Running on Empty?

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Issue

To what extent have San Mateo County and the cities relied on their reserves to get through the recession and how are they positioned for the future? Have they deferred expenditures, such as annual retiree health care payments, that will result in even higher future costs? How easy is it for interested citizens to determine the answers to such questions from publicly available information?

Summary

San Mateo County and its cities have managed through the recession with aggressive cost cutting to align with revenues, and most have avoided significantly drawing down their reserves over the past three years. They were not "running on empty" as of the end of fiscal year 2010. At that time, all cities and the County still had Unreserved General Fund Balances above the minimum levels recommended by the Government Accounting Standards Board (GASB) and by their own policies, where they exist. All cities and the County are current with their Annual Required Contributions (ARC) for retiree pensions, but some are not making their full ARC payments for Other Post Employment Benefits (OPEB), specifically for retiree health care benefits, and are accruing associated liabilities. It is important to emphasize that their current status with respect to annual payments for these retiree benefits is separate and distinct from their ability to deal with the escalating costs of retiree benefits in the future, and the health of the trusts themselves, issues beyond the scope of this investigation.

The complexities of government accounting make it very difficult for interested citizens to assess levels of reserves or other aspects of fiscal health on their own. In addition, significant differences in how much information cities make available to the public, the way they present it, and the timeliness of its availability vary greatly by city. The Grand Jury recommends all cities establish new or revised reserve policies for improved clarity in alignment with new Government Accounting Standards and develop fiscal health "scorecards" to simply communicate city/County fiscal health to interested citizens. The Grand Jury also recommends specifically identified cities improve the amount and timeliness of financial information posted to their websites and explain why they are not making their full annual OPEB retiree health care payments.

Background

The recent recession presented significant budget and operational challenges to our County and city governments. In many areas, house prices and property values declined, slowing real estate transactions and receipt of associated property and transfer taxes. Unemployment rose, businesses closed and credit tightened, affecting retail sales and sales tax revenues. Employee pensions, health care and other costs rose unabated during this period. Local governments were forced to make tough decisions on how to balance their budgets and correct structural imbalances. The recession was long and deep, with a slow recovery still in progress.

Local news reports highlighted significant cutbacks in and outsourcing of services, department consolidations across cities, city worker layoffs and salary reductions, and other attempts to deal with financial challenges facing individual cities. The County and cities were in different starting positions based on their individual financial circumstances and strength going into this recession. Therefore, each had different options available to manage through it, such as cutting expenses via job reductions and service cuts in line with anticipated and actual revenues, and/or drawing down reserves to levels consistent with city policies, recommended Governmental Accounting Standards Board (GASB) standards, and their respective planning assumptions about the future.

The 2011 San Mateo County Civil Grand Jury (Grand Jury) was interested in understanding how cities coped with the recession and how they are positioned for the future. Are they now "running on empty", meaning have they exhausted all or most of their reserve funds, or have they maintained sufficient reserves to be on reasonably solid footing for challenges ahead? Are they meeting their pension and retiree health care obligations? Attempting to answer these questions would provide the answer to another key question: how easy is it for interested citizens to determine the fiscal health of their cities and County from readily available public information?

Investigation

The Grand Jury explored the following areas:

- **Availability of information –** What information is available on city and County websites for citizens interested in assessing their city's and County's fiscal state and performance and how they may have changed over time?

- **Reserves as an indicator of fiscal health –** What are "reserves? Are there different types of reserves and requirements related to them? Which should the Grand Jury look at to understand the nature and impact of decisions made as a result of the recession? Are there related metrics that need to be looked at in parallel for a more complete understanding?

- **Applicable Policies and Standards** – What policies and standards exist with respect to levels and use of reserves for each city and the County? Have cities and the County complied with their policies and standards during this period, and can the Grand Jury see a difference in management response and fiscal health between cities that have reserve policies vs. those that don't?

- **Data Evaluation –** Is it feasible to compare cities' and the County's data for the same level of reserves or other financial metric and draw conclusions of relative health, or are circumstances so different or unique to each city to make that impractical?

This report was compiled from numerous sources:

- The primary documents (applicable sections, management discussions, financial statements and explanatory notes) reviewed were city and County Comprehensive Annual Financial Reports (CAFRs). These are standard reports prepared following the guidelines recommended by the Government Finance Officers Association of the United States and Canada (GFOA), and the standards adopted by the Governmental Accounting Standards Board (GASB).

- Responses to a written questionnaire sent to all city Finance Directors or their counterparts, requesting data not available or not found on the public websites, including existence (or not) of governing ordinances and policies and forward-looking data (forecasts). Note: This questionnaire did not go the County because the information sought was clearly delineated in its annual CAFRs.

- Interviews conducted with two current city Finance Directors, a former senior County official knowledgeable of County finances and Governmental Accounting Standards, and two principals of one of the leading independent auditing firms responsible for a significant number of 2010 and past CAFRs of San Mateo County cities. The primary purpose of the interviews was to determine where there was reasonable consensus on key metrics for evaluating a city's or County's fiscal health, and to understand where those data could be obtained and/or how they could be calculated.

- Other public documents found on city and County websites, including Approved Annual Budgets (Budgets) and other financial reports.

- Official publications such as GASB 34 and GASB 54 were used to research and understand applicable government accounting standards and published recommendations with respect to reserves.

  Note: Data used to compile this report was provided to City/County Finance officials for verification, with requests for publicly available document and page number references to enable confirmation. Any errors identified were corrected. In some cases, responses included questions or concerns about the applicability of a specific data element or method of calculation, either generically or to a city's specific circumstances. Those comments were considered and, where appropriate, specifically addressed or noted without attribution in this report.

One special case involved the city of Brisbane. Brisbane has a limited amount of financial data on its website. (See details in Section A. below). The Grand Jury therefore relied on statistical trend data in the city's 2009 CAFR, the only one available on line, for its analysis. As for other cities and the County, those data were sent to a city finance official for verification before report completion. Unlike for other cities, however, there were significant differences in Unreserved General Fund Balances for all years in the "corrected" data returned.

Follow-up communications led to the explanation that certain Internal Service Funds, specifically the "Rainy Day Fund" and the "Fringe Benefits Fund" have unrestricted net assets that the city considers to be part of its General Fund Unrestricted General fund Balance, even though it hasn't reported them there. The history and rationale for these funds was provided. It was also noted that their Auditors in 2010 required the city to combine the Rainy Day Fund with the General Fund. The city's 2010 CAFR is still not available on the city's website to review.

Incorporating the changes provided would have impacted all charts and tables that depend on UGFB in this report. Given the fact that the documents needed to confirm the "corrections" are not available on the city's website, as well as a concern for accepting information that is not reported in the same standard source used for the data for all other cities and the County (The Balance Sheet for Governmental Funds), the Grand Jury decided to not change the charts and text to accommodate the Brisbane revisions.

The effect of this is that Brisbane may choose to recalculate its results and positioning in the various charts and tables using its method of determining reserves and make those available to its elected officials and citizens. The Grand Jury believes all funds considered as General Fund Reserves should be reported as General Fund Reserves in the financial statements intended for that purpose.

