

NIAGARA FALLS WATER BOARD

**Communication of Matters Related to
Internal Controls and Other Matters
December 31, 2022**

Draft - Subject to Change

March 20, 2023

To the Board of Directors of
Niagara Falls Water Board:

In planning and performing our audit of the financial statements of the Niagara Falls Water Board (the Water Board) as of and for the year ended December 31, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the Water Board's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Water Board's internal control. Accordingly, we do not express an opinion on the effectiveness of the Water Board's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

During our audit, we became aware of the following deficiencies in internal control other than significant deficiencies or material weaknesses, and other matters that are opportunities for strengthening internal controls and operating efficiency.

This communication is intended solely for the information and use of management, the Board of Directors, and others within the Water Board, and is not intended to be and should not be used by anyone other than these specified parties.

NIAGARA FALLS WATER BOARD

Communication of Matters Related to Internal Control Over Financial Reporting and Other Matters December 31, 2022

The following matters are considered deficiencies in internal control:

1. TIMELY REVIEW OF JOURNAL ENTRIES

Observation

During our testing procedures, we noted that journal entries are still not being approved and posted on a timely basis. The entries themselves were prepared and submitted for approval timely; however, in many cases we found the actual approval and posting of the entries occurred months after submission. Failure to post financial activity on a timely basis at any time poses a risk to the organization and puts the Board in a position to be making decisions on incomplete or incorrect data. In addition, it was noted year-end entries were not reviewed prior to submission due to the lack of time provided to have the entries to be reviewed.

Recommendation

It is critical that the Water Board implement a process for preparing journal entries and reviewing within a reasonable time frame to ensure they can be posted to the books of record on a timely basis. In addition, we recommend the Water Board create year-end processes to ensure all year-end entries are being prepared and reviewed.

2. WATER AND SEWER RATE ADJUSTMENTS

Observation

During our planning procedures, we noted that water and sewer rate changes are manually updated in the system and are not individually reviewed. Instead, they are reviewed as part of the billing process as a whole.

Recommendation

We continue to recommend that when there are rate changes, those modifications in the system are reviewed prior to the billing process occurring to ensure the amounts entered are correct.

3. APPROVAL OF BUDGET TRANSFERS

Observation

During our planning procedures, it was noted that the Water Board does not have a formal policy in place regarding the review and approval of budget amendments and transfers.

Recommendation

As it is the responsibility of the Board to approve the budget, it is also their responsibility to approve any modifications to the budget. Therefore, we continue to recommend that the Board implement a formal process in which any budget amendments or transfers be reviewed and approved by the Board. This policy could include various thresholds under which certain levels of management can initiate and approve transfers before Board action is required.

4. MANUAL SPREADSHEETS

Observation

We noted that several significant financial areas are tracked manually using excel spreadsheets prior to being recorded in the general ledger. For example, accounts payable for the Plant fund, capital project activity and capital assets are all currently tracked outside of the software. Such a system creates a potential for error due to the manual nature of the process.

Recommendation

We continue to recommend that the Water Board consider utilizing capital asset software to help manage and maintain the capital asset activity, including all work-in-process. Additionally, we recommend that any capital project activity be tracked and recorded in the general ledger as it occurs.

5. UNCOLLECTIBLE BILLINGS

Observation

The Water Board currently has a significant balance of uncollectible water and sewer billings that is being carried, and this amount increases annually. Based on our audit procedures and inquiries of management, 100% of the amounts transferred to the City of Niagara Falls from one-year prior to December 31, 2022, are reserved as uncollectible. Of that, a small percentage of the amounts transferred are ultimately collected through the City of Niagara Falls tax re-levy process. In addition, 100% of the amounts more than 120 days old from the non-transferred receivables are reserved as uncollectible. The financial impact of these allowances is that over \$7.0 million has been deemed uncollectible as of December 31, 2022. The Water Board, in various bond issuances has covenanted that it will enforce the payment of any and all charges owed to the Water Board for use of the System. The Act (Public Authorities Law Section 1230-j(6)) provides that any rates, fees, and charges that remain unpaid shall constitute a lien on the premises that received the service and that such lien may be enforced in the same manner as a lien for taxes. The Board is currently not receiving any supporting documentation or verifying if amounts collected through the tax process are getting remitted to the Water Board from the City.

Recommendation

We continue to recommend that the organization review all outstanding accounts receivable and determine whether those amounts are in fact uncollectible and those amounts should be written off the books. Additionally, for those customers that are deemed uncollectible, an assessment should be made to ensure that no additional services are being provided to those customers. The organization should consider working with the City of Niagara Falls or the County of Niagara to use American Recovery Plan funds available to assist with getting customers in Qualified Census Tracts current on their utility bills. This is a specific allowable distribution of these funds. Additionally, it's critical that the Water Board develop a process to reconcile the list of transferred billings to the actual collections, and to further verify that collections from the City are being returned to Water Board.

6. INTERFUND ACTIVITY

Observation

We noted that interfund balances between the Authority, Plant, Water, and Sewer trial balances have been accumulating for several years. As of December 31, 2021, the accumulated amounts owed between funds was approximately \$66.2 million; however, a significant portion of that balance does not represent an amount that will be repaid between the funds.

Recommendation

We continue to recommend that management review the interfund activity and only record amounts due to or from that have an expectation of repayment. If amounts are not to be repaid, then any funds moved from one fund to another should be reflected as a transfer in or out on an annual basis.

