

# County of Erie, New York

Basic Financial Statements, Required  
Supplementary Information, and Federal  
Financial Assistance Schedules as of and  
for the Year Ended December 31, 2009,  
and Independent Auditors' Reports

# COUNTY OF ERIE, NEW YORK

## TABLE OF CONTENTS

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	<b>Page</b>
REPORTS FOR THE ENTITY FOR THE YEAR ENDED DECEMBER 31, 2009:	
Independent Auditors' Report	1–2
Management's Discussion and Analysis	3–12
BASIC FINANCIAL STATEMENTS:	
Government-wide Financial Statements:	
Statement of Net Assets	14
Statement of Activities	15
Fund Financial Statements:	
Balance Sheet — Governmental Funds	16
Reconciliation of the Governmental Fund Balance Sheet to the Statement of Net Assets	17
Statement of Revenues, Expenditures and Changes in Fund Balances — Governmental Funds	18–19
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	20
Statement of Revenues, Expenditures and Changes in Fund Balances — Budget and Actual (Non-GAAP Basis of Accounting) — General Fund	21
Statement of Net Assets — Proprietary Funds	22
Statement of Revenues, Expenses and Changes in Fund Net Assets — Proprietary Funds	23
Statement of Cash Flows — Proprietary Funds	24–25
Statement of Fiduciary Net Assets — Fiduciary Funds	26
Notes to the Financial Statements	27–80
REQUIRED SUPPLEMENTARY INFORMATION:	
Schedule of Funding Progress	82

# COUNTY OF ERIE, NEW YORK

## TABLE OF CONTENTS

---

	<b>Page</b>
REPORTS FOR THE ENTITY'S FEDERAL FINANCIAL ASSISTANCE PROGRAMS FOR THE YEAR ENDED DECEMBER 31, 2009:	
Schedule of Expenditures of Federal Awards	83–88
Notes to Schedule of Expenditures of Federal Awards	89
Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	91–92
Independent Auditors' Report on Compliance With Requirements Applicable to Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133	93–94
Schedule of Findings and Questioned Costs	95–98
Summary Schedule of Prior-Year Findings and Questioned Costs	99

## INDEPENDENT AUDITORS' REPORT

Honorable County Executive  
Honorable County Comptroller  
Members of the County Legislature  
County of Erie, New York

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Erie, New York (the "County") as of and for the year ended December 31, 2009, which collectively comprise the County's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the County's management. Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of Erie Community College (whose year end is August 31, 2009), which represent 3.7% and 6.3%, respectively, of the assets and revenues of the government-wide financial statements. We did not audit the financial statements of the Erie Community College Foundation, Inc. and Auxiliary Services Corporation of Erie Community College, Inc., which are shown as aggregate discretely presented component units. We did not audit the financial statements of the Erie County Fiscal Stability Authority, which represent 16.6% and 24.9%, respectively, of the assets and revenues of the governmental activities. We did not audit the financial statements of Erie County Medical Center Corporation (ECMCC), a discretely presented component unit. Additionally, we did not audit the financial statements of ECMC Lifeline Foundation, Inc. or Research for Health in Erie County, Inc., which are shown within the ECMCC discretely presented component unit. We did not audit the financial statements of the Buffalo and Erie County Industrial Land Development Corporation and Subsidiary, a discretely presented component unit. Those financial statements were audited by other auditors whose reports thereon have been furnished to us, and our opinion insofar as it related to amounts included for those component units, Erie Community College, and Erie County Fiscal Stability Authority, is based on the reports of other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. The financial statements of the Erie Community College Foundation, Inc., the Auxiliary Services Corporation of Erie Community College, Inc., the ECMC Lifeline Foundation, Inc., Research for Health in Erie County, Inc., and the Buffalo and Erie County Industrial Land Development Corporation and Subsidiary were not audited in accordance with *Government Auditing Standards*. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the reports of other auditors provide a reasonable basis for our opinions.

In our opinion, based on our audit and the reports of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County as of December 31, 2009, and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 24, 2010, on our consideration of the County's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The management's discussion and analysis and the schedule of funding progress as listed on pages 3 to 12 and page 82 are not a required part of the basic financial statements but are supplementary information required by the Governmental Accounting Standards Board. We and the other auditors have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is not a required part of the basic financial statements. The schedule of expenditures of federal awards has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

A handwritten signature in black ink that reads "Deloitte & Touche LLP". The signature is written in a cursive, flowing style.

September 24, 2010

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

This section of the County of Erie, New York's (the "County") Basic Financial Statements and Management's Discussion and Analysis presents a discussion and analysis of the County's financial performance during the year ended December 31, 2009, and incorporates financial information from the year ended December 31, 2008 for comparative analysis purposes. Please read it in conjunction with the County's basic financial statements following this section. **All amounts in this Management's Discussion and Analysis, unless otherwise indicated, are expressed in thousands of dollars.**

**FINANCIAL HIGHLIGHTS**

- The assets of the County exceeded liabilities at the close of the 2009 fiscal year by \$27,284 (*net assets*). This consists of \$16,148 restricted for specific purposes (*restricted net assets*), \$386,292 invested in capital assets, net of related debt, and a deficit in unrestricted net assets of \$375,156 at December 31, 2009.
- The primary government's total net assets increased by \$12,717. Governmental activities increased the County's net assets by \$18,334. Business type activities decreased the County's net assets by \$5,617.
- As of December 31, 2009, the County's governmental funds reported combined fund balances of \$138,115, an increase of \$13,999 in comparison with the prior year. Approximately 31.6% of the total combined governmental funds fund balance, \$43,585, is available to meet the County's current and future needs (*unreserved fund balance*).
- At the end of the fiscal year, unreserved fund balance for the General fund was \$95,080 or 93.4% of the total General Fund fund balance of \$101,838. Total unreserved designated General Fund fund balance was \$21,035 at December 31, 2009.
- The total bonded debt of the primary government decreased by \$51,032 or 6.8% during the current fiscal year.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

This discussion and analysis serves as an introduction to the County's basic financial statements. The County's basic financial statements include three components: 1) Government-wide financial statements, 2) Fund financial statements, and 3) Notes to the financial statements. In addition to the basic financial statements, required supplementary information is included.

**Government-Wide Financial Statements** are two statements designed to provide readers with a broad overview of County finances, in a manner similar to a private-sector business.

The statement of net assets presents information on all County assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the County is improving or deteriorating.

The statement of activities presents information showing how net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**OVERVIEW OF THE FINANCIAL STATEMENTS (Continued)**

Both of these government-wide financial statements distinguish functions of the County that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or in part a portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the County include general government, public safety, health, transportation, economic assistance and opportunity, culture and recreation, education, and home and community services. The business-type activities of the County include Erie Community College ("College") and the Utilities Aggregation Fund.

On July 12, 2005, the Governor of the State of New York signed legislation creating the Erie County Fiscal Stability Authority ("ECFSA"). The ECFSA began its work during 2005 in an advisory role and provides the County with financial oversight while giving local leaders the ability to improve the County's fiscal condition without further State intervention. The ECFSA is included as a governmental activity in the government-wide financial statements. On November 3, 2006, the ECFSA imposed a control period on the County empowering the ECFSA to operate with its maximum authorized compliment of control and oversight powers over County finances. On that date, the ECFSA also imposed a hiring freeze and a contract review process. The ECFSA reverted to an advisory status on June 2, 2009.

The government-wide financial statements include not only the County itself (*known as the primary government*) but also the legally separate Buffalo and Erie County Public Library (the "Library"), Erie County Medical Center Corporation (the "ECMCC") and other component units. Financial information for these *component units* of the County is reported separately from the financial information presented for the primary government itself. The Library does not issue separate financial statements.

**Fund financial statements** are groupings of related accounts that are used to maintain control over resources that have been segregated for specific activities or objectives. The County, like other state and local governments, uses fund accounting to ensure and demonstrate finance-related legal compliance. All funds of the County can be divided into three categories: *governmental funds*, *proprietary funds*, and *fiduciary funds*.

**Governmental funds** are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental funds financial statements focus on *near-term inflows* and *outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a county's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The County maintains fifteen individual governmental funds. Additionally, the County reports the activities of its blended component units within its governmental funds. Information is presented separately in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures and changes in fund balances for the General Fund and ECFSA blended component unit (reported as a major special revenue fund). Data from the other governmental funds and blended component units are combined into a single, aggregated presentation.

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**OVERVIEW OF THE FINANCIAL STATEMENTS (Concluded)**

The County adopts an annual appropriated budget for its General Fund. A budgetary comparison statement has been provided for the General Fund.

**Proprietary funds** – The County maintains one type of proprietary fund. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The County uses enterprise funds to account for the College and the Utilities Aggregation Fund, which is used to account for the bulk purchase and resale of gas, oil, and electric utilities.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The College is considered to be a major proprietary fund of the County.

**Fiduciary funds** are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the County's own programs. The County has one fiduciary fund, the Agency Fund, which is used to account for funds held by the County as agent for employee withholdings, guarantee and bid deposits, court funds, monies due to other governments, and other miscellaneous items. The accounting used for fiduciary funds is much like that used for proprietary funds.

**Notes to the Financial Statements** provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

**Other Information** - In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the County's progress in funding its obligation to provide other post-employment benefits to its employees. Required supplementary information can be found immediately following the notes to the financial statements.