Discussion

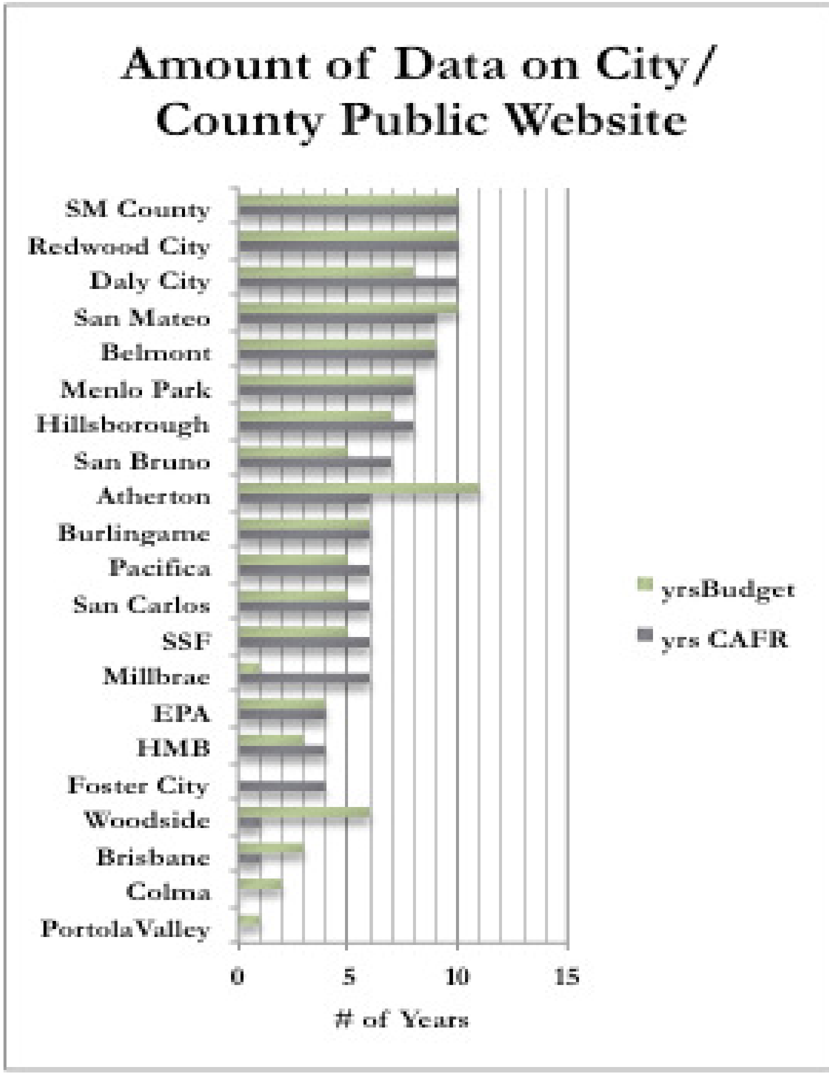
A. Availability of Information

There are significant differences in the amount of information governmental entities choose to make conveniently available to interested citizens. The Grand Jury focused on two specific documents, the CAFRs and the Budgets, as those were most relevant for this investigation.

Chart 1 below shows the documents posted to city and County websites on March 10, 2011, Results ranged from a minimum of the current year's budget (Portola Valley) to the last ten years of both CAFRS and Approved Budgets (San Mateo County and Redwood City). Brisbane, Colma, Pacifica[1], and Portola Valley still had not posted 2010 CAFRs or equivalent audited year-end reports as of that date. As a result, their 2010 data is not included in the provided tables or analysis.

[1] Pacifica posted its 2010 CAFR sometime between 4/14/11 and 5/10/11, too late for all of its data to be included in this investigation report.

Chart 1



Six cities (Foster City, Millbrae, Woodside, Brisbane, Colma, and Portola Valley) currently provide fewer than the last three years of both the Budget and the CAFR documents.

B. Reserves as an Indicator of Fiscal Health

Based on research and interviews, the Grand Jury selected a set of financial metrics for analysis that were most often recommended as relevant for our purposes. Each of the metrics used is described below with a corresponding rationale.

Unreserved General Fund Balance (UGFB) – The *General Fund* is the primary operating fund for the County and its cities. It is one of the *Governmental Funds,* which are that set of funds linked to governmental activities principally financed by taxes and intergovernmental revenues. This contrasts with *Proprietary Funds*, which are linked to business activities primarily financed though user fees and charges, such as for water and sanitation services.

The General Fund has a Fund Balance, which represents the difference between the General Fund's Assets and Liabilities. One value of the General Fund Balance is its use in assessing the ability of the city or County to meet its current obligations and /or its need for near term financing. This General Fund Balance is commonly referred to as "Reserves" and Reserves are designed to protect against the need to raise taxes or reduce services due to temporary revenue shortfalls or unplanned one-time expenditures. The General Fund Balance, and more specifically the unreserved portion of the General Fund Balance, was the appropriate metric for this investigation because "The function of *reserved fund balance* is simply to isolate the portion of fund balance that is *not* available *for the following period's budget, so that unreserved fund balance* can serve as a measure of current available resources."[2] The Grand Jury was primarily interested in assessing utilization of available resources to meet budget needs over a specific period of time.

Further explanation of reserved and unreserved fund balance may be helpful.

- ***Reserved*** General Fund Balance is not available for discretionary spending to meet the operational needs of the government in any given year. There are two primary reasons for a Reserved categorization:
  - Those funds are subjected to legal restrictions ("restricted net assets") on spending narrower than the purpose of the fund. Examples include Measure A or gas tax funds.
  - Those funds are not available for spending, e.g. long-term loans receivables.

- ***Unreserved*** General Fund Balance is available for current appropriation and spending as needed. Cities typically break down their Unreserved General Fund Balance into designated and undesignated portions.
  - *Designated* funds reflect an *intent* to use those funds for the stated purpose (e.g., a capital project for a new park or playground). However, unlike for restricted assets, there is no legal obligation or mandate for them to do so. These funds may be reallocated as city priorities change. This reevaluation and reassignment, if any, occurs with the approval of City Council, usually as part of the annual budgeting process.
  - *Undesignated* funds are those funds not designated for any specific purpose and available for spending without any constraints.

GASB determined that clearer fund balance classifications were warranted and issued new standards as part of GASB Statement 54 in February 2009.[3] They are required to be used for all applicable financial statements for periods beginning after June 30, 2010, although earlier adoption was encouraged. These new classifications "comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the

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[2] Governmental Accounting, Auditing, and Financial Reporting Using the GASB 34 Model, GFOA Publication by Stephen J. Gauthier, p50

[3] GASB Summary of Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions (Issued 02/09),* http://www.gasb.org/st/summary/gstsm54.html (Also, see Attachment 3)

