.2 million in payroll expenditures into its accounting records and \$2 million in property tax revenues.
- Another Village had entered its cash receipt and disbursement transactions into its records up to eight months late.
- Lastly, one Village's accounting system has not been properly closed since 2018 and the CFO could not produce a general ledger with beginning and ending balances.

Other deficiencies outlined in these OSC audits included no independent review of the CFO bank reconciliations, significant variances between adjusted bank balances and book balances, and no independent review of certified payroll records resulting in overpayments.

Because these OSC audits identified deficiencies with Village records, reports provided to the Board should be questioned. For example, as shown in Figure 7, of the 30 Villages we reviewed:

- The CFOs provided incomplete financial reports to the Board at 16 Villages (53 percent). The reports were incomplete because the CFOs maintained poor accounting records or they provided the reports to the Board in an untimely manner (several months later). The Deputy Mayor and a Trustee at one Village told us that the Board received budget status reports during its monthly meetings; however, the reports were inadequate because not all revenue and expenditure transactions were recorded, and accurate year-to-date balances could not be provided.
- The CFOs did not provide any reports, such as budget to actual status or trial balances to the Board at seven Villages (23 percent). This was because the
 - (23 percent). This was because the CFOs were not instructed to provide the reports by the Board.



- The CFOs provided the Board with only partial reports at five Villages (17 percent), either budget status or trial balance, but not both.
- The CFOs at just two of the Villages (7 percent) provided adequate financial reports to the Board.

Without adequate financial information, the Board may not be able to develop realistic budgets, adopt proper property tax levies, monitor operations, or create long-term plans. Furthermore, if financial information is not available to the public, taxpayers are also not able to assess the Village's fiscal standing and may question whether property tax increases are justified and needed. For example, 26 of the 30 Villages we reviewed raised property taxes:

- Tax increases ranged from 1 to 21 percent from fiscal year 2022 to fiscal year 2024.
- Five of the Villages had tax levy increases exceeding 10 percent.

Importantly, 18 of these Villages had incomplete records, including all five that had tax levy increases exceeding 10 percent. Therefore, the tax increases may not have been necessary as decision making was limited.

Boards Were Not Providing Oversight By Performing Annual Audits

A village board is responsible for overseeing the village's financial operations and safeguarding its resources and is required to annually audit, or cause to be audited, the village treasurer's books and records. The audit of these records should be thorough and sufficiently detailed and helps to ensure that sufficient board oversight is being

maintained over village operations.

A board can determine whether the CFO's accounting records are properly maintained and reports are complete and accurate by performing the annual audit.

There was no evidence of an annual audit being conducted for 28 of the 30 selected Villages, or 93 percent. Although the other two Village Boards engaged CPAs for fiscal year 2023, the CPA audits were not completed in a timely manner; the CPA audits were presented to the Boards nine and 16 months after fiscal year-end, respectively.

As shown in Figure 8, we were given several reasons why the Boards did not perform an annual audit at these 28 Villages, including:



¹⁰ See Appendix A for background information on village operations, relevant laws and specific requirements.

- The CEO was not aware of the annual audit requirement at 10 Villages (34 percent),
- The accounting records were inadequate at seven Villages (23 percent),
- There were delays by the CPA or CFO auditing prior years' records first at seven Villages (23 percent), and
- The Board chose not to at four Villages (13 percent).

For the Boards that chose not to perform an annual audit, we were told the Boards:

- Needed more training to perform an audit,¹¹
- Did not believe an audit was necessary because they were satisfied with the CFO's work,
- Had engaged a CPA to perform accounting services rather than audit, and
- Delayed the annual CPA audits due to other priorities.

Without an audit there is little independent verification that transactions have been accurately recorded, cash is properly accounted for, and records are complete and up to date. A board is not limited to outsourcing an audit of the CFO's records and reports; hence, it is the board's responsibility to ensure an audit is performed as required under the Village Law.