**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**GOVERNMENT-WIDE FINANCIAL ANALYSIS**

As noted earlier, net assets may serve, over time, as a useful indicator of a government's financial position. In the case of the County, assets exceeded liabilities by \$27,284 at the close of the most recent fiscal year.

**Summary of Erie County's Net Assets**

	Governmental Activities		Business-type Activities		Total	
	2009	2008	2009	2008	2009	2008
Current and other assets	\$ 516,547	\$ 402,736	\$ 41,628	\$ 37,655	\$ 558,175	\$ 440,391
Capital Assets	790,368	780,016	12,628	11,141	802,996	791,157
Total assets	<u>1,306,915</u>	<u>1,182,752</u>	<u>54,256</u>	<u>48,796</u>	<u>1,361,171</u>	<u>1,231,548</u>
Long-term liabilities	925,552	917,350	35,477	20,892	961,029	938,242
Other liabilities	353,614	255,987	19,244	22,752	372,858	278,739
Total liabilities	<u>1,279,166</u>	<u>1,173,337</u>	<u>54,721</u>	<u>43,644</u>	<u>1,333,887</u>	<u>1,216,981</u>
Net assets:						
Invested in capital assets, net of related debt	373,664	330,411	12,628	11,141	386,292	341,552
Restricted	16,148	18,979			16,148	18,979
Unrestricted	<u>(362,063)</u>	<u>(339,975)</u>	<u>(13,093)</u>	<u>(5,989)</u>	<u>(375,156)</u>	<u>(345,964)</u>
Total net assets	<u>\$ 27,749</u>	<u>\$ 9,415</u>	<u>\$ (465)</u>	<u>\$ 5,152</u>	<u>\$ 27,284</u>	<u>\$ 14,567</u>

A significant portion of the County's net assets at December 31, 2009, \$386,292, reflects its investment in capital assets (e.g., land, buildings, improvements, infrastructure, and equipment), less any related debt used to acquire those assets that is still outstanding and any unspent proceeds from bond issues. The County uses these capital assets to provide services to citizens; consequently, these assets are *not* available for future spending. Although the County's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional portion of the County's net assets, \$16,148, represents resources that are subject to external restrictions on how they may be used.

The remaining and largest component of the County's net assets, a deficit of \$375,156, represents *unrestricted net assets* which reflect all liabilities that are not related to the County's capital assets and which are not expected to be repaid from restricted resources. Long-term liabilities are typically funded annually in the funds with revenues of that year. The ETASC Tobacco Settlement Asset-Backed bonds contributed greatly to this deficit as these bonds were issued to be paid back with future tobacco proceeds which will be received annually over the next fifty-one years. As the revenue recognition criteria for the receipt of future revenues has not been met, no asset has been recorded to offset the liability.

At the end of the current fiscal year, the County is able to report positive balances in two of the three categories of net assets for the County as a whole and in one category for its business-type activities. Governmental and business-type activities have unrestricted net asset deficits of \$362,063 and \$13,093 respectively at December 31, 2009.

The County's net assets increased by \$12,717 during the 2009 fiscal year, as further explained in the next section.

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**GOVERNMENT-WIDE FINANCIAL ANALYSIS (Continued)**

The following table indicates the changes in net assets for governmental and business-type activities:

**Summary of Erie County's Changes in Net Assets**

	Governmental Activities		Business-type Activities		Total	
	2009	2008	2009	2008	2009	2008
Revenues:						
Program revenues						
Charges for services	\$ 82,748	\$ 79,649	\$ 58,297	\$ 74,483	\$ 141,045	\$ 154,132
Operating grants and contributions	468,793	402,443	6,790	5,963	475,583	408,406
Capital grants and contributions	12,282	8,661			12,282	8,661
General revenues						
Property taxes	251,224	239,333			251,224	239,333
Sales and use taxes	646,893	667,783			646,893	667,783
Transfer taxes	8,553	8,901			8,553	8,901
State and local appropriations			63,255	57,742	63,255	57,742
Non-operating revenue						
Unrestricted interest earnings	1,592	3,994	298	663	1,890	4,657
Miscellaneous and other	8,628	9,331			8,628	9,331
Total revenues	<u>1,480,713</u>	<u>1,420,095</u>	<u>128,640</u>	<u>138,851</u>	<u>1,609,353</u>	<u>1,558,946</u>
Expenses:						
General government	420,026	418,986			420,026	418,986
Public safety	122,888	118,220			122,888	118,220
Health	89,927	85,091			89,927	85,091
Transportation	62,673	65,292			62,673	65,292
Economic assistance and opportunity	567,035	537,650			567,035	537,650
Culture and recreation	23,754	29,910			23,754	29,910
Education	70,716	66,883			70,716	66,883
Home and community service	48,628	52,299			48,628	52,299
Interest and fiscal charges	39,511	41,784			39,511	41,784
College			123,988	112,401	123,988	112,401
Purchase and resale of utilities			27,490	44,902	27,490	44,902
Total expenses	<u>1,445,158</u>	<u>1,416,115</u>	<u>151,478</u>	<u>157,303</u>	<u>1,596,636</u>	<u>1,573,418</u>
Excess (deficiency) before transfers	35,555	3,980	(22,838)	(18,452)	12,717	(14,472)
Transfers	<u>(17,221)</u>	<u>(17,162)</u>	<u>17,221</u>	<u>17,162</u>	<u>0</u>	<u>0</u>
Change in net assets	18,334	(13,182)	(5,617)	(1,290)	12,717	(14,472)
Net assets - beginning	<u>9,415</u>	<u>22,597</u>	<u>5,152</u>	<u>6,442</u>	<u>14,567</u>	<u>29,039</u>
Net assets - ending	<u>\$ 27,749</u>	<u>\$ 9,415</u>	<u>\$ (465)</u>	<u>\$ 5,152</u>	<u>\$ 27,284</u>	<u>\$ 14,567</u>

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**GOVERNMENT-WIDE FINANCIAL ANALYSIS (Concluded)**

**Governmental activities**

Governmental activities increased the County's net assets by \$18,334. Revenues and expenses increased by \$60,618 (4.3%) and \$29,043 (2.1%) respectively, and net transfers out increased \$59 from 2008 to 2009. Key elements of this increase are as follows:

- The \$20,890 (3.1%) decrease in the sales and use taxes category was primarily the result of reduced consumer spending in the sluggish economy experienced during 2009.
- Revenue from property taxes increased by \$11,891 (5.0%). Increases to the total tax levy (\$13,795) accounted for most of the increase.
- Capital grants and contributions increased \$3,621 (41.8%) during the year primarily as a result of increased federal aid for transportation related capital projects (\$5,807).
- Operating grants and contributions increased \$66,350 (16.5%) during the year. Most of this increase was attributable to increased program funding from the federal government including Federal Medical Assistance Percentage (\$41,023); American Recovery and Reinvestment Act (\$9,998); Temporary Assistance for Needy Families (\$9,531); and Social Service Administration (\$7,481).
- General Government expenses increased by \$1,040 or 0.2% primarily as a result of the increase in claims and judgments of \$13,945 offset by the reduction in sales taxes distributed to local municipalities and school districts that amounted to \$8,535.
- Economic Assistance and Opportunity expense increased by \$29,385 (5.5%) primarily as a result of an Upper Payment Limit ("UPL") payment of \$8,010; a one-time Back to School Program ("BSP") expense of \$7,952 and an increase in Disproportionate Share ("DSH") costs of \$4,734.
- Culture and recreation expenses decreased by \$6,156 (20.6%) primarily as a result of a one-time 2008 amount (\$7,000) which was expended as capital outlay to remediate and remove asbestos and other hazardous materials from the Buffalo Memorial Auditorium, an asset not owned by the County, as part of demolition for future economic development.
- Home and Community Service expenses decreased by \$3,671 or 7.0%. Most of this decrease consisted of a reduction in residual clean-up expenses of \$6,127 attributable to a major October 2006 snow storm.

**Business-type activities**

Business-type activities decreased the County's net assets by \$5,617 compared to a decrease of \$1,290 in 2008. The College generated decreases in net assets of \$5,561 and \$1,863 for the years ended August 31, 2009 and 2008, respectively. The operating loss at August 31, 2009 was greater than the operating loss at August 31, 2008 by \$8,927 as operating revenues generated increased \$2,682 and operating expenses increased \$11,609. Revenues generated during the fiscal year ended August 31, 2009 for student tuition and fees increased as a result of an increased enrollment and a 3.5% increase in the tuition rate over that of 2008. Mandated, collectively bargained salary and wage increases, and increases in health insurance benefits and OPEB changes make up much of the expense increase. The County sponsorship share of support to the College for the College's fiscal year ended August 31, 2009 was \$17,221 and is reported as a 2009 operating transfer to the College from the County's General (\$15,421) and Special Capital (\$1,800) funds.

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**FINANCIAL ANALYSIS OF THE COUNTY'S FUNDS**

As noted earlier, the County uses *fund accounting* to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental funds** - The general government functions are contained in the General, Special Revenue, Debt Service, and Capital Projects Funds. The focus of the County's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the County's financing requirements. In particular, *unreserved fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year. At December 31, 2009, the County's governmental funds reported combined fund balances of \$138,115, an increase of \$13,999 in comparison with the prior year. Approximately 31.6% of the combined fund balances, \$43,585, constitutes *unreserved fund balance*, which is available to meet the County's current and future operational and capital needs. The remainder of fund balance is *reserved* to indicate that it is *not* available for new spending because it has already been committed (1) to liquidate contracts and purchase orders of the prior period (\$56,648); (2) to pay debt service (\$32,948); (3) to reflect prepaid items and loans that are long-term in nature and thus do not represent available spendable resources (\$3,353); and (4) for a variety of other restricted purposes (\$1,581).