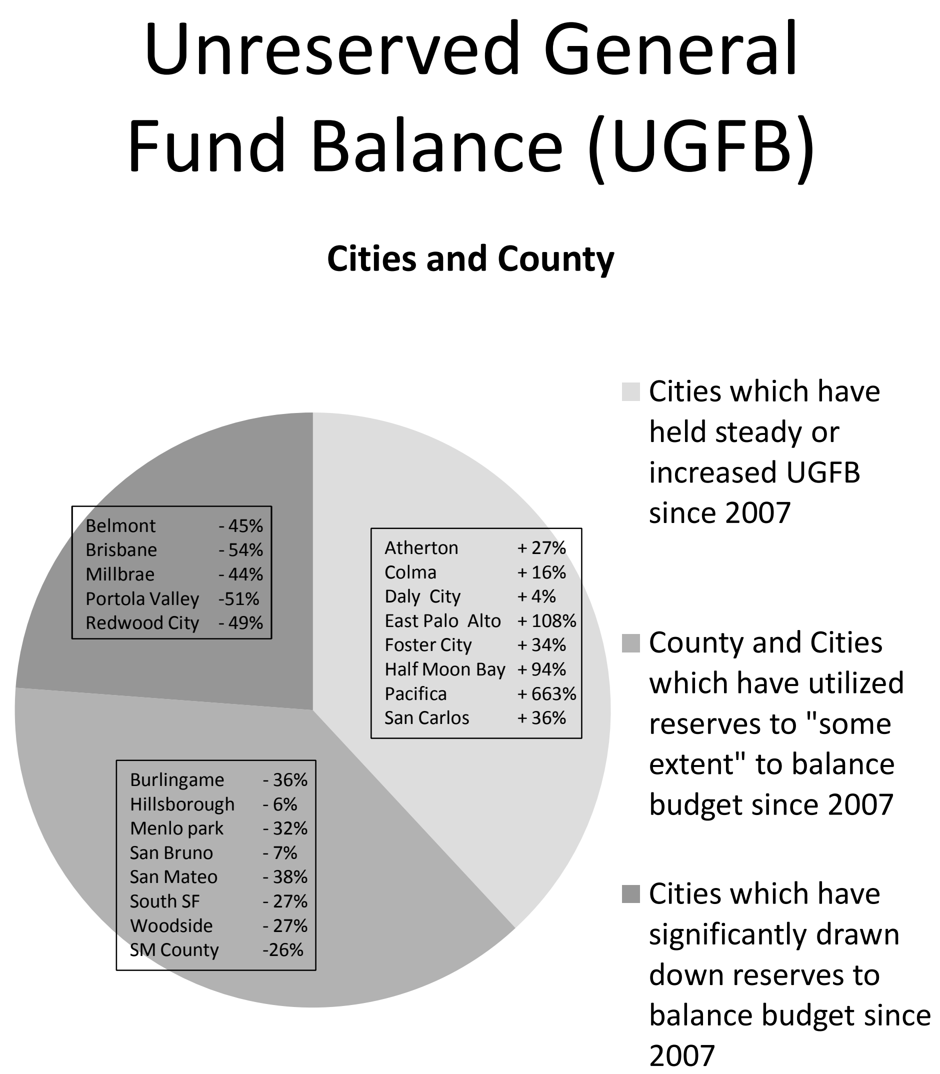
resources reported in governmental funds." At the highest level, this new hierarchy differentiates amounts that are *spendable* vs. *nonspendable* (such as inventories). Subcategories defined include *restricted*, *committed, assigned* and *unassigned* funds. See Attachment 3 for GASB definitions.

As no San Mateo County cities implemented GASB 54 standards early (San Mateo County did), the Grand Jury applied the prior GASB 34 terminology listed above and recognized that some cities may consider some of their unrestricted or designated funds as restricted or reserved even when that legally may not be the case.

The Grand Jury looked at Unreserved General Fund Balance levels for each city from 2005-2010 for trends. Steadily and significantly declining Unreserved General Fund Balances could suggest these cities or the County were utilizing those reserves to meet short-term operational needs instead of being more aggressive about aligning costs in line with projected revenues.

The Grand Jury then focused on 2007-2010 data to capture trends reflective of actions taken to mitigate the impacts of the recent recession, by illustrating the extent to which the cities and the County opted to draw down reserves. Results are shown in Chart 2 on the next page.

Chart 2



As shown, even in the very challenging economic environment of the last three years, eight cities still managed to increase their reserves as measured by their Unreserved General Fund Balance. Another seven cities and the County utilized these reserves to some extent (6 to 38 percent) to help deal with short-term needs, while five cities utilized their reserves to a significantly greater extent (44 to 54 percent) in this 2007-2010 period.

It should be acknowledged that the levels of UGFB reported represent those levels at a point in time, that of June 30th of each year. Levels fluctuate throughout the year due to the timing of tax receipts and certain major expenditures. One city noted that its reserves on June 30th can be much higher than at the low points of the fiscal year, and that it specifically designates a portion of fund balance for cash flow in recognition of this timing issue. While accepted as real, it was beyond the scope of this investigation to accommodate such variables for each city and the County. Such explanations can appropriately address any concerns raised by the standard approach taken.

C. Net Change in General Fund Balance (Revenues minus Expenditures including Transfers) - Cities and the County attempt to control costs to match anticipated revenues and budget accordingly. In difficult times in which revenue growth is slowing or declining, cities and the County make decisions to cut costs and services to match revenues or draw down reserves to balance the budget.

This measurement allows for proper recognition of certain expenditures, such as debt payments, that for some cities may be shown on their Financial Statements as Internal Transfers. It should be acknowledged that one-time revenues and expenditures are not excluded in our calculations or in the CAFR Statement referenced. As a result, apparent anomalies seen in the data for any particular year(s) when trended over time, may potentially be due to a significant one-time revenue or expenditure. The fact that this Financial Statement does not identify such one-time events, and that a separate standard audited financial statement that includes only annually recurring revenues and expenditures is not provided, is another indicator of the complexity an interested citizen encounters when trying to assess the fiscal health of a city by its numbers.

The table below illustrates the number of consecutive years through 2010 (or the most recent data available) that individual cities and the County increased or drew down their Total General Fund Balance, including both reserved and unreserved portions. As such, it is a view of operating revenues minus expenditures including all transfers into and out of the General Fund, and therefore an indicator of net operating surpluses or deficits in any given year.

Table 1

Net Change in GFB Year to Year

City	2006	2007	2008	2009	2010
Hillsborough	↑	↑	↑	↑	↑
San Carlos	↓	↑	↑	↑	↑
Colma	↑	↑	↑	↑	na
Millbrae	↑	↑	↓	↓	↑
San Mateo County	↑	↓	↓	↓	↑
San Bruno	↑	↑	↑	↓	↑
Half Moon Bay	↑	↓	↑	↑	↓
Pacifica	↓	↓	↑	↓	na
South San Francisco	↑	↑	↓	↑	↓
East Palo Alto	↓	↑	↑	↑	↓
Belmont	↑	↑	↑	↓	↓
Redwood City	↑	↑	↑	↓	↓
Daly City	↑	↑	↑	↓	↓
San Mateo	↑	↑	↓	↓	↓
Foster City	↑	↑	↓	↓	↓
Menlo Park	↑	↑	↓	↓	↓
Atherton	↑	↑	↓	↓	↓
Burlingame	↓	↑	↓	↓	↓
Portola Valley	↑	↑	↓	↓	↓
Brisbane	↑	↓	↓	↓	na
Woodside	↑	↓	↓	↓	↓

↑	increase to GFB, from previous year
↓	decrease to GFB, from previous year
na	data not available
↑ (green)	consecutive increase to GFB, from previous year
↓ (red)	consecutive decrease to GFB, from previous year

It is noteworthy that while over half the cities (11 of 20) have drawn down their General Fund Balance in the last two or more reported years, three cities (San Carlos, Colma and Hillsborough) have managed to increase it. Fiscal year (FY) 2008-9 was clearly the most challenging, as 15 of 20 cities and the County drew down their GFB that year to balance their budgets.

While examining the number of consecutive years a city or County increased or decreased its UGFB is useful, it is necessary to also evaluate the magnitude of the changes and whether it is widening or narrowing as an indicator of its significance. As noted, there were 11 cities with declining GFB in the most recent two or more consecutive years. Not reflected in the chart is that the magnitude of the decline was greater in 2009-2010 vs. 2008-9 in seven of them: (Belmont, Redwood City, Daly City, Foster City, Menlo Park, Brisbane, and Woodside).

