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November 8, 2019

The Honorable Michelle Roman
Members of the Common Council
City of Lockport
Lockport Municipal Building
One Locks Plaza
Lockport, NY 14094

Report Number: B19-1-7

Dear Mayor Roman and Members of the Common Council:

Pursuant to Chapter 332 of the Laws of 2014, as amended by Chapter 147 of the Laws of 2015 (the "Act"), the New York State Legislature authorized the City of Lockport (City) to issue debt to liquidate the accumulated deficits in the City's general, water, sewer and refuse funds as of December 31, 2013.

The Act requires the City to submit to the State Comptroller each year, beginning January 1, 2015, and for each subsequent fiscal year during which the debt incurred to finance the deficit is outstanding, the proposed budget for the next succeeding fiscal year. The Act requires that the submission of the proposed budget be made to our Office no later than thirty days before the last date on which the budget must be finally adopted.

The Act further provides that the State Comptroller must examine the proposed budget and make recommendations as deemed appropriate to the Common Council no later than 10 days before the last date on which the budget must be adopted. Such recommendations are made after the examination into the City's revenue and expenditure estimates. The Common Council, no later than five days prior to the adoption of the budget must review the State Comptroller's recommendations and make adjustments to its proposed budget consistent with any recommendations made by the State Comptroller.

Our Office has recently completed a review of the City's proposed budget for the 2020 fiscal year. The objective of the review was to provide an independent evaluation of the proposed budget. Our review addressed the following question related to the City's budget for the upcoming fiscal year:

- Are the significant revenue and expenditure projections in the City's proposed budget reasonable?

To accomplish our objective in this review, we requested your proposed budget, salary schedules, debt payment schedules and other pertinent information. We identified and examined significant estimated revenues and expenditures for reasonableness with emphasis on significant and/or unrealistic increases or decreases. We analyzed, verified and/or corroborated trend data and estimates, where appropriate. We identified any significant new or unusually high revenue or expenditure estimates, made appropriate inquiries and reviewed supporting documentation to determine the nature of the items and to assess whether the estimates were realistic and reasonable.

The scope of our review does not constitute an audit under generally accepted government auditing standards (GAGAS). We do not offer comments or make specific recommendations on public policy decisions, such as the type and level of services under consideration to be provided.

The proposed budget package submitted for review for the 2020 fiscal year consisted of the following:

- 2020 Proposed Budget
- Supplementary Information

The proposed budget submitted to our Office is summarized as follows:

Fund	Appropriations and Provisions for Other Uses	Estimated Revenues	Appropriated Fund Balance	Real Property Taxes
General	\$25,138,747	\$12,094,487	\$0	\$13,044,260
Water	\$4,317,755	\$4,317,755	\$0	\$0
Sewer	\$4,079,604	\$4,079,604	\$0	\$0
Refuse	\$1,307,820	\$1,307,820	\$0	\$0
Total	\$34,843,926	\$21,799,666	\$0	\$13,044,260

Based on the results of our review, except for the matters described in this letter, we found that the significant revenue and expenditure projections in the proposed budget appear reasonable. Our review disclosed the following findings which should be reviewed by the Common Council for appropriate action. We also discussed minor budget deficiencies we noted during our review with City officials. As noted, the Act requires the Common Council to review our recommendations and make adjustments to the proposed budget consistent with our recommendations. We believe that prompt action by City officials will help improve the City’s financial condition.

Fund Balance

Fund balance represents the cumulative residual resources from prior fiscal years’ operations that may be appropriated in the annual budget to reduce the tax levy. The City did not appropriate any fund balance as a financing source in the 2020 general, water, sewer or refuse fund budgets.

The City's draft audited financial statements¹ reported that as of December 31, 2018, unrestricted fund balance in the general, water, sewer and refuse funds were approximately 20.2 percent, 46.5 percent, 26.6 percent, and 30.3 percent, respectively, of the following year's budgeted appropriations. For 2019, City officials project operating surpluses in the general, water and refuse funds and expect the sewer fund to have an operating loss. The 2020 proposed budget includes a planned increase in sewer rents which may reduce or eliminate future operating losses in the sewer fund.

City officials may retain a reasonable amount of unrestricted fund balance for each fund, consistent with prudent budgeting practices, necessary to help ensure orderly financial operations and the continued provision of services. City officials should assess what is reasonable for their particular situation considering various factors such as the timing of receipts and disbursements and the volatility of revenues and expenditures. Because fund balance is affected by the results of operations, it may not be available on a recurring basis and should be used cautiously. We note that effective long-range planning, the creation and planned use of reserves, and contingency appropriations in the annual budget may offset the amount of unrestricted fund balance the City would need to accumulate.