The General Fund is the chief operating fund of the County. At December 31, 2009, unreserved fund balance of the General Fund was \$95,080 while total fund balance was \$101,838. As a measure of the general fund's liquidity, it is useful to compare both unreserved fund balance and total fund balance to total fund expenditures. Unreserved fund balance represents 8.0% of total expenditures (excluding other financing uses), while total fund balance represents 8.6% of that same amount.

Fund balance in the County's General Fund increased by \$43,647 during the 2009 fiscal year compared to 2008 when the General Fund experienced an increase of \$10,650. Key factors in this \$32,997 change were as follows:

- Revenues from real property taxes increased by \$13,293 due mainly to an increase in the property tax levy.
- Intergovernmental Revenues increased by \$63,924 or 19.7%. This was primarily due to increased funding from the federal government as previously mentioned in the governmental activities discussion above.
- Interest revenue decreased by 57.8% or \$2,092 due to a decrease in the interest rates available to the County.

The revenue items noted above were offset by the following expenditure changes:

- Total expenditures increased by \$21,411 (1.8%) primarily in the Health (\$7,155) and Economic Assistance and Opportunity (\$27,395) categories mainly for contractual services and public assistance programs respectively. These were offset by decreases in general government support expenditures (\$20,032) for decreased payments to local municipalities for sales tax sharing, departmental payments to ECMCC and settlements and judgments.

The change in net other financing sources (uses) of \$25,320 was comprised principally of decrease in transfers in from the ECFSA for sales tax (\$24,669).

The General Government Buildings, Equipment and Improvements Fund, Highways, Roads, Bridges and Equipment Capital Projects Fund and Special Capital Projects Fund, which are reported in Other Governmental Funds, all experienced decreases in fund balance during the year, and reported deficit fund balances of \$1,816, \$21,115 and \$6,218, respectively, at December 31, 2009. Primarily, this was the cumulative result of the County's non-issuance of general obligation bonds for these funds since 2006. Cash to enable selected projects to progress has either been advanced from the County's General Fund, or were financed by the issuance of Bond Anticipation Notes. Proceeds from the sale of general obligation bonds in May 2010 as described in Note XVIII on page 80 of this report remediated these deficit fund balances

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**FINANCIAL ANALYSIS OF THE COUNTY'S FUNDS (Concluded)**

The fund balance for the County's Road Special Revenue Fund increased by \$4,755 to an ending fund balance of \$864 as a result of transfers in from the General Fund to alleviate a deficit fund balance.

The fund balance for the E-911 Special Revenue Fund decreased by \$812 during the year. Increased expenditures for lab and technical equipment (\$857) accounted for most of this decrease.

The fund balance for the Tobacco Proceeds Capital Projects Fund decreased by \$263 (44.4%) to a year end balance of \$329 as a result of transfers out to fund various capital improvement projects in other capital project funds.

The fund balance for the Special Capital Projects Fund decreased by \$2,429 (64.1%) mainly as a result of \$1,152 expended for capital improvement projects at ECC and \$1,800 transferred to ECC for equipment purchases.

**Proprietary funds** - The County's proprietary funds provide the same type of information found in the government-wide financial statements but in more detail.

- The College had an unrestricted net assets deficit of \$15,372 at August 31, 2009.

The following table shows actual revenues, expenses, and results of operations for the current fiscal year:

**Statement of Revenues, Expenses, and Changes in Fund Net Assets**  
**Proprietary Funds**

	<u>Major Fund</u>	<u>Nonmajor Fund</u>	
	College 8/31/2009	Utilities Aggregation	Total
Operating revenues	\$ 37,653	\$ 27,434	\$ 65,087
Operating expenses	<u>123,965</u>	<u>27,490</u>	<u>151,455</u>
Operating loss	(86,312)	(56)	(86,368)
Non-operating revenues, net	<u>63,530</u>	<u>          </u>	<u>63,530</u>
Net (loss) income before contributions and transfers	(22,782)	(56)	(22,838)
Transfers	<u>17,221</u>	<u>          </u>	<u>17,221</u>
Change in net assets	<u>\$ (5,561)</u>	<u>\$ (56)</u>	<u>\$ (5,617)</u>

The net loss before contributions and transfers of enterprise funds of \$22,838 is comprised of a net loss of \$22,782 for the College and net loss of \$56 for the Utilities Aggregation Fund.

The College reported a total net assets deficit of \$2,744 at August 31, 2009. The College's net assets have decreased significantly in each of the past three fiscal years as a result of the adoption of GASB Statement No. 45, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, in 2007.

Other factors concerning the activities of these funds have been addressed in the previous discussion of the County's business-type activities.

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**GENERAL FUND BUDGETARY HIGHLIGHTS**

An annual appropriated budget is adopted for the General Fund on a basis consistent with generally accepted accounting principles, except that encumbrances are reported as budgeted expenditures in the year of incurrence of commitment to purchase.

During the year there was a \$332,399 decrease in total budgeted revenues between the original and final budget. The main component of the net decrease is the reclassification of \$362,705 from the 'Sales and Use Taxes' line to the 'Transfers In' line to match sales tax transfers received from the ECFSA which intercepts the County portion of sales tax remitted by the New York State Department of Taxation and Finance.

The budget for other financing sources was increased during the year by \$362,591, primarily for the sales and use taxes reclassification referred to in the previous paragraph.

Budgeted appropriations and other financing uses increased by \$34,754. Budgeted expenditures increased in health (\$9,553), primarily for Mental Health Department contractual services (\$5,635). Economic assistance and opportunity budgeted appropriations increased by a total of \$19,910, primarily for mandated DSH (\$13,024) and UPL (\$8,008) for the benefit of ECMCC, and BSP costs (\$8,513), with decreases to various social service programs (\$4,933), and salaries (\$4,232). These increases were partially offset by budgeted expenditure decreases in general government support (\$10,115), due to decreases in payments to ECMCC (\$7,632).

For the year, actual revenues were less than budget by \$8,143. A negative budgetary variance in intergovernmental revenue amounted to \$14,932 mostly as a result of reduced reimbursable expenditures for social services (\$9,828) and mental health (\$3,063) programs. Miscellaneous revenue experienced a positive variance (\$5,000) primarily due to cancellation of prior year liabilities for social services programs.

Actual expenditures were less than budget by \$44,455 primarily due to savings in various categories as follows: economic assistance and opportunity (\$15,301), principally for salaries and fringes and program expenditures; general government support (\$12,253), mainly for salaries and fringes and other departmental expenditures; health (\$6,390) chiefly for various health related programs; and public safety (\$4,645) mostly for salaries and fringes.

The total favorable budget to actual variance for the year amounted to \$49,834.

**CAPITAL ASSETS AND DEBT ADMINISTRATION**

**Capital Assets**

The County's investment in capital assets for its governmental and business-type activities as of December 31, 2009, amounted to \$802,996 (net of accumulated depreciation). This investment in capital assets includes land, infrastructure, buildings and improvements, improvements other than buildings, equipment, College library collections, and construction in progress. The total increase in the County's investment in capital assets for the current period was 1.5%.

The County's infrastructure assets are recorded at historical cost in the government-wide financial statements as required by GASB Statement No. 34. The County has elected to depreciate their infrastructure assets.

Major capital asset events during the current fiscal year included the addition of transportation network assets of \$19,821. Depreciation on buildings and improvements exceeded additions by \$6,277.

**COUNTY OF ERIE, NEW YORK**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**DECEMBER 31, 2009**

**CAPITAL ASSETS AND DEBT ADMINISTRATION (Concluded)**

Capital assets net of depreciation for the governmental and business-type activities are presented below:

**Summary of Erie County's Capital Assets  
(net of depreciation)**

	Governmental Activities		Business-type Activities		Total	
	2009	2008	2009	2008	2009	2008
Land	\$ 30,353	\$ 29,997	\$	\$	\$ 30,353	\$ 29,997
Buildings and Improvements	252,455	258,732	6,851	5,996	259,306	264,728
Improvements other than Buildings	15,483	16,148	50	53	15,533	16,201
Sewer and Transportation Networks	405,824	402,212			405,824	402,212
Machinery and Equipment	40,491	40,021	3,504	3,366	43,995	43,387
Library Collections			1,292	1,294	1,292	1,294
Construction in Progress	45,762	32,906	931	432	46,693	33,338
Total	<u>\$ 790,368</u>	<u>\$ 780,016</u>	<u>\$ 12,628</u>	<u>\$ 11,141</u>	<u>\$ 802,996</u>	<u>\$ 791,157</u>

Additional information on the County's capital assets can be found in Note I (F) and Note VIII of this report.

**Long-term Debt**

At December 31, 2009, the primary government had total bonded debt outstanding of \$703,610 as compared to \$754,642 in the prior year. During the year, payments and other reductions of debt amounted to \$51,094. Additions, accretions and other adjustments amounted to \$62.

New York State statutes limit the amount of general obligation debt a governmental entity may issue to 7% of its five-year valuation. The current debt-limitation for the County is \$2,820,171, which is only 15.5% exhausted by the County's outstanding general obligation debt of \$436,259 (which includes a \$99,305 bond guaranty to ECMCC).