D. Running Liquidity – According to interviews with Certified Public Accountants specializing in governmental audits, this is a useful fiscal measure that does not typically appear in city and County CAFRS and Budgets.

Running Liquidity is the number of days a city or County government could continue to operate normally without additional revenue coming in. A typical way of calculating this is by dividing the "Maximum Unrestricted Liquidity" by the city's or County's daily spending rate (its annual General Fund expenditures divided by the 365 days in a year). The result is the number of days of spending this cash will cover, its "Running Liquidity", as shown in Chart 3. Typically, a Running Liquidity below 90 days would trigger a closer examination of the details of this and other fiscal measures to ensure the city or County's ability to operate at an acceptably low risk. This additional evaluation was beyond the scope of this investigation.

A modified version of this metric was utilized to enable a standard basis of comparison of cities' and the County's relative liquidity.

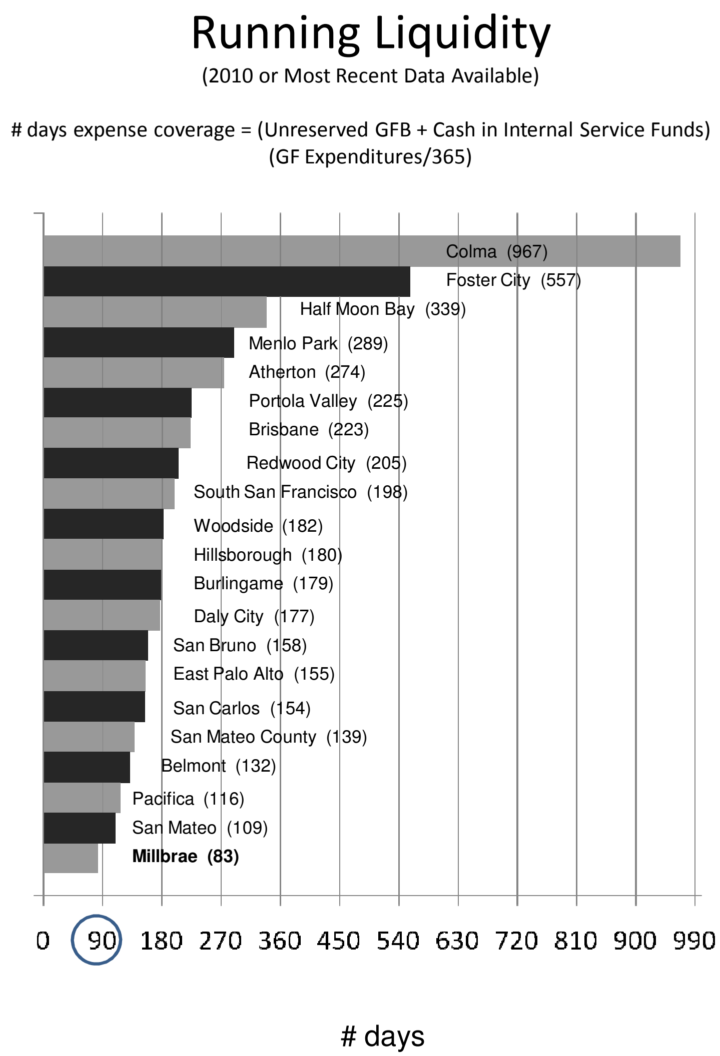
Maximum Unrestricted Liquidity is typically the sum of two main sources of liquid assets – the Unrestricted Assets in the General Fund Balance and the cash in Internal Service Funds. Internal Service Funds are cost pools that can be "charged to" by the General Fund, such as for fleet management, risk management, and workers compensation costs. Cash can be transferred between Funds, and Internal Service Fund cash may be loaned or transferred to the General Fund to, in effect, supplement its revenues.

For the purposes of this analysis, the Grand Jury used the total of *Unreserved* General Fund Balance and Internal Service Fund Cash as the Maximum Liquidity and divided it by the city's or County's daily spending rate (General Fund Expenditures/365).

Every city has unique financial circumstances and there is flexibility available in terms of how the details are managed and reported. This underscores the complexity of attempting to perform comparative analysis and why it makes sense for us to present results rather than interpret them.

Since neither Maximum Unrestricted Liquidity nor Running Liquidity are calculated or shown in any of the city or County CAFRs examined, reporting standards could not be assessed. The Unreserved General Fund Balance is consistently reported, but there is significant variation in the use of Internal Service Funds. Cities and the County have the legitimate option of setting up Internal Service Funds in numbers and for tracking purposes that work for their particular circumstances. Small cities may have few Internal Service Funds while larger ones may have many (e.g., Hillsborough has one, while Daly City has seven). While the movement of funds between Internal Service Funds and the General Fund is shown in the CAFRs, *it is not trivial to determine with certainty whether all of the cash in the Internal Service Funds is truly available to support operations.* It is accepted that it is not the cities' or County's intent to make all of those funds available to the General Fund under normal circumstances; however, that was not the purpose of our assessment. Our purpose was to identify liquid funds that ***could be made available if necessary to support operations.*** By using UGFB, the Grand Jury is being conservative since some Reserved Funds may not be legally "restricted" from use and could also be made available in an emergency.

Chart 3



As seen in the chart, Running Liquidity ranged from a high of 967 days (Colma) to a low of 83 days (Millbrae). Millbrae was the only city below the auditor-recommended 90-day threshold for attention. This is not necessarily indicative of a problem, given the unique circumstances of each city. However, since the same formula was used for all cities and the County, this relative position and value should trigger further exploration.

E. Applicable Policies and Standards

GASB 34 states that "The adequacy of *unreserved fund balance* in the general fund should be assessed based on a government's own specific circumstances". It recommends minimum levels that should be maintained regardless of organizational size. Those minimum *unreserved general fund* balances are given as either:

(1) no less than 5-15 percent of regular general fund operating revenues or

(2) no less than one to two months of regular fund operating expenditures.[4]

A summary of city policies, evaluated against GASB 34 recommendations, is provided in Attachment 1. San Mateo County reserve policies are clearly listed on page VI of its 2010 CAFR.

In summary, 14 of the 20 cities (70 percent) and the County have reserves policies approved by elected officials (City Councils or Board of Supervisors, respectively) with respect to the level of reserves required to be maintained in their General Funds. Five of the 14 are compliant with GASB 34 in that the cities' policies specified quantitative limits above the minimum 5 percent.

The Grand Jury went another step and evaluated:

1. Did cities and the County maintain Unreserved General Fund Balance levels consistent with GASB 34 recommendations over the time period from Fiscal Years 2007-2010, whether or not they had policies requiring that?

2. Did cities and the County comply with their own policies with respect to reserves during Fiscal Years 2007-2010, whether or not those policies complied with GASB 34 recommendations?

   Note: Significantly, the language of some policies specified quantitative levels of reserves to be maintained, but was not explicit in applying them to just the unreserved portion. This allows for the possibility of the County or cities including, in their "reserves", funds that are legally restricted to their stated purpose and not available to support operations.

   As noted previously on page 6, there has been sufficient ambiguity in reserve classification and reporting that GASB issued Statement 54 to attempt to improve clarity and make reporting more consistent.