When a board does not fulfill its responsibilities to perform an annual audit, errors and irregularities may occur. For example, a recent OSC audit¹² found a CFO used Village funds to make improper payments to herself, pay personal bills and inflated payroll payments to overpay herself. The CFO was arrested and ultimately pleaded guilty to the theft of over \$58,000 in Village funds.

Had the Village Boards conducted an annual audit, they could have identified deficiencies in the CFO's records and reports, which would assist them in taking further action to ensure the accounting records are complete, accurate and up to date.

Conclusion

Village boards should uphold their responsibilities and comply with transparency requirements by making financial information accessible and by performing annual audits, as a board is entrusted to oversee the policy, financial, and ethical framework within which a Village operates.

Board members can attend applicable and beneficial training sessions to obtain a better understanding of their duties. Training provided by OSC can be found at: www.osc.ny.gov/localgov/academy/index.htm.

Ultimately, transparency serves as a cornerstone of good governance, promoting accountability, reducing opportunities for financial mismanagement, and ensuring that public funds are used effectively.

¹¹ See Appendix D, Training – Resources for local government officials including in-person and online training opportunities on a wide range of topics www.osc.ny.gov/local-government/academy

¹² https://www.osc.ny.gov/files/local-government/audits/2022/pdf/bemus-point-village-2022-38.pdf

Appendix A: Background and Relevant Laws

A village is an incorporated local government that serves the residents of a specific geographical location. A village also varies in size. For example, there are 532 villages in NYS, ranging in size from fewer than 50 residents to almost 60,000, with a total population of 1,925,787 residents that reside in a village in NYS.¹³

A village is governed by an elected board, generally composed of a mayor and trustees. The board is responsible for managing and overseeing the village's operations, including funding of the annual budget, providing adequate information to the public regarding the village's financial condition and safeguarding its resources from theft or abuse.

The budget should be prepared based on the most current and accurate information available. The final step of the budget preparation process is the calculation of the real property tax levy, which generates the tax bill received by each village property owner. Services are provided to village residents and the operating results should be monitored and evaluated to ensure needs, efficiencies and effectiveness are being met.

A village's CEO,¹⁴ along with other department heads, are responsible for the day-to-day management. A village's CFO can be the treasurer or clerk-treasurer,¹⁵ and, in accordance with Village Law Section 4-408, is responsible for the custody of all village funds, and must:

- Keep accounts of all receipts and expenditures,
- Deposit all funds received in a timely manner,
- Pay out village funds as authorized by the Village Law, and
- File a statement (or copy of the AFR if authorized by the board) at the end of the fiscal year with the village clerk showing in detail all revenues and expenditures during the previous fiscal year and the outstanding indebtedness of the village as of the end of the fiscal year.

In addition, General Municipal Law Section 30 requires a village's CFO to prepare and file an AFR with OSC within a set number of days¹⁶ after the close of the fiscal year and to make, to the extent practicable, the AFR accessible to the public on the village's official website.

Village Law Section 4-408 also requires the board to publish a notice in the village's official newspaper within 10 days that the AFR has been filed and is available to the public for inspection.

¹³ https://www.osc.ny.gov/local-government/resources/population-data-rsources-and-publications

¹⁴ In most circumstances, the CEO of a village in NYS is the mayor. However, there are some exceptions, such as when the village has its own charter.

¹⁵ A village can appoint an individual to serve as both clerk and treasurer or have separate individuals serving as village clerk and as village treasurer. Generally, the clerk-treasurer position encompasses the main responsibilities of the treasurer's area of financial accountability and reporting.

¹⁶ Villages with populations under 5,000 have 60 days to file, between 5,000 to 19,999 have 90 days, and populations with 20,000 or more have 120 days. Villages can request extensions up to 120 days.

Pursuant to Village Law Section 4-408(e), the board of trustees must audit, or cause to be audited by an officer or employee of the village or by a CPA or a Public Accountant (PA) engaged for that purpose, the treasurer's AFR and supporting records.

These books and records include:

- Cash receipt and disbursement transactions,
- Cash reconciliations,
- Receivables,
- Investment records,

- Deposit protections,
- Indebtedness and property records,
- Payrolls, and
- Financial reports.