The County's current bond ratings, as assigned by rating agencies, are as follows: Moody's: A2 (stable outlook); Fitch: A (stable outlook); and Standard & Poor's: BBB+ (stable outlook). Moody's and Fitch's ratings reflect recalibrations of their municipal ratings to their global rating scales in April 2010. Standard & Poor's rating has been in effect since July 2008 and was affirmed in July 2010.

Additional information on the County's long-term debt can be found in Note XII of this report.

**SUBSEQUENT EVENTS**

In 2010 the ECFSA issued bonds and Revenue Anticipation Notes and the County refinanced Bond Anticipation Notes (see Note XVIII). The County also achieved resolution regarding the reported difference in Due To/From the ECMCC Component Unit and Primary Government (see Note XIV (B)). In July 2010, the ETCC Board of Directors initiated dissolution of ETCC which is scheduled to be completed by December 31, 2010 (see Note XVIII).

**REQUEST FOR INFORMATION**

This financial report is designed to provide a general overview of the County's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report, or requests for additional financial information, should be addressed to the Office of Comptroller of Erie County, 95 Franklin Street, Buffalo, New York 14202.

## **BASIC FINANCIAL STATEMENTS**

These basic financial statements include the financial statements and related notes of the reporting entity that are essential to fair presentation of financial position and results of operations. The reporting entity includes the primary government and its discretely presented component units.



COUNTY OF ERIE, NEW YORK  
Statement of Net Assets  
December 31, 2009  
(amounts expressed in thousands)

	Primary Government			Component Units		
	Governmental Activities	Business - Type Activities	Total	Library	ECMCC	Other
<b>ASSETS</b>						
Cash and cash equivalents	\$ 156,955	\$ 31,716	\$ 188,671	\$ 9,213	\$ 47,539	\$ 2,037
Investments	20,755		20,755		41,792	1,524
Restricted cash and cash equivalents					121,046	
Receivables (net of allowances)	328,369	7,902	336,271	1,315	81,784	142
Due from primary government					2,475	
Due from component unit	2,163	1,563	3,726			
Internal balances	2,447	447	2,894			
Inventories					3,387	42
Prepaid items	1,803		1,803	261	1,412	1
Other assets	4,055		4,055		2,931	1,282
Capital assets						
Land, rare books and construction in progress	76,115	931	77,046	11,036	1,216	
Other capital assets, net of depreciation	714,253	11,697	725,950	6,721	76,791	574
<b>Total assets</b>	<b>1,306,915</b>	<b>54,256</b>	<b>1,361,171</b>	<b>28,546</b>	<b>380,373</b>	<b>5,602</b>
<b>LIABILITIES</b>						
Accounts payable	51,260	4,180	55,440	500	20,019	142
Accrued liabilities	88,282	3,873	92,155	1,225	47,149	1,343
Due to component unit	2,475		2,475			
Due to primary government					2,686	
Unearned revenue	42,176	11,191	53,367	685	18,083	
Short-term debt	169,421		169,421			
Long-term liabilities						
Due within one year	71,829	2,023	73,852	1,000	2,155	24
Due in more than one year	853,723	33,454	887,177	8,854	180,890	47
<b>Total liabilities</b>	<b>1,279,166</b>	<b>54,721</b>	<b>1,333,887</b>	<b>12,264</b>	<b>270,982</b>	<b>1,556</b>
<b>NET ASSETS (DEFICIT)</b>						
Invested in capital assets, net of related debt	373,664	12,628	386,292	17,757	(2,869)	574
Restricted for:						
Capital projects	3,780		3,780		1,048	
Debt service	10,991		10,991		10,120	
Public safety	1,287		1,287			
Other purposes	90		90		1,149	2,035
Unrestricted (Deficit)	(362,063)	(13,093)	(375,156)	(1,475)	99,943	1,437
<b>Total net assets (Deficit)</b>	<b>\$ 27,749</b>	<b>\$ (465)</b>	<b>\$ 27,284</b>	<b>\$ 16,282</b>	<b>\$ 109,391</b>	<b>\$ 4,046</b>

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Statement of Activities  
For the year ended December 31, 2009  
(amounts expressed in thousands)

Functions/Programs	PROGRAM REVENUES			NET (EXPENSE) REVENUE and CHANGES IN NET ASSETS			COMPONENT UNITS		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	PRIMARY GOVERNMENT			Library	Other
					Governmental Activities	Business-Type Activities	Total		
Primary government:									
Governmental activities:									
General government	\$ 420,026	\$ 25,057	\$ 21,368	\$ 584	\$ (373,017)	\$	\$ (373,017)	\$	\$
Public safety	122,888	5,971	9,140		(107,777)		(107,777)		
Health	89,927	3,950	73,279		(12,698)		(12,698)		
Transportation	62,673		7,474	11,152	(44,047)		(44,047)		
Economic assistance and opportunity	567,035	29,657	301,640		(235,738)		(235,738)		
Culture and recreation	23,754	6,032	1,031		(16,691)		(16,691)		
Education	70,716	95	39,591	546	(30,484)		(30,484)		
Home and community service	48,628	11,986	11,990		(24,852)		(24,852)		
Interest and fiscal charges	39,511		3,280		(36,231)		(36,231)		
Total governmental activities	1,445,158	82,748	468,793	12,282	(881,335)		(881,335)		
Business-type activities:									
Community College (August 31, 2009)	123,988	30,863	6,790		(86,335)		(86,335)		
Purchase and resale of utilities	27,490	27,434			(56)		(56)		
Total business-type activities	151,478	58,297	6,790	0	(86,391)		(86,391)		
Total primary government	1,596,636	141,045	475,583	12,282	(881,335)		(881,335)		
Component unit:									
Library	\$ 30,085	\$ 1,027	\$ 3,592	\$				(25,466)	
ECMCC	434,338	356,640	919	717					(76,062)
Other component units	8,554	3,099	920						(4,535)
Total component units	\$ 472,977	\$ 360,766	\$ 5,431	\$ 717				(25,466)	(76,062)
General revenues:									
Property taxes levied for mall, sewer, and general purposes					251,224		251,224		
Property taxes levied for library								22,172	
Sales and use taxes					646,893		646,893		
Transfer taxes					8,553		8,553		
Unrestricted state and local appropriations						34,049	34,049		
Federal and state student financial aid						29,206	29,206		
Interest earnings not restricted to specific programs						298		22	10,080
Unrestricted interest earnings					1,592		1,890		(174)
Miscellaneous					7,896		7,896		
Gain on sale of capital assets					732		732		
Transfers					(17,221)	17,221			
Total general revenues and transfers					899,669	80,774	980,443		
Change in net assets					18,334	(5,617)	12,717	22,922	65,505
Net assets - beginning					9,415	5,152	14,567	(2,544)	(10,557)
Net assets (Deficit) - ending					\$ 27,749	\$ (465)	\$ 27,284	\$ 18,826	\$ 119,948
								\$ 16,282	\$ 109,391
									\$ 4,046

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Balance Sheet  
Governmental Funds  
December 31, 2009  
(amounts expressed in thousands)

	General	ECFSA General	Other Governmental Funds	Total Governmental Funds
<b>Assets</b>				
Cash and cash equivalents	\$ 23,667	\$ 650	\$ 132,638	\$ 156,955
Investments			20,755	20,755
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	65,786		1,553	67,339
Other	5,939	4,294	28,443	38,676
Due from other funds	72,202	168,535	7,212	247,949
Due from component unit	2,153		10	2,163
Due from other governments	144,662	43,106	33,036	220,804
Prepaid items	192		1,611	1,803
Loan receivable	1,550			1,550
<b>Total assets</b>	<b>\$ 316,151</b>	<b>\$ 216,585</b>	<b>\$ 225,258</b>	<b>\$ 757,994</b>
<b>Liabilities and Fund Balances</b>				
<b>Liabilities:</b>				
Accounts payable	\$ 12,389	\$ 14	\$ 13,862	\$ 26,265
Accrued liabilities	57,547	41	8,974	66,562
Due to other funds	65,000	47,501	133,001	245,502
Due to component unit	1,427			1,427
Due to other governments	22,773		932	23,705
Retained percentages payable	9		1,281	1,290
Unearned revenue	11,640		30,536	42,176
Deferred revenue	43,528		3	43,531
Short-term debt		167,480	1,941	169,421
<b>Total liabilities</b>	<b>214,313</b>	<b>215,036</b>	<b>190,530</b>	<b>619,879</b>
<b>Fund Balances</b>				
Reserved for:				
Encumbrances	4,722		51,926	56,648
Debt service			32,948	32,948
Loan receivable	1,550			1,550
Prepaid items	192		1,611	1,803
E-911 system costs			1,287	1,287
Handicapped parking	90			90
Law enforcement	204			204
Unreserved, reported in:				
General fund				
Designated	21,035			21,035
Undesignated	74,045			74,045
Special revenue funds				
Designated			5,517	5,517
Undesignated		1,549	10,656	12,205
Capital projects fund				
Designated			663	663
Undesignated (Deficit)			(69,880)	(69,880)
<b>Total fund balances</b>	<b>101,838</b>	<b>1,549</b>	<b>34,728</b>	<b>138,115</b>
<b>Total liabilities and fund balances</b>	<b>\$ 316,151</b>	<b>\$ 216,585</b>	<b>\$ 225,258</b>	<b>\$ 757,994</b>