The results of this assessment are diagrammed in Attachment 2. Results are summarized as follows:

1. All cities and the County maintained levels of Unreserved General Fund Balance consistent with the GASB 34 recommended minimum of 5-15 percent of revenues or one to two months (8.3–16.6 percent) of expenditures during Fiscal Years 2007-2010, except Brisbane (2008 only) and Pacifica (2007 only).
2. All cities complied with their own policies during the Fiscal Years 2007-2010

These results suggest that GASB 34 levels are reasonable and achievable even in challenging economic environments. However, it should be noted that the CPA auditors interviewed stated that, in their opinion, the GASB 34 recommendations were low and, in this environment, UGFB levels twice those levels are appropriate for most cities.

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[4] Governmental Accounting, Auditing, and Financial Reporting Using the GASB 34 Model, GFOA Publication by Stephen J. Gauthier, p51-52

Given this context, a quick and useful way to look at cities' and the County's current situation with respect to reserves follows in Table 2 below

Table 2

Cities and County Levels of Current (2010 except where noted) UGFB
As % of General Fund Revenues

0 -15% (upper end of current GASB 34 recommended range)	**16 – 29% (between current GASB recommendation and auditor suggested range)**	**30% or higher (auditor suggested minimum for most cities in current environment)**
Belmont	Brisbane ('09)	Atherton
Millbrae	Burlingame	Colma ('09)
San Mateo	Pacifica ('09)	Daly City
	Redwood City	East Palo Alto
	San Bruno	Foster City
	South San Francisco	Half Moon Bay
	San Mateo County	Hillsborough
		Menlo Park
		Portola Valley
		San Carlos
		Woodside
3 total	**7 total**	**11 total**

Smaller cities in terms of revenues and expenses tend to maintain higher levels of reserves. This is to be expected because larger cities generally have more diverse economies and revenue sources. Smaller cities are dependent on fewer sources for the bulk of their revenue and are therefore at greater risk in downturns. They therefore benefit from higher levels of Unreserved General Fund Balance as insulation.

F. Retiree Pension and Health Care Payments

This investigation of reserves and the extent of cost cutting to match revenues occurred during a period of heavy media attention to the impact the cost of retiree benefits were having on local government finances. This led the Grand Jury to examine whether or not cities and the County were fulfilling their annual payments to the systems covering these benefits. This is separate and distinct from the much larger issue of the relative financial soundness of these systems and future costs to the cities and County, which were beyond the scope of this investigation. The results of this assessment of annual payments to California Public Employees' Retirement System (CalPERS) and the San Mateo County Employees' Retirement Association (SamCERA) for pensions and of the health care portion of Other Post-Employment Benefits (OPEB) follow separately below.

G. Retirement Pension Benefits (CalPERS and SamCERA)

All 20 cities participate in CalPERS, for funding pension obligations. Actuarial calculations determine an amount each participating city must contribute annually, based on its labor contracts and commitments, its proportional share of the state pool, and actual earned and assumed earn rates on the fund's assets over the next 30 years.

San Mateo County has its own defined pension (and disability and death benefit) plan, (SamCERA). The County Employees' Retirement Law of 1937 (the 1937 Act) established the basic obligations for employers and members to contribute to the pension trust fund. Statutes require participating employers to contribute the actuarially determined amounts necessary to fund the estimated benefits accruing to SamCERA members not otherwise funded by member contributions or investment earnings.

All 20 cities and the County made their annual required contributions to CalPERS and SamCERA respectively between 2006 and 2010. They have met their obligations through the normal budgeting process while maintaining reserves at minimum GASB 34 recommended levels or higher.

What cannot be determined from these examined reports is the magnitude of future annual pension costs, which will vary based on updated actuarial valuations, investment performance, the changing number of city employees participating in the various plans, and new labor agreements with changes in benefits negotiated over time. What is clear, and what has been reported widely, is that pension costs will rise significantly over time and that cities and the County are concerned about the impacts. They are taking steps, some more aggressively than others, to be able to manage those costs for the long term. Those who came out of the recession in positions of relative strength rather than weakness are better able to manage this next transition with reduced impact on services provided to its citizens.

H. Other Post Employment Benefits (OPEB) - Health Care

Until fairly recently, most cities paid for their retiree's contracted health insurance benefits directly as expenses were incurred. The OPEB trust fund, which operates similarly to CalPERS for pensions, came into effect in 2008-9. Most cities joined this pool. As in the case of CalPERS for pensions, cities contribute to a pool and the trust invests the funds. The trust communicates to participating governments the actuarially determined annual payments needed for them to be fully funded. Unlike for pension financing, however, cities are not contractually required to make annual OPEB payments in full.

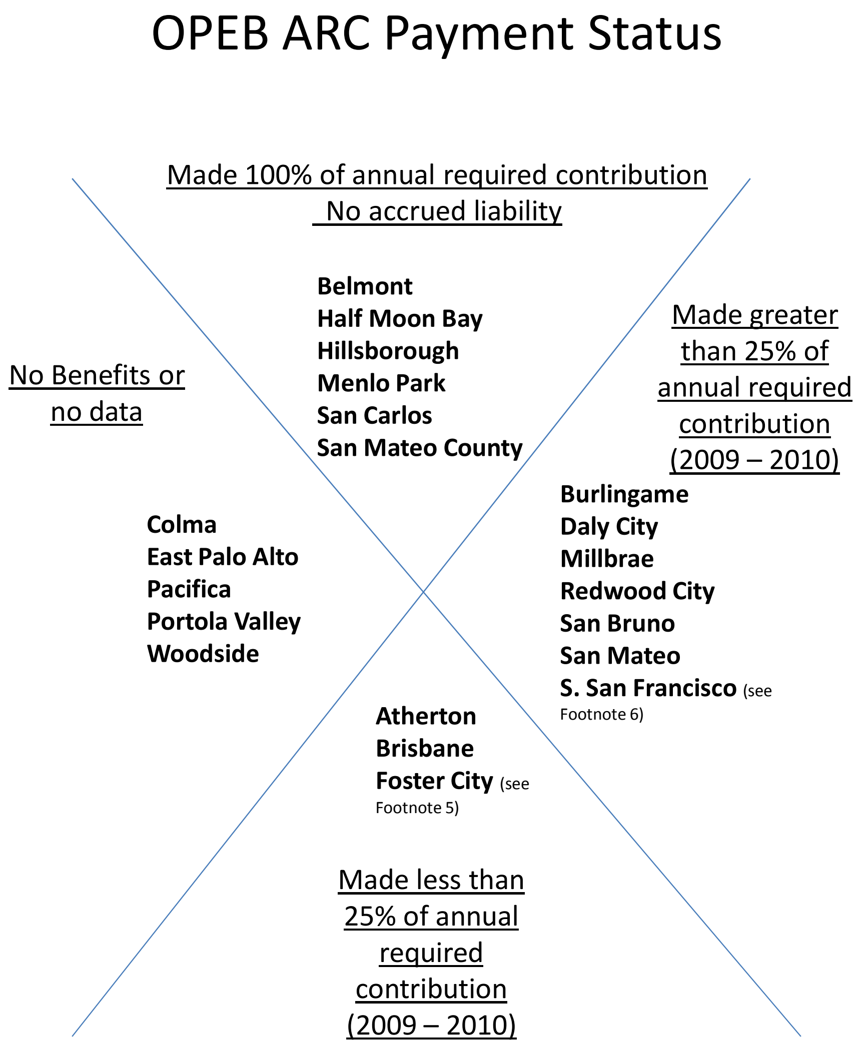
Some participating cities have chosen to make their annual OPEB payments in full while others have made varying partial contributions. Failure to keep current on OPEB payments puts cities at risk that their accumulated obligation may eventually grow too large for them to be able to "make up" the difference without significantly impacting city services or jobs.