7. SEGREGATION OF DUTIES

Observation

During our audit, we noted instances where segregation of duties should be reviewed and the identification of key controls over activities should be documented. The Water Board has undergone a significant amount of turnover in recent years which has led to a concentration of certain duties.

Recommendation

We continue to recommend that the Water Board study the current internal control environment and develop a plan to reassign non-compatible duties, provide additional monitoring of functions and create cross-training of certain functions as appropriate. Additionally, in connection with this analysis, the Water Board should ensure that key controls are identified and documented for all accounting transaction cycles within the organization.

8. BANK RECONCILIATIONS

Observation

During our audit of cash and the accompanying bank reconciliations, we noted bank reconciliations are being prepared by the Director of Financial Services and, therefore, are not reviewed each month. In addition, there are old outstanding checks that were being carried over on an annual basis.

Recommendation

We continue to recommend that management review the bank reconciliation and the associated outstanding checks and either remit the amounts to New York State under the unclaimed property laws, void and reissue the checks, or determine if the obligation was otherwise satisfied and can be returned to the Water Board's cash.

The following are considered other matters for the consideration of management:

9. NEW HIRES & PERSONNEL RATE CHANGES

Observation

During our planning procedures, we noted that payroll rate changes are manually entered into the payroll software and are not individually reviewed. However, the Water Board relies on employees to bring any corrections necessary to the Water Board's attention. Additionally, we noted that new hires are entered into the payroll software and are not individually reviewed to ensure they are properly entered. The Deputy Director of Administrative Services reviews the payroll register and supporting documentation for the pay period as a whole.

Recommendation

We continue to recommend that the Water Board implement a process wherein any pay rate changes and new employees entered into New World, are reviewed on an individual basis to ensure the amounts are properly recorded.

10. CENSUS DATA

Observation

During our audit procedures, we noted the census data sent to the actuary related to the other postemployment benefits related calculation is not reviewed prior to being sent to the actuary. This resulted in missing information being discovered as part of the audit process and revisions subsequently being provided to the actuary.

Recommendation

We recommend that the report is reviewed to ensure completeness of the listing prior to sending to the actuary.

11. SOFT CLOSE

Observation

While performing our preliminary analytical procedures at the end of January 2023, we noted that many balance sheet accounts had not been reconciled, as the Water Board typically reconciles all balance sheet accounts during the year-end closing process. Therefore, significant adjustments were still necessary to correctly report balances at December 31, 2022.

Recommendation

We continue to recommend that the Water Board perform “soft” closes at various times throughout the year to reconcile the balance sheet accounts. This will also reduce the amount of time it takes to close the books as of year-end.

12. WATER LOSS CONTROL

Observation

Based on our review of reports provided by the Board, the average annual volume of unaccounted for water has been 68% or more of the treated water for the last five years, a percentage that is significantly higher than typical industry averages. The impact of this loss is an estimated \$400,000 - \$500,000 on an annual basis. Additionally, on top of this unaccounted-for water, there are amounts billed to residents under the DRIP program, but which is ultimately credited back on their bills. There are currently over 200 residents that are included in this program. Therefore, the actual cost to the Board related to unaccounted for or unbillable water is much greater than half million dollars annually. Nationally, the average amount of water loss is 14% (according to a study by the US EPA). Based on reports provided by management, the water losses in systems in and around Niagara County range from 22-74%. Water loss can occur in many ways, either unknown resulting from leaks and theft, to those known instances like fire suppression and flushing of mains. Over the course of the past year, the Board has begun replacing water lines and meters to reduce the amount of water loss incurred.

Recommendation

We continue to recommend, in order to ensure long-term viability of the organization, that the plan to systematically locate and remediate water loss be continued. Water losses at 3 times the national average, or at the upper end of the Niagara County region, for at least the past 10 years is not sustainable. Identifying and securing funding for assistance in stemming these losses should be a priority for the Water Board going forward. Additionally, developing a specific operational or capital budget line for leak detection, prevention and correction is critical to the success of reducing these losses. We understand that the Board is aware of and continues to work on finding ways to resolve this including obtaining grant funding to help defray the costs.

13. FUTURE GASB PRONOUNCEMENTS

Observation

In 2020, the Governmental Accounting Standards Board (GASB) issued Statement Number 96 - *Subscription-Based Information Technology Arrangements* to provide guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*, as amended. The requirements of this Statement are effective for fiscal year December 31, 2023.

Recommendation

In preparation for the implementation of this Statement, we recommend that the Water Board accumulate a listing of all significant information technology arrangements and review such agreements to determine how they will need to be reported once this Statement is implemented. To best do this, we continue to encourage management to begin a process of centralization of all key contracts, grants, documents, and agreements that have financial implications to be maintained in the Finance office. This will facilitate retrieval in the future and ensure that all accounting is proper.

Observation

In 2022, the Governmental Accounting Standards Board (GASB) issued Statement Number 101 - *Compensated Absences* to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. The requirements of this Statement are effective for fiscal year December 31, 2024. Earlier application is encouraged.

Recommendation

In preparation for the implementation of this Statement, we recommend that the Water Board review the balances currently included in the calculation of this liability and the current employment agreements to ensure additional liabilities are not required to be accrued based on the new standard.