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Reconciliation of the Governmental Funds Balance Sheet  
To the Statement of Net Assets  
December 31, 2009  
(amounts expressed in thousands)

		<u>Governmental Activities</u>
Total Governmental Fund Balances		\$ 138,115
Amounts reported for governmental activities in the statement of net assets are different because:		
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.		790,368
Other long-term assets are not available to pay for current-period expenditures and therefore are deferred in the funds.		43,531
ECFSA interest receivable is recognized when earned in the government-wide financial statements, but in the fund financial statements, income is accrued only if it will be received within sixty days of year-end.		839
Costs associated with the issuance of bonds are capitalized in the statement of net assets and are expensed in the governmental funds in the year the bonds are issued.		4,055
Due to a component unit was deemed to be not due and payable in the current period and therefore not reported in the funds.		(1,048)
Certain current liabilities and long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.		
Accrued bond interest	\$ (21,957)	
Compensated absences	(23,654)	
Retirement	(9,570)	
Judgments and claims	(55,020)	
Other postemployment benefits (OPEB)	(130,466)	
Unamortized bond premium	(17,552)	
Bonds payable	(689,892)	(948,111)
Net assets of governmental activities		<u>\$ 27,749</u>

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Statement of Revenues, Expenditures and Changes in Fund Balances  
Governmental Funds  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	General	ECFSA General	Other Governmental Funds	Total Governmental Funds
<b>Revenues:</b>				
Real property taxes and tax items	\$ 212,203	\$	32,018	\$ 244,221
Sales and use taxes	280,957	362,705	3,625	647,287
Transfer taxes			8,553	8,553
Intergovernmental	388,825	5,968	86,274	481,067
Interfund revenues	282		144	426
Departmental	67,419		13,199	80,618
Interest	1,526	66	1,339	2,931
Miscellaneous	6,321		878	7,199
<b>Total revenues</b>	<b>957,533</b>	<b>368,739</b>	<b>146,030</b>	<b>1,472,302</b>
<b>Expenditures:</b>				
<b>Current:</b>				
General government support	340,749	493	6,925	348,167
Public safety	107,693		13,652	121,345
Health	74,867		14,024	88,891
Transportation	20,378		22,171	42,549
Economic assistance and opportunity	548,280		18,384	566,664
Culture and recreation	21,383		6	21,389
Education	68,971		72	69,043
Home and community service	2,461		39,688	42,149
Capital outlay			59,507	59,507
Debt service:				
Principal retirement			50,214	50,214
Interest and fiscal charges	1,682	394	34,511	36,587
<b>Total expenditures</b>	<b>1,186,464</b>	<b>887</b>	<b>259,154</b>	<b>1,446,505</b>
(Deficiency) excess of revenues over expenditures	(228,931)	367,852	(113,124)	25,797

COUNTY OF ERIE, NEW YORK  
Statement of Revenues, Expenditures and Changes in Fund Balances  
Governmental Funds  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	General	ECFSA General	Other Governmental Funds	Total Governmental Funds
Other financing sources (uses) :				
Issuance of general obligation debt			3,232	3,232
Premium on BAN issuance		1,449	0	1,449
Sale of property	742		0	742
Transfers in	363,745		91,424	455,169
Transfers out	(91,909)	(368,151)	(12,330)	(472,390)
Total other financing sources (uses)	272,578	(366,702)	82,326	(11,798)
Net change in fund balances	43,647	1,150	(30,798)	13,999
Fund balances at beginning of year	58,191	399	65,526	124,116
Fund balances at end of year	\$ 101,838	\$ 1,549	\$ 34,728	\$ 138,115

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Reconciliation of the Statement of Revenues, Expenditures  
and Changes in Fund Balances of Governmental Funds  
To the Statement of Activities  
For the year ended December 31, 2009  
(amounts expressed in thousands)

		Governmental Activities
Amounts reported for governmental activities in the statement of activities are different because:		
Net change in fund balances-total governmental funds		\$ 13,999
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and depreciated. This is the amount by which capital outlays exceeded depreciation in the current period		
Capital outlays, net of disposals of \$1,046	\$ 60,019	
Depreciation	<u>(49,667)</u>	
Net adjustment		10,352
Revenues in the statement of activities that do not provide current financial resources are reported as deferred revenue in the funds.		
Real property taxes	\$ 7,003	
Deferred revenue-miscellaneous	<u>(869)</u>	
Total adjustment		6,134
Revenues of the ECFA in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.		
		839
Bond proceeds are reported as financing sources in the governmental funds and thus contribute to the change in fund balance. In the statement of net assets, however, issuing debt increases long-term debt and does not affect the statement of activities. Similarly, repayment of bond principal is an expenditure in the governmental funds and thus contributes to the change in fund balance. In the statement of net assets, however, payment of debt reduces the long-term debt liability and does not affect the statement of activities.		
Principal retirement	50,214	
Long-term Bond Anticipation Notes	(3,232)	
Amortization of fiscal charges	<u>(1,185)</u>	
Total repayments		45,797
Net adjustment		45,797
Certain expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		
Due to component unit	403	
Interest on bonds	(3,188)	
Compensated absences	(511)	
Retirement	1,605	
Judgments and claims (Long term change only)	(13,945)	
Other postemployment benefits (OPEB)	<u>(43,151)</u>	
Net adjustment		(58,787)
Change in net assets of governmental activities		<u>\$ 18,334</u>

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
General Fund  
Statement of Revenues, Expenditures and Changes in Fund Balances  
Budget and Actual (Non-GAAP Basis of Accounting)  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	Original Budget	Final Budget	Budgetary Actual	Variance Final Budget- Positive (Negative)
Revenues:				
Real property taxes and tax items	\$ 210,407	\$ 210,388	\$ 212,203	\$ 1,815
Sales and use taxes	665,773	276,018	280,957	4,939
Intergovernmental	349,995	403,757	388,825	(14,932)
Interfund revenue	275	275	282	7
Departmental	67,094	71,577	67,419	(4,158)
Interest	3,242	2,340	1,526	(814)
Miscellaneous	1,289	1,321	6,321	5,000
Total revenues	1,298,075	965,676	957,533	(8,143)
Expenditures:				
Current:				
General government support	363,408	353,293	341,040	12,253
Public safety	113,894	112,121	107,476	4,645
Health	70,429	79,982	73,592	6,390
Transportation	20,959	20,384	20,378	6
Economic assistance and opportunity	543,142	563,052	547,751	15,301
Culture and recreation	20,266	23,497	21,484	2,013
Education	71,510	72,212	68,971	3,241
Home and community service	2,775	2,682	2,465	217
Debt service:				
Interest and fiscal charges	3,308	2,071	1,682	389
Total expenditures	1,209,691	1,229,294	1,184,839	44,455
Excess (deficiency) of revenues over expenditures	88,384	(263,618)	(227,306)	36,312
Other financing sources (uses):				
Sale of property	150	558	742	184
Transfers in		362,183	363,745	1,562
Transfers out	(88,534)	(103,685)	(91,909)	11,776
Total other financing sources (uses)	(88,384)	259,056	272,578	13,522
(Deficiency) excess of revenue and other financing sources over expenditures and other financing uses	\$ 0	\$ (4,562)	\$ 45,272	\$ 49,834

See accompanying notes to the financial statements.



COUNTY OF ERIE, NEW YORK  
Statement of Net Assets  
Proprietary Funds  
December 31, 2009  
(amounts expressed in thousands)

	Business - Type Activities		
	Enterprise Funds		
	Major	Nonmajor	Total
	Fund	Fund	
	Community College	Utilities Aggregation	
	August 31, 2009	Fund	
<b>Assets</b>			
Current Assets			
Cash	\$ 31,187	\$ 529	\$ 31,716
Receivables (net of allowances)	5,328	707	6,035
Due from other funds	1,897	527	2,424
Due from component unit		1,563	1,563
Due from other governments		1,867	1,867
Total current assets	<u>38,412</u>	<u>5,193</u>	<u>43,605</u>
Noncurrent Assets			
Capital assets, net of depreciation			
Construction in progress	931		931
Other capital assets, net of depreciation	11,697		11,697
Total noncurrent assets	<u>12,628</u>	<u>0</u>	<u>12,628</u>
Total assets	<u>51,040</u>	<u>5,193</u>	<u>56,233</u>
<b>Liabilities</b>			
Current Liabilities:			
Accounts payable	1,431	2,749	4,180
Accrued liabilities	3,708	165	3,873
Due to other funds	1,977		1,977
Fringe benefits payable - current	2,023		2,023
Deferred revenue	11,191		11,191
Total current liabilities	<u>20,330</u>	<u>2,914</u>	<u>23,244</u>
Noncurrent Liabilities:			
Fringe benefits payable	4,245		4,245
Net OPEB obligation	29,209		29,209
Total noncurrent liabilities	<u>33,454</u>	<u>0</u>	<u>33,454</u>
Total liabilities	<u>53,784</u>	<u>2,914</u>	<u>56,698</u>
<b>Net Assets (Deficit)</b>			
Invested in capital assets	12,628		12,628
Unrestricted (Deficit), reported in:			
Community College	(15,372)		(15,372)
Nonmajor Fund		2,279	2,279
Total net assets (Deficit)	<u>\$ (2,744)</u>	<u>\$ 2,279</u>	<u>\$ (465)</u>