Based on data available, current positions with regard to OPEB funding are summarized as follows and in Chart 5 below:

Categories used are:

- *Made* 100 percent of annual required contributions; no accrued liability.
  It is noteworthy that one city (San Carlos) and the County prepaid OPEB when joining the program and have current surpluses as a result.
- *Made greater than an average of 25% of annual required contributions 2009-10*; has associated accrued liabilities
- *Made less than an average of 25% of annual required contribution 2009-10;* has associated accrued liabilities
- *No retiree health care benefits or no data* provided in Financial Reports

Chart 4 [5] [6]



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[5] Foster City has set aside $7 million, the full amount actuarially determined in 2009 as necessary to fully fund its OPEB obligation. Although managed separately, because the funds are not in an irrevocable trust, the liability must be reported as unfunded per GASB 45.

[6] South San Francisco has set aside $6.8 million towards its OPEB liability but it must be reported as unfunded for the same reason as noted for Foster City above.

As in the case of pension benefits, the Grand Jury assessed the level at which cities and the County were making their annual required contributions. It did not attempt to assess the level or rate of growth of future annual payments and the impact those might have on city finances because of the variables involved, the limited time available, and the inability to challenge the assumptions made. These were beyond the scope of this investigation.

I. Case for Caution

Caution must be exercised in drawing firm conclusions about the fiscal health of a city or county in isolation, or in comparison with others, based on any limited set of data. This is especially true given that governments have some flexibility within GASB rules as to how they organize their finances and report their data. The best that can be done is to highlight potential issues for further investigation. Half Moon Bay served as an excellent example.

Based on the data collected, Half Moon Bay was grouped into the category of cities whose reserves (UGFB) were flat or increased in the 2007-2010 period. The data shows an increase of 94%. It has a city policy currently requiring 30% of annual operating expenditures be held as reserves and it met that higher than minimum GASB 34 recommended standard each of those years. (The city policy was 20% of annual expenditures in 2007-2008). Its maximum Running Liquidity of 334 days was the second highest of all cities in the County. Its revenues exceeded its expenditures the last two years of the recession (*not including internal transfers and one time proceeds or payments*), and it made its contractually required CalPERS payments and is current on its OPEB retiree healthcare payments, with no net OPEB obligation as of June 30, 2010. Based on these indicators, one could conclude that Half Moon Bay was fiscally healthy.

A recent news report[7] highlighted a "fiscal crisis" and stated that the city could potentially run out of its reserves. While the Grand Jury avoided making any judgments about the fiscal soundness of any city or the County for the reasons mentioned previously, and limited its focus in this investigation primarily to the use of reserves, it looked further into Half Moon Bay's public financial statements and sought additional clarification from a Half Moon Bay official to verify the correctness of the data used and further understand any limitations.

In summary, Half Moon Bay issued Judgment Obligation Bonds to help cover the costs of a legal settlement. The proceeds from the bonds were received and subsequently disbursed in fiscal year 2009-2010 and properly reflected on the appropriate city financial statements. The full payment consisted of $15 million from the bond proceeds and $3 million from the General Fund[8].

The Adopted Annual Budget for 2010-2011 shows a projected deficit ($504,447) of revenues vs. expenditures, to be covered by its General Fund Balance. The result is that the city's reserves would fall below its 30% of annual operating expenditures policy. A waiver permitting a one-year exception had been granted by City Council in anticipation of this need.[9] The policy requires the City Manager to "prepare a plan for consideration by the City Council to implement

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7 "Outsourcing Safety San Francisco Chronicle Editorial", 4/5/11, pA13

8 Approved Half Moon Bay General Fund Budget Summary Comparison, pC2

9 Half Moon Bay City Council Resolution No. C-46-10 adopted 6/15/10

actions within a twelve-month period to rebuild the fund balance."[10] The City also identified key financial impacts in a Five Year Forecast document included as part of its budget, highlighting its specific challenges.

In summary, the data collected by the Grand Jury was accurate as it related to a limited, defined set of data at a specific point in time. However, the data did not and could not tell the entire story. A more comprehensive examination of all relevant management discussions, financial statements, notes, budgets and forecasts, and changes in them over time, including data not yet published or audited, is needed to really understand the fiscal health of a city, which can change very quickly. This type of effort is beyond the capability of the average citizen and highlights the need for the cities and County to do the best they can to make as much information publicly available in as timely a fashion as possible, In this specific case, Half Moon Bay's most recent CAFRs, Annual Approved Budgets, Reserve Policies, and Five Year Forecasts were available to the public on its website, enabling interested citizens capable of understanding it to properly educate themselves on the significant impact of a legal settlement, in this case, and of other major financial issues affecting the fiscal health of the city.

Findings

1. The amount of financial information cities and the County make available on their respective public websites varies widely, ranging from a minimum of just the current year's budget to the last ten years of both Comprehensive Annual Financial Reports (CAFRs) and Approved Annual Budgets.

2. Government accounting systems and financial statements provided to the public are complex and not readily understandable to the average citizen trying to assess the financial health of their city or County.

3. Four cities (Brisbane, Colma, Pacifica, and Portola Valley) did not have 2010 CAFRs posted to their websites as of March 11, 2011, almost nine months after the close of the fiscal year.

4. All cities and the County had Unreserved General Fund Balances (reserves) consistent with GASB 34 recommended standards going into the recession, and have managed through the last three years in a way that maintained reserves on June 30,2010 that were still above those minimum levels.

5. All cities and the County maintained GASB 34 minimum recommended levels of reserves, whether or not they had city council approved policies requiring maintenance of defined levels of reserves.

6. Some city policies are written to apply to "reserves" and not explicitly to the unreserved component of them as recommended by GASB 34. This allows for inclusion of funds not available for discretionary spending.

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[10] Half Moon Bay City Council Resolution No C-38-09, adopted 6/2/09

7. All cities complied with their own policies (where policies existed) from 2007-10 with respect to reserves, even in those few cases where those policies required higher levels than those recommended by GASB 34.

8. Confusion as to how governments categorized and interpreted what portion of fund balance was available for discretionary spending led to development of a new GASB 54 standard, effective for all financial statements after June 30, 2011, which provides more structure and clarity around constraints placed on fund balances. [11] San Mateo County implemented GASB 54 early, with the new terminology reflected in its FY 2010 CAFR. No cities in San Mateo County implemented early.

9. One city (Millbrae) had a Running Liquidity below 90 days.

10. All cities and the County are fully funding their Annual Required Contribution to CALPERS or SamCERA for retiree pension funding.

11. Ten participating cities[12] are not making their full actuarially determined OPEB payments for retiree health care benefits, with three cities (Atherton, Brisbane, Foster City) having paid at less than an average of 25 percent for the last two years.

Conclusions

1. There are significant differences in the amount of current and historical financial information governmental entities choose to make conveniently available to interested citizens.

2. The complexities of government accounting could cause interested citizens to misinterpret data or draw incorrect conclusions. Financial information provided by cities and the County could be improved.

3. Cities and the County seemed to have prudently managed their Unreserved General Fund Balance reserves through the recession, making trade-offs appropriate for their individual financial circumstances.