An audit of the CFO's records¹⁷ should determine that the following minimum concerns are met:

- Financial records are complete and up to date,
- Transactions are recorded properly,
- Reconciliations are performed monthly, and
- Required reports are made in a timely and accurate manner.

¹⁷ See Appendix D, Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management. www.osc.ny.gov/local-government/publications. For OSC guidance on conducting an annual audit, including a checklist, from our Local Government Management Guide, *Fiscal Oversight Responsibilities of the Governing Board*, see https://www.osc.ny.gov/files/local-government/publications/pdf/fiscal-oversight-responsibilities-of-the-governing-board.pdf.

Appendix B: Selected Villages – Facts

Village	Region	Fiscal Year End	Population	2023 Budget (Rounded)	2023 Tax Levy (Rounded)	Last Filed AFR (as of September 2024)	Annual Audit (Yes/No)
Airmont	Mid-Hudson	12/31	10,166	\$2,900,000	\$1,500,000	2023	No
Almond	Western	5/31	415	203,000	92,000	2020	No
Bemus Point	Western	5/31	306	440,000	145,000	2016	No
Cato	Central	5/31	517	300,000	117,000	2022	No
Catskill	Capital	5/31	3,745	4,800,000	4,000,000	2023	No
Cedarhurst	Long Island	5/31	7,374	7,200,000	2,100,000	2021	No
Copenhagen	North Country	5/31	631	1,000,000	231,000	2022	No
Dolgeville	Mohawk Valley	5/31	2,042	1,600,000	1,000,000	2022	No
East Syracuse	Central	5/31	3,078	4,500,000	2,400,000	2022	No
Elmira Heights	Southern Tier	5/31	3,916	3,300,000	2,000,000	2023	No
Great Neck	Long Island	5/31	11,145	12,100,000	7,500,000	2019	No
Herkimer	Mohawk Valley	5/31	7,234	7,400,000	5,200,000	2022	No
Holley	Finger Lakes	5/31	1,754	1,300,000	1,000,000	2022	No
Hoosick Falls	Capital	5/31	3,216	1,900,000	1,100,000	2022	No
Hudson Falls	Capital	5/31	7,427	5,100,000	3,000,000	2021	No
Hunter	Capital	5/31	429	1,000,000	760,000	2020	No
Lisle	Southern Tier	5/31	348	194,000	34,000	2020	No
Madison	Central	5/31	311	480,000	65,000	2021	No
Monticello	Mid-Hudson	7/31	7,173	9,000,000	5,900,000	2021	No
Mount Kisco	Mid-Hudson	5/31	10,959	24,100,000	15,800,000	2020	Yes
North Haven	Long Island	5/31	1,162	2,000,000	1,100,000	2022	No
North Syracuse	Central	5/31	6,739	5,600,000	3,200,000	2021	No
Pomona	Mid-Hudson	5/31	3,824	3,200,000	1,800,000	2022	No
Riverside	Southern Tier	5/31	423	260,000	96,000	2019	No
Sidney	Southern Tier	5/31	3,697	3,800,000	2,400,000	2022	No
Solvay	Central	5/31	6,645	6,700,000	3,500,000	2022	Yes
Spring Valley	Mid-Hudson	5/31	33,066	34,400,000	25,400,000	2020	No
Wappingers Falls	Mid-Hudson	5/31	6,103	5,400,000	4,400,000	2021	No
Washingtonville	Mid-Hudson	2/28	5,657	7,000,000	3,600,000	2023	No
Waterford	Capital	5/31	2,038	\$1,200,000	\$311,000	2023	No
Total			151,540	\$158,377,000	\$99,751,000		

Appendix C: Map of Economic Regions of NYS



Appendix D: Resources and Services

Regional Office Directory

www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas www.osc.ny.gov/local-government/publications

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems www.osc.ny.gov/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management www.osc.ny.gov/local-government/publications

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.ny.gov/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.ny.gov/files/local-government/publications/pdf/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.ny.gov/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

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Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

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Contact

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https://www.osc.ny.gov/local-government

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