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Statement of Revenues, Expenses and Changes in Fund Net Assets  
Proprietary Funds  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	Business - Type Activities Enterprise Funds		Total
	Major Fund	Nonmajor Fund	
	Community College August 31, 2009	Utilities Aggregation Fund	
Operating Revenues:			
Student tuition and fees	\$ 29,372	\$	\$ 29,372
Intergovernmental revenues and charges	3,018		3,018
State and local contracts	3,772		3,772
Interfund revenues		8,024	8,024
Other operating revenue	1,491	19,410	20,901
Total operating revenue	37,653	27,434	65,087
Operating Expenses:			
Employee wages	59,185	48	59,233
Employee benefits	33,343	16	33,359
Scholarships	12,446		12,446
Supplies	15,142		15,142
Utilities and telephone	2,383	27,426	29,809
Depreciation	1,466		1,466
Total operating expenses	123,965	27,490	151,455
Operating loss	(86,312)	(56)	(86,368)
Nonoperating revenues (expenses):			
Unrestricted state and local appropriations	34,049		34,049
Federal and state student financial aid	29,206		29,206
Income from investments	298		298
Loss on disposal of plant assets	(23)		(23)
Loss before transfers	(22,782)	(56)	(22,838)
Transfers in	17,221		17,221
Change in net assets	(5,561)	(56)	(5,617)
Total net assets - beginning	2,817	2,335	5,152
Total net assets (Deficit) - ending	\$ (2,744)	\$ 2,279	\$ (465)

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Statement of Cash Flows  
Proprietary Funds  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	Business - Type Activities Enterprise Funds		
	Major Fund	Nonmajor Fund	Total Funds
	Community College August 31, 2009	Utilities Aggregation Fund	
CASH FLOWS FROM OPERATING ACTIVITIES:			
Receipts from students and utility customers	\$ 28,398	\$ 23,626	\$ 52,024
Payments to employees for services	(79,477)	(64)	(79,541)
Payments to suppliers for goods and services	(17,165)	(29,624)	(46,789)
Payments for scholarships	(12,446)		(12,446)
Federal, state and local grants	5,817		5,817
Internal activity - payments from other funds		7,999	7,999
Other operating revenues	1,172		1,172
Net cash (used in) provided by operating activities	(73,701)	1,937	(71,764)
CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES:			
County contribution	17,221		17,221
State appropriations	32,953		32,953
Municipal chargebacks	769		769
Federal and state student financial aid grants	29,851		29,851
Advances to other funds		(1,408)	(1,408)
Net cash provided by (used in) non-capital financing activities	80,794	(1,408)	79,386
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:			
Purchase of capital assets	(2,976)		(2,976)
Net cash used in capital financing activities	(2,976)	0	(2,976)
CASH FLOWS FROM INVESTING ACTIVITIES:			
Interest received	298		298
Net cash provided by investing activities	298	0	298
NET INCREASE IN CASH	4,415	529	4,944
Cash, beginning of year	26,772		26,772
Cash, end of year	\$ 31,187	\$ 529	\$ 31,716

(Continued)

COUNTY OF ERIE, NEW YORK  
Statement of Cash Flows  
Proprietary Funds  
For the year ended December 31, 2009  
(amounts expressed in thousands)

	Business - Type Activities		
	Enterprise Funds		Total Funds
	Major Fund	Nonmajor Fund	
	Community College August 31, 2009	Utilities Aggregation Fund	
Reconciliation of operating loss to net cash used by operating activities			
Operating loss	\$ (86,312)	\$ (56)	\$ (86,368)
Adjustments to reconcile operating (loss) income to net cash used by operating activities:			
Depreciation expense	1,466		1,466
Increase (Decrease) in assets:			
Receivables, net	(1,016)	228	(788)
Due from other funds	(73)	218	145
Due from component unit		2,538	2,538
Due from other governments		1,053	1,053
Accounts and other payables	456	(2,204)	(1,748)
Due to other funds	(96)		(96)
Accrued expenses	(446)	160	(286)
Deferred revenue	(730)		(730)
Other long-term liabilities	13,050		13,050
Net cash (used in) provided by operating activities	\$ (73,701)	\$ 1,937	\$ (71,764)

See accompanying notes to the financial statements.

COUNTY OF ERIE, NEW YORK  
Statement of Fiduciary Net Assets  
Fiduciary Fund  
December 31, 2009  
(amounts expressed in thousands)

	Agency Fund
<b>Assets</b>	
Cash and cash equivalents	\$ 30,131
Receivables:	
Due from other governments	
Other receivables	945
Bonds and securities held in custody	167
Total assets	<u>\$ 31,243</u>
<b>Liabilities</b>	
Held in custody for others	\$ 31,243
Total liabilities	<u>\$ 31,243</u>

See accompanying notes to the financial statements.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the County of Erie, New York (the "County") have been prepared in conformity with accounting principles generally accepted in the United States of America ("GAAP") as applied to government units. The more significant of the County's accounting policies are described below.

**A. Financial Reporting Entity**

The County was established in 1821. Subject to the New York State Constitution, the County operates pursuant to its Charter and Administrative Code (the "Charter"), as well as various local laws. Additionally, certain New York State laws govern the County to the extent that such laws are applicable to counties operating under a charter form of government. The Charter was enacted by local law and approved by the electorate at a general election held in November 1959. The Administrative Code was enacted into local law in 1961. The County Legislature is the legislative body responsible for overall operations, the County Executive serves as chief executive officer, and the County Comptroller serves as chief fiscal, accounting, reporting and auditing officer.

The County provides mandated social service programs such as Medicaid, Temporary Assistance for Needy Families and Safety Net. The County also provides services and facilities in the areas of culture, recreation, police, libraries, youth, health, senior services, roads, and sanitary sewerage. These general governmental programs and services are financed by various taxes, state and federal aid, and departmental revenue (which are primarily comprised of service fees and various types of program-related charges). Additionally, the County operates a community college.

The financial reporting entity includes the County (the primary government) and its significant component units. A component unit is either a legally separate organization for which the elected officials of a primary government are financially accountable, or another organization for which the nature and significance of its relationship with a primary government is such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

**1. DISCRETELY PRESENTED COMPONENT UNITS**

Financial data of the County's component units that are not part of the primary government is reported in the component units columns in the government-wide financial statements, to emphasize that these component units are legally separate from the County. The aggregate presented component units are not simply an extension of the primary government (i.e., they have a substantially different governing body, and their services are provided to the general public). They include the following:

*The Buffalo and Erie County Public Library* (the "Library"), formed through a consolidation of several public and private libraries, was established by the County and chartered by the State University Board of Regents in 1953. It is a separate and distinct legal corporation that receives an annual budgetary contribution from the County. Library operations are governed by a board of trustees who are appointed by the County Legislature. Bonds and notes for Library capital costs are issued by the County and are County debt. Title to real and personal property acquired with County funds vests with the County. The Library is included as a component unit of the County in the financial statements, based on the fact that it is a legally separate entity for which the County is financially accountable. The Library does not issue separate financial statements.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**A. Financial Reporting Entity (Continued)**

*Erie County Medical Center Corporation* ("ECMCC") is a public benefit corporation created in 2003 for the purpose of acquiring and operating the health facilities of the County. Effective January 1, 2004 (the "Transfer Date"), a transaction was executed which transferred ownership of the capital assets, equipment, inventories and certain other assets to ECMCC in exchange for a payment of \$85 million from ECMCC to the County. Concurrent with the transaction, \$101,375,000 of ECMCC bonds were issued, which are guaranteed by the County. Pursuant to consent decrees entered into between the County and ECMCC, the County is committed to providing ongoing operating and capital support to ECMCC. The following component units are included within ECMCC:

*Research for Health in Erie County, Inc.* - Research for Health in Erie County, Inc. ("RHEC") is a nonprofit organization dedicated to developing and increasing the facilities of the public health institutions, agencies, and departments of the County. Additionally, RHEC is committed to provide more extensive conduct of studies and research into the causes, nature, and treatment of diseases, disorders, and defects of particular importance to the public health. RHEC's support comes primarily from various grants from federal, state, and other agencies. The financial statements of RHEC have been prepared on an accrual basis. The annual financial report can be obtained by writing Grant Administration, Research for Health in Erie County, Inc., 462 Grider Street, Buffalo, NY 14215.

*ECMC Lifeline Foundation, Inc.* - ECMC Lifeline Foundation, Inc. (the "Foundation") is a nonprofit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. The Foundation was formed for the purpose of supporting hospital programs generated both by the Foundation and the Erie County Medical Center. The annual financial report can be obtained by writing Director, ECMC Lifeline Foundation, Inc., 462 Grider Street, Buffalo, NY 14215.

ECMCC is considered to be a component unit of the County and is discretely presented based on the fact that it is a legally separate entity for which the County is financially accountable. Separate financial statements for ECMCC can be obtained from ECMCC, 462 Grider St, Buffalo, New York 14215.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**A. Financial Reporting Entity (Continued)**

*Other Component Units:*

The Auxiliary Services Corporation of Erie Community College, Inc. (the "ECC Auxiliary Corporation"), and the Erie Community College Foundation, Inc. (the "ECC Foundation") are both included as discretely presented component units of the County in the financial statements, based on the fact that they are legally separate entities for which the College and County are financially accountable. They receive or hold economic resources that are significant to and can be accessed by the College that are entirely or almost entirely for the direct benefit of its constituents (students).