4. Clear and explicit reserve policies add value by providing direction from elected officials, and supporting budgeting actions and decisions that maintain reserves at levels tailored to specific city circumstances.

5. The lack of a statutory or contractual requirement to fully meet annual OPEB health care payments resulted in some cities choosing to defer payments and increase unfunded liabilities in favor of other priorities. There are cities that appear to have ample reserves and liquidity, with revenues that consistently exceed expenditures that are not making their full annual

[11] *Balancing Governmental Budgets under GASB 54*, Journal of Accountancy, Nov 2009

[12] Atherton, Brisbane, Burlingame, Daly City, Foster City, Millbrae, Redwood City, San Bruno, San Mateo, South San Francisco

OPEB payments, when future obligations incurred may be more costly than using liquid funds available to them now.

Recommendations

The 2011 San Mateo County Civil Grand Jury recommends:

A. the San Mateo County Board of Supervisors and each City Council, by July 1, 2012:

1. Either revise the existing or implement a new policy for specific levels of reserves using language consistent with the new GASB Statement 54 hierarchy.
    a. Establish in the policy the required level of General Fund Balance for classifications that are spendable within the complete control of the government's local decision making authority
    b. Require in the policy development of specific plans to restore the required level of reserves in the event they fall below that level.
    c. Include the policy in the annual CAFR and budget documents.

2. Direct their City/County Managers to direct their Finance Directors to collaboratively develop a standard "scorecard" that shows how the city/County is doing with respect to key measures of fiscal health and make this available on city/County websites. Update it at least semi-annually or when major changes occur.

3. Direct their City/County Managers to formally evaluate the value of a clearly defined Running Liquidity metric as an additional measure of the city/County's fiscal health with specific target minimums, and make a specific recommendation back to the City Council or Board of Supervisors for action.

B. the City Councils of **Brisbane**, **Colma**, **Pacifica**, and **Portola Valley**:

1. Post FY 2010 CAFRs and/or other FY 2010 audited financial statements to public websites by September 1, 2011. Implement systems/processes to enable a more timely posting of CAFRs and/or other audited financial statements within six months after the end of the fiscal year.

C. the City Councils of **Millbrae**, **Foster City**, **Woodside**, **Brisbane**, **Colma**, and **Portola Valley** by July 1, 2012:

1. Provide citizens with timely and comprehensive information regarding the financial condition of their city and County by providing a minimum of three years of approved budgets and CAFRs on their websites and through other communications.

D. the City Councils of **Atherton**, **Brisbane**, **Burlingame**, **Daly City**, **Foster City**, **Millbrae**, **Redwood City**, **San Bruno**, **San Mateo**, **and South San Francisco** by July 1, 2012:

1. Explain in CAFR Management Notes, Annual Budget, or other appropriate document available to the public why full annual required OPEB payments are not being made.

2. Explain in CAFR Management Notes, Annual Budget, or other appropriate document available to the public the city's planned strategy for addressing accumulated unfunded OPEB retiree healthcare obligations.

E. the City Council of **Millbrae** by January 1, 2012:

1. Direct the City Manager to evaluate and report on the implications of a Running Liquidity below 90 days, as calculated in this report.

Appendices:

- Appendix 1: Table of City/County General Fund Reserve Policies
- Appendix 2: Diagram of Alignment to GASB 34 and Local Policies
- Appendix 3: Summary of GAS Statement 54: Fund Balance Reporting and Governmental Fund Type Definitions

Attachment 1.

City/County General Fund Reserve Policies
(Excerpted from Written Responses to Specific Grand Jury Inquiry from Cities)

City/County	GFB Formal Policy?/ Eff. Date	Policy Description	GASB 34 Recommendation Compliant?
Atherton	Yes Resol #10-20 5/19/10	"…the definition of reserves is limited to the portion of fund balance that is *unreserved."* "Strive for 15-20% Budget Stabilization Reserve, 15-20% Emergency Disaster Reserve; 5-10% Working Capital Reserve. "In no circumstances shall the total General Fund reserve balance drop below 15% of the Town's operating expenditures for the General Fund."	Yes
Belmont	Yes 6/26/2001	$2M General Fund Balance Minimum Target, 20% Operating Budget Maximum Target based on adopted operating expenditures, exclusive of transfers and capital outlay.	Language is not explicit with regard to applicability to *Unrestricted GFB*

Brisbane	Yes Pre 2001	"The City will maintain fund or working capital balances of at least 50% of operating expenditures in the General Fund…"	Language is not explicit with regard to applicability to *Unrestricted GFB*
Burlingame	No – will be considered as part of five-year general fund plan under development	"…the city does not have a formal, Council-adopted reserve policy for the general fund, but its practice has been to maintain four reserve amounts over the years…"	No
Colma	Yes	*Municipal Code 1.13.150 Reserves: "(a) The budget shall contain reserves within the General Fund as follows:" (Six types of reserves are described but no quantitative minimums or ranges are specified).	No
Daly City	Yes "quite old"	"Adequate reserves will be maintained in each of the City's funds…Nominally a cash reserve of 15% of annual expenditures for the General Fund is considered adequate"	Language is not explicit with regard to applicability to *Unrestricted GFB*
East Palo Alto	Yes "Approved as part of the	The most significant policy objective is to ensure that at the end of each fiscal year, cash is added to the reserve until	Yes