The City's fund balance policy states that unrestricted fund balance in the general fund should, at a minimum, total 17 percent of the following year's budgeted appropriations. City officials estimate unrestricted fund balance in the general fund will total \$7 million as of December 31, 2019, which is 28 percent of 2020 general fund appropriations included in the proposed budget. The projected unrestricted fund balance would exceed the City's fund balance policy minimum amount.

In addition, the City's fund balance policy states that the water, sewer and refuse funds should maintain unrestricted fund balance at a level needed to maintain positive cash balances throughout the year. City officials prepared and analyzed cash flow estimates for 2019 to determine if unrestricted fund balance levels in these three funds were adequate. The analysis found that while fund balance is increasing in all funds, the water fund is the only fund that has consistently maintained cash of at least three months of operating expenditures or 25 percent of the fund's annual operating budget, which is one of the benchmarks in the City's fund balance policy.

Collective Bargaining Agreements

City officials told us they are nearing a settlement on two collective bargaining agreements (CBAs) with various City employees, therefore it is likely these CBAs will be in place in 2020 and the Common Council and City officials should budget accordingly. One tentative CBA includes a 6 percent wage increase in the first year. The other tentative CBA includes a 4 percent wage increase in the first year and a retroactive payment of \$3,000 to be paid in \$1,500 installments over the first two years of the contract. The budget should include expenditures that are likely to occur and are measurable.

¹ A member of the Audit Committee indicated that the final 2018 financial statements have not been released because they are reviewing the draft financial statements.

Contingency

Contingency accounts are used by local governments as a means of providing funding for unexpected events and uncertainties. The City is appealing an arbitration ruling which required hiring additional firefighters. City officials told us they do not anticipate the appeal process will be complete during 2020. Furthermore, 36 City employees are retirement eligible, and if they choose to retire in 2020 will be due buyouts averaging \$27,000² per retiree, totaling almost \$1 million. Currently, the City included \$500,000 in the 2020 proposed general fund budget and \$20,000 in both the proposed water and sewer fund budgets to fund buyouts.

The City's fund balance policy states that the general fund budget requires a contingency account of at least 1.25 percent of appropriations. The City's proposed budget includes a general fund contingency appropriation totaling \$325,000, which exceeds the 1.25 percent threshold. The proposed budget contains a water fund contingency appropriation of \$130,565 (3 percent of appropriations) and a sewer fund contingency appropriation of \$100,000 (2.5 percent). The Common Council needs to consider whether the contingency appropriations are adequate if arbitration appeals are settled and unanticipated retirements occur.

Tax Cap Compliance

General Municipal Law Section 3-c establishes a tax levy limit on local governments, which was effective beginning with the 2012 fiscal year. The law generally precludes local governments from adopting a budget with a tax levy that exceeds the prior year tax levy by more than 2 percent or the rate of inflation, whichever is less, unless the governing board adopts a local law to override the tax levy limit. The tax levy limit for 2020 is 2 percent.

The proposed budget includes a tax levy of \$13,044,260 which is the maximum levy that the City can impose without the Common Council needing to override the tax levy limit. In adopting the 2020 budget, the Common Council should be mindful of the legal requirement to maintain the tax levy increase to no more than the tax levy limit as permitted by law, unless it properly overrides the tax levy limit.

In accordance with the Act, the Common Council has the responsibility to make adjustments in the proposed budget consistent with the recommendations in this report. We request that you provide us with a copy of the adopted budget.

We hope that this information is useful as you adopt the upcoming budget for the City. If you have any questions on the scope of our work, please feel free to contact Jeffrey D. Mazula, Chief Examiner of the Buffalo Regional Office, at (716) 847-3647.

Sincerely,

Elliott Auerbach
Deputy Comptroller

² Based on historical data.

cc: Sue A. Mawhiney, City of Lockport Treasurer
Scott A. Schrader, Finance Director
Richelle J. Pasceri, City of Lockport Clerk
Hon. Liz Krueger, Chair, Senate Finance Committee
Hon. Helene E. Weinstein, Chair, Assembly Ways and Means Committee
Hon. Michael J. Norris, State Assembly Representative
Hon. Robert G. Ortt, State Senate Representative
Robert F. Mujica Jr., Director, Division of the Budget
Jeffrey D. Mazula, Chief Examiner