The purpose of the ECC Auxiliary Corporation, a New York non-profit corporation, is to promote and cultivate educational and social relations through the operation of bookstores, on-campus dining services, vending facilities, childcare, and student centers for the convenience of the students, faculty and staff of the Erie Community College (the "College"). The ECC Auxiliary Corporation is funded through sales of merchandise and food, Federal and State grants, and other fees. Separate financial statements can be obtained from the Auxiliary Services Corporation of Erie Community College, Inc., Executive Director, 6205 Main Street, Williamsville, NY 14221.

The ECC Foundation is a New York State nonprofit corporation established to support the College. Its purpose is to raise, receive, and administer all private gifts and program services for the College, its programs and its students. Separate financial statements can be obtained from Erie Community College Foundation, Inc., Executive Director, 4196 Abbott Road, Orchard Park, NY 14127.

The Buffalo and Erie County Industrial Land Development Corporation, Inc., ("ILDC") is a legally separate entity of which the County, acting by and through the County Executive, is the sole member. It is discretely presented in the County's financial statements because the County is financially accountable for it.

A voting majority of the board members are appointed by, and can be removed at will by, the County. The ILDC is managed by the board.

In 2009, ILDC by-laws and organizing documents were changed and specific activities first became under the direct governance of Erie County. These changes allow the ILDC to provide tax-exempt financing to not-for-profit organizations. Such debt of the ILDC can never be the debt of Erie County or any political subdivision thereof and can only be paid out of specific revenues and receipts of the ILDC. The ILDC provides no services to the County. Separate financial statements can be obtained from Buffalo Erie County Industrial Land Development Corporation Inc., Chief Operating Officer, 275 Oak Street, Buffalo, NY 14203.



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**A. Financial Reporting Entity (Continued)**

**2. BLENDED COMPONENT UNITS**

Erie County Fiscal Stability Authority ("ECFSA") is included as a blended component unit of the County's primary government pursuant to Governmental Accounting Standards Board ("GASB") Statement No. 39, "Determining Whether Certain Organizations are Component Units", because exclusion would be misleading. It acts as a temporary financial intermediary to the County and is authorized to act as an oversight authority to the County under certain circumstances. It reports using the governmental model and its general fund is reported as part of the County's special revenue funds.

The ECFSA is a corporate governmental agency and instrumentality of the State of New York (the "State") constituting a public benefit corporation created by the Erie County Fiscal Stability Authority Act, Chapter 182 of the Laws of 2005, as supplemented by Chapter 183 of the Laws of 2005 (the "Act"). The Act became effective July 12, 2005.

The ECFSA is governed by seven directors, each appointed by the Governor, including one each appointed upon the recommendation of the Majority Leader of the State Senate, the Speaker of the Assembly and the State Comptroller. The Governor also designates the chairperson and vice-chairperson from among the directors.

The ECFSA has power under the Act to monitor and oversee the finances of Erie County, and upon declaration of a "Control Period" as defined in the Act, additional oversight authority. The ECFSA is also empowered to issue its bonds and notes for various County purposes, defined in the Act as "Financeable Costs."

On November 3, 2006, the Authority imposed a control period (for the remainder of the 2006 fiscal year, and that remains in effect until rescinded) on the County in accordance with Section 3595(1)(e) of New York Public Authorities Law through resolution 06-49. The resolution empowered the ECFSA to operate with its maximum authorized compliment of control and oversight powers over County finances. During the control period all County contracts of \$50,000 or more and filling of any positions are subject to ECFSA approval and ECFSA has the power to approve or reject all proposed County borrowings and the County may not borrow without formal ECFSA approval. In addition, the ECFSA has the right to freeze wages, although it has not elected to exercise that right. On June 2, 2009, the ECFSA revoked the control period and reverted to an advisory status with limited control and oversight powers over County finances.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**A. Financial Reporting Entity (Continued)**

Revenues of the ECFSA consist of sales tax revenues, defined as net collections from sales and compensating use taxes, penalties and interest authorized by the State and imposed by the County on the sales and use of tangible personal property and services in the County ("Sales Tax Revenues"), and investment earnings on money and investments on deposit in various ECFSA accounts. Sales Tax Revenues collected by the State Comptroller for transfer to the ECFSA are not subject to appropriation by the State or County. Revenues of the ECFSA that are not required to pay debt service, operating expenses and other costs of the ECFSA are payable to the County as frequently as practicable. Separate financial statements for ECFSA can be obtained from the Erie County Fiscal Stability Authority, 295 Main Street, Room 946, Buffalo, New York, 14203.

Erie Tobacco Asset Securitization Corporation ("ETASC") is a special purpose local development corporation organized under the Not-for-Profit Corporation Law of the State of New York and is an instrumentality of, but separate and apart from the County. Although legally separate and independent of Erie County, ETASC is considered an affiliated organization under GASB Statement No. 39 and reported as a component unit of the County for financial reporting purposes and, accordingly, is included in the County's financial statements. Separate financial statements for ETASC can be obtained from the Erie Tobacco Asset Securitization Corporation, Treasurer, 95 Franklin Street, Room 1600, Buffalo, New York, 14202.

Erie Tax Certificate Corporation ("ETCC") is a special purpose local development corporation organized under the Not-for-Profit Corporation Law of the State of New York and is an instrumentality of, but separate and apart from the County. Although legally separate and independent of Erie County, ETCC is considered an affiliated organization under GASB Statement No. 39 and reported as a component unit of the County for County financial reporting purposes because it provides services entirely to the County and, accordingly, is included in the County's financial statements. Separate financial statements for ETCC can be obtained from the Erie Tax Certificate Corporation, President, 95 Franklin Street, Room 100, Buffalo, New York 14202.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**A. Financial Reporting Entity (Concluded)**

**3. RELATED ORGANIZATIONS**

County elected officials nominate and confirm the three-member board of the Erie County Water Authority, and also appoint a voting majority of the board of the Buffalo Convention Center Management Corporation. The County's accountability for these legally separate organizations does not extend beyond making the board appointments. Specifically, the County cannot impose its will on any of these organizations. In addition, in the case of the Water Authority, no financial operating assistance is provided to, nor is the County liable for, any debt issued by this public benefit corporation. In regard to the not-for-profit Buffalo Convention Center Management Corporation ("Corporation"), the entity and the County are parties to an exchange transaction under which the Corporation is responsible for operating and managing the area's convention center. These related organizations are not component units of the County and do not meet the basic criteria for inclusion in the County reporting entity.

**4. JOINT VENTURE**

The County is a participant in the Western Regional Off-Track Betting Corporation ("OTB"), a public benefit corporation established under New York State Racing, Pari-Mutuel Wagering and Breeding Law. The OTB conducts within the region a system of off-track pari-mutuel betting on horse races, and distributes net revenues to the participants in accordance with a predetermined formula. Separate financial data for this joint venture has been excluded from the financial statements, consistent with GAAP. Additional information about this joint venture is presented in Note XVII.

**B. Government-wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. Some amounts reported as interfund activity have been eliminated from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from the legally separate component units for which the primary government is financially accountable.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**B. Government-wide and Fund Financial Statements (Concluded)**

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

**C. Measurement Focus, Basis of Accounting and Financial Statement Presentation**

Measurement focus is the determination of what is expressed in reporting an entity's financial performance and position, (i.e., expenditures or expenses). A particular measurement focus is accomplished both by considering what resources will be measured and the basis of accounting.

Basis of accounting refers to when revenues, expenditures/expenses, and the related assets and liabilities are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus.

Accrual Basis – Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Modified Accrual Basis – Under this basis of accounting, revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the County considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Revenues from federal, state, or other grants designated for specific County expenditure are recognized when the related expenditures are incurred.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due and expenditures for inventory-type items and for prepayments (except retirement) are recognized at the time of the disbursements.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**C. Measurement Focus, Basis of Accounting and Financial Statement Presentation (Continued)**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund, and fiduciary fund financial statements. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met and are measurable.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Property taxes, sales and use taxes, state and federal aid and various grant program revenues associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The County reports the following major governmental funds:

General Fund – the principal operating fund that includes all operations not required to be recorded in other funds.

ECFSA General Fund – used to account for all of the operations of the ECFSA, included as a blended component unit. This fund accounts for sales tax revenues received by ECFSA and for general operating expenditures of ECFSA.

The County reports the following major proprietary fund:

Community College – resources received and used for community college purposes are accounted for through the College. The College is not a legally separate entity from the County. A fiscal year ending August 31 is mandated by New York State law for the College.

The College does not account for capital projects, certain capital assets or certain indebtedness; these are direct functions of the County and are reported within the governmental activities columns in the government-wide financial statements.

Additional information as excerpted from the College's financial statements is as follows:

The County Executive and the County Legislature approve the College annual budget, with the County providing funding for one-half and approximately one-fifth of capital and operating costs, respectively.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**C. Measurement Focus, Basis of Accounting and Financial Statement Presentation (Concluded)**

Equipment of the College has been included in the business-type activity column in the statement of net assets. This equipment is recorded at cost or estimated historical cost. Donated assets are stated at estimated fair value as of the date received.

Additionally, the County reports the following fiduciary fund type that is used to account for assets held by the County in a custodial capacity:

Agency Fund – used to account for money and property received and held in the capacity of custodian or agent. The Agency Fund is custodial in nature and does not involve measurement of results of operations. Agency funds, such as payroll withholdings, are reported as liabilities.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both the government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of GASB. Governments also have the *option* of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The County has elected not to follow subsequent private-sector guidance.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are interfund services provided and used such as Utilities Aggregation Fund billings to other funds. Eliminations of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as program revenues include: (1) charges to customers or applicants for goods, services, or privileges provided, (2) operating grants and contributions, and (3) capital grants and contributions. General revenues are those that cannot be associated directly with program activities.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for the proprietary funds include the cost of sales and services, administrative expenses, and depreciation of capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the County's policy to use restricted resources first, then unrestricted resources as they are needed.

**D. Deposits and Investments**

All highly liquid investments with an original maturity date of three months or less are considered to be cash equivalents. Investments are stated at fair value.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**E. Prepaid Items**

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

**F. Capital Assets**

All capital assets which are acquired or constructed for general governmental purposes are reported as expenditures in the fund that finances the asset acquisition and are accounted for and reported in the government-wide financial statements, as capital assets, if they meet the County's capitalization criteria. These statements also contain the County's infrastructure elements that are required to be capitalized under GAAP. Infrastructure assets include public domain assets such as roads, bridges, and sewer systems. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair value at the date of donation. Major outlays for capital assets and improvements are capitalized as projects are constructed. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Equipment with an initial individual cost equal to or greater than \$10,000 and an estimated useful life of three or more years is capitalized. All purchases of library books are capitalized because there is no minimum capitalization threshold. Property, plant, and equipment of the primary government, as well as the component unit, are depreciated using the straight-line method over the following estimated useful lives:

<u>Description</u>	<u>Estimated Lives</u>
Improvements Other Than Buildings	5 - 25 years
Buildings and Improvements	15 - 40 years
Infrastructure	20 - 100 years
Library Collections	5 - 10 years

The Buffalo and Erie County Public Library has a rare book collection that is classified as a Work of Art and Historical Treasure for financial reporting purposes. This collection is deemed an inexhaustible asset, and therefore, is not depreciated.

When capital assets are retired, or otherwise disposed of, the cost and related accumulated depreciation are removed from the accounts, and any resulting gain or loss is reflected in income for the period in the government-wide statements. Amortization of capital leases is computed using the straight-line method over the lease term or the estimated useful lives of the assets, whichever is shorter. Maintenance and repairs are charged to expense as incurred; significant renewals and betterments are capitalized.

**G. Property Tax Revenue Recognition**

The County-wide property tax is levied by the County Legislature effective January 1 of the year the taxes are recognizable as revenue. Taxes become a lien on the related property on January 1 of the year for which they are levied. Accordingly, property tax is only recognized as revenue in the year for which the levy is made, and to the extent that such taxes are received within the reporting period or 60 days thereafter in the fund financial statements.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**G. Property Tax Revenue Recognition (Concluded)**

Delinquent property taxes not collected at year-end (excluding collections in the 60-day subsequent period) are recorded as deferred revenue in the fund financial statements. The portion of delinquent property taxes for prior years estimated to be uncollectible at December 31, 2009, amounted to \$9,510,071. This amount has been recorded as an allowance against the property taxes receivable account.

**H. Compensated Absences**

Most employees are granted vacation, personal, and sick leave and earn compensatory time in varying amounts. When they leave service, employees are entitled to payment for accumulated vacation and unused compensatory time at various rates subject to certain maximum limitations. In addition, depending on the applicable collective bargaining agreement, and the specific plan in which the retiree is enrolled, retirees may be eligible to have group health and dental insurance premiums fully paid minimally for a defined period based on their available sick leave credits, or to receive a direct cash payment for a portion of such unused sick time.

Compensated absences for governmental fund type employees are reported as a liability and expenditure in the government-wide financial statements. Governmental funds recognize the expense when paid. For proprietary fund type employees, the accumulation is recorded as an accrued liability and/or other long-term obligation of the proprietary fund type.

The compensated absences liability for the primary government at year-end totaled \$27,855,951, with \$23,654,097 reported within governmental activities and \$4,201,854 reported within business-type activities.

The Library component unit compensated absences liability of \$1,768,356 is recorded in full in the government-wide financial statements. The ECMCC component unit compensated absences liability of \$8,600,000 is recorded in full in the statement of net assets as an accrued liability.

Payment of compensated absences recorded in the government-wide financial statements is dependent upon many factors; therefore, timing of future payment is not readily determinable. However, management believes that sufficient resources will be made available for the payment of compensated absences when such payments become due.

**I. Insurance**

The County assumes the liability for most risk including, but not limited to, property damage, personal injury liability, medical malpractice, and workers' compensation. Asserted and incurred but not reported claims and judgments are recorded when it is probable that an asset has been impaired or a liability has been incurred and the amount of loss can be reasonably estimated. Such recording is consistent with the requirements of GASB Statement No. 10, *Accounting and Financial Reporting for Risk Financing and Related Insurance Issues* ("GASB 10"). Governmental fund type estimated current contingent loss liabilities for property damage, personal injury liability, medical malpractice, and workers' compensation are reported within governmental activities in the government-wide financial statements.



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**I. Insurance (Concluded)**

Loss contingency liabilities arising from operations of the College are recorded in accordance with GASB 10 by the County and are reported in full within governmental activities in the government-wide financial statements and in the General Fund when payment is due. They are only recognized as a College liability when invoiced from the County.

**J. Pensions**

Nearly all County employees are members of various New York State retirement systems. The County is invoiced annually by the systems for its share of the costs.

**K. Statement of Cash Flows**

For purposes of reporting cash flows, cash and cash equivalents include the following items: cash on hand; cash in checking and time accounts; and certain short-term items maturing three months or less from the date acquired, as permitted by State statute.

**L. Restrictions**

The government-wide and proprietary fund financial statements utilize a net assets presentation. Net assets are categorized as invested in capital assets (net of related debt), restricted and unrestricted.

- *Invested In Capital Assets, Net of Related Debt* – This category groups all capital assets, including infrastructure, into one component of net assets. Accumulated depreciation and the outstanding balances of debt that are attributable to the acquisition, construction or improvement of these assets reduce the balance in this category.
- *Restricted Net Assets* – This category presents external restrictions imposed by creditors, grantors, contributors or laws or regulations of other governments and restrictions imposed by law through constitutional provisions or enabling legislation. The amount reported as restricted for other purposes for Governmental Activities, includes \$90,187 that is restricted by New York State Law to payments related to enforcement of Handicapped Parking Laws. In addition, on the government-wide statement of net assets, ECMCC has reported \$1,048,000 as net assets restricted for Capital Projects based upon restrictions imposed on certain receivables from the County by contract or legislative action.
- *Unrestricted Net Assets* – This category represents net assets of the County not restricted for any project or other purpose.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**M. Reserves and Designations**

In the fund financial statements, reserves represent that portion of fund balance that has been legally segregated for a specific use or is not appropriable for expenditure by the County at December 31, 2009, and include:

Reserved for Encumbrances – representing commitments related to unperformed (executory) contracts for goods or services.

Reserved for Debt Service – representing resources that must be used for principal payments that will be made in future periods.

Reserved for Loan Receivable – representing a loan to the Buffalo Zoo for the redevelopment of the Main Animal Building and a working capital advance to the ETCC.

Reserved for Prepaid Items – representing amounts prepaid to vendors that are applicable to future accounting periods.

Reserved for E-911 System Costs – representing unexpended emergency telephone system surcharge moneys that must be used to pay future system costs.

Reserved for Handicapped Parking – representing commitments relating to education, advocacy and increased public awareness of handicapped parking laws.

Reserved for Law Enforcement – representing funds received from the sale of surplus helicopter parts to be utilized exclusively to support and maintain the Sheriff's Office Aviation Division.

In the fund financial statements, designations are not legally required segregations, but are segregated for a specific purpose by the County. Accounting prescription set by the Erie County Comptroller provides for a sunset provision of one fiscal year for all fund balance designations. Legislature approval is required to establish and subsequently appropriate fund balance designations.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**I - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Concluded)**

**M. Reserves and Designations (Concluded)**

Designations at December 31, 2009 were as follows:

Designated for Subsequent Year's Expenditures – representing available fund balances being appropriated to meet future year's expenditure requirements. In the General Fund and Sewer Special Revenue Funds, \$21,035,437 and \$5,517,127 have been designated respectively. Within the Tobacco Proceeds and ECMCC Capital Projects Funds, which are recorded within other governmental funds, designated fund balance represents tobacco proceeds to be expended on future ECMCC capital projects; this balance is \$663,645 at December 31, 2009.

**N. Proprietary Fund Refunding Transactions**

Current refundings and advance refundings resulting in defeasance of debt are reported by proprietary activities in the following manner: the difference between the old debt's reacquisition price and net carrying value is deferred and amortized as a component of interest expense over the shorter of either the life of the refunding debt or the life of the refunded debt.

**O. Adoption of New Accounting Pronouncement**

During the year ended December 31, 2009, the County adopted the provisions of GASB Statement No. 52, *Land and Other Real Estate Held as Investments by Endowments*; GASB Statement No. 55, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*; and GASB Statement No. 56, *Codification of Accounting and Financial Reporting Guidance Contained in the AICPA Statements on Auditing Standards*, which had no effect on the County's financial positions or results of operations.

**P. Future Impacts of Accounting Pronouncements**

The County has not completed the process of evaluating the impact that will result from adopting GASB Statement No. 51, *Accounting and