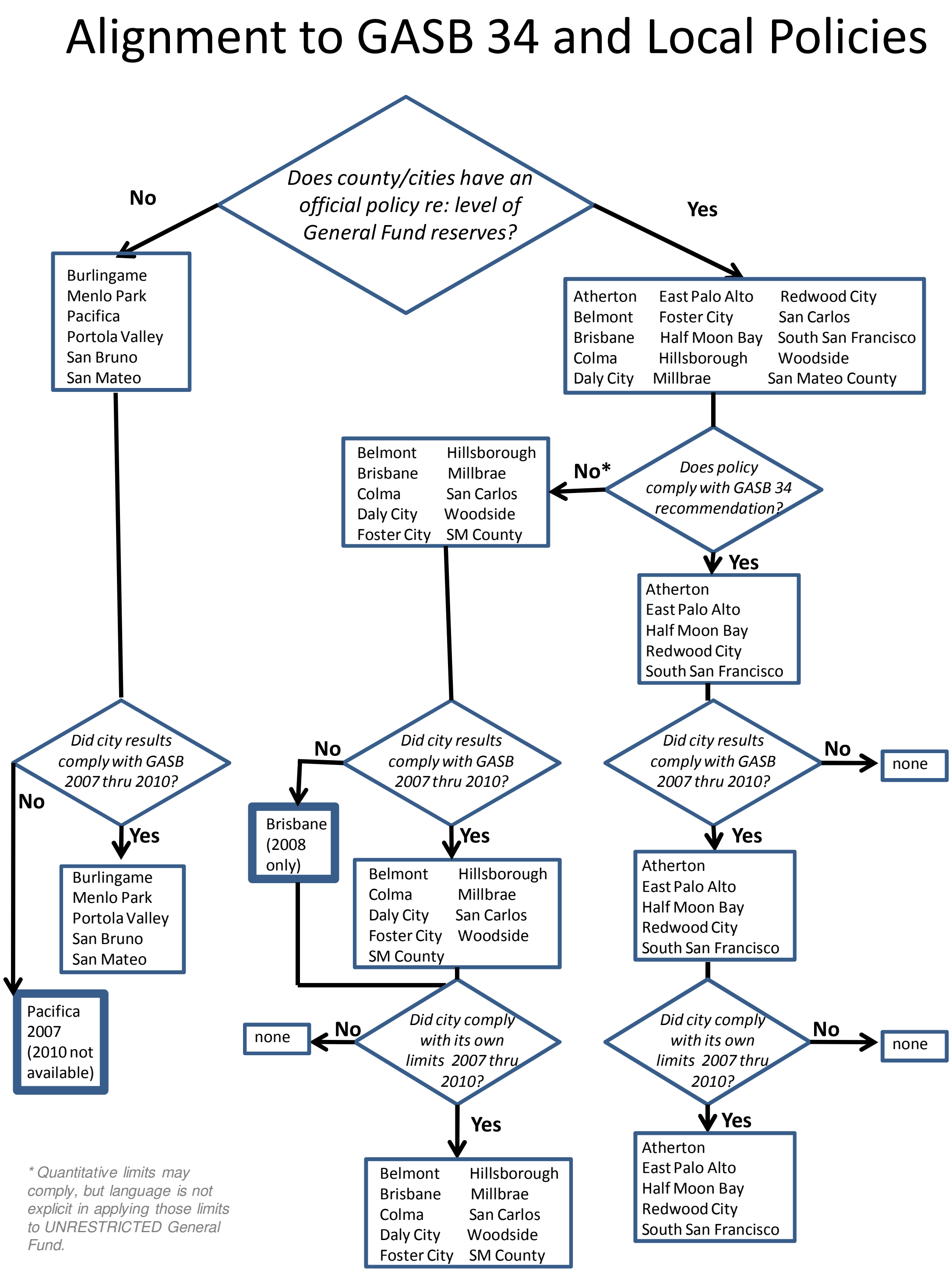
	adopted Budget”	the target minimum level is achieved. For example, it is proposed that the goal would be to ensure that an unrestricted unallocated cash reserve equivalent to 15% of operating costs is available at the end of each fiscal year.”	
Foster City	Yes Resol 2010-33 4/5/10	“…minimum reserve threshold of 33 1/3% of budgeted annual operating expenditures with a target range of 33 1/3% to 50% for purposes of the Five-Year Financial Plan” (This replaced an earlier General Fund Reserve Policy of “…a minimum threshold of $10 million in unrestricted undesignated fund balance.”)	New Language is not explicit with regard to applicability to *Unrestricted GFB* *(superseded one was)*
Half Moon Bay	Yes Res C-38-09 6/2/09	“The City shall maintain an unencumbered General Fund reserve equal to a minimum of thirty percent (30%) of annual operational expenditures.”	Yes
Hillsborough	Yes “Personnel Policy 409” Last revised 1/9/06	“The Town will strive to maintain fund or working capital balances of at least 30% of operating expenditures in the General Fund…	Language is not explicit with regard to applicability to *Unrestricted GFB*

Menlo Park	No (Under Dev't: evaluation ongoing since 10/08, with latest proposal presented 5/4/10)	N/A	No
Millbrae	Yes Resol 08-61 11/25/08	"…the annual budget and 2 year fiscal plans shall include a 15% general fund…reserve…"	Language is not explicit with regard to applicability to *Unrestricted GFB*
Pacifica	No	N/A	No
Portola Valley	No	N/A	No
Redwood City	Yes Res # 13598 4/5/99	"… the unappropriated balance of the General Fund shall be maintained at a level not less than fifteen (15) percent, nor more than twenty (20) percent, of estimated General Fund revenues in any given fiscal year."	Yes
San Bruno	No Draft Only: Recommended by Staff in 7/2010, will be incorporated	Draft: "The City will maintain a minimum Reserve of at least two months (16.67%) and up to three months (25%) of General Fund operating expenditures"	Language is not explicit with regard to applicability to *Unrestricted GFB*

	into 2011-12 budget for approval and adoption by City Council in June 2011		
San Carlos	Yes Res 2010-072 8/23/10	“General Fund Reserve for economic uncertainties equal to a minimum of 10% of the General Fund Expenditures with a target of increasing to 20% of General Fund Expenditures.”	Language is not explicit with regard to applicability to *Unrestricted GFB*
San Mateo	No 11/5/02 Charter Amendment Business Plan 2010-2012	Charter Amendment 5.05: “The Council shall establish reserves which in its discretion are proper.” Business Plan Current Status of Financial Goals and Policies: “The goal is to work towards increasing two reserves (Emergency Reserve and Service Stability Reserve) to the equivalent of three months’ expenditure.”	Proposed language is not explicit with regard to applicability to *Unrestricted GFB*
South San Francisco	Yes 6/03	“The City Council has adopted reserve policies where a certain percentage of the General Fund budget for each year needs to be set aside for emergencies, economic contingencies, and future development as well as for undesignated City reserve…” Reserve for Emergencies 2% of GF Operating Budget; for	Yes

		Economic Contingencies 7% of GF Operating budget; For Undesignated Reserve 5% of GF Operating Budget; for future development –no target."	
Woodside	Yes 6/93	"Adequate reserves must be developed and maintained, including a minimum reserve level of fifteen percent of estimated operating revenues for the Town's General Fund"	Language is not explicit with regard to applicability to *Unrestricted GFB*
San Mateo County	Yes 2/10	"Maintain a minimum reserve equivalent to 2% of net appropriations for one-time emergencies, unanticipated mid-year losses of funding, and short-term coverage of unanticipated cost overruns." Also "*General Fund Reserves* be maintained at a minimum of 5% of total General Fund net appropriations for one-time purposes or as part of a multi-year financial plan to balance the County's budget; *Appropriation for Contingencies* be maintained at 3% of total General Fund net appropriations for one-time emergencies and economic uncertainties…"	Language is not explicit with regard to applicability to *Unrestricted GFB*. Additionally, since the County implemented reporting General Fund Reserves consistent with GASB 54 provisions in its 2010 CAFR, this policy language was also evaluated against those provisions with the same outcome.

Attachment 2



Attachment 3

GASB

Governmental Accounting Standards Board

Summary of Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions* (Issued 02/09)

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered *nonspendable,* such as fund balance associated with inventories. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

The *restricted* fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation. The *committed* fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Amounts in the *assigned* fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. *Unassigned* fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required.

This Statement also provides guidance for classifying stabilization amounts on the face of the balance sheet and requires disclosure of certain information about stabilization arrangements in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010. Early implementation is encouraged. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

How the Changes in This Statement Will Improve Financial Reporting

The requirements in this Statement will improve financial reporting by providing fund balance categories and classifications that will be more easily understood. Elimination of the *reserved* component of fund balance in favor of a *restricted* classification will enhance the consistency between information reported in the government-wide statements and information in the governmental fund financial statements and avoid confusion about the relationship between reserved fund balance and restricted net assets. The fund balance classification approach in this Statement will require governments to classify amounts consistently, regardless of the fund type or column in which they are presented. As a result, an amount cannot be classified as restricted in one fund but unrestricted in another. The fund balance disclosures will give users information necessary to understand the processes under which constraints are imposed upon the use of resources and how those constraints may be modified or eliminated. The clarifications of the governmental fund type definitions will reduce uncertainty about which resources can or should be reported in the respective fund types.

Unless otherwise specified, pronouncements of the GASB apply to financial reports of all state and local governmental entities, including general purpose governments; public benefit corporations and authorities; public employee retirement systems; and public utilities, hospitals and other healthcare providers, and colleges and universities. Paragraph 3 discusses the applicability of this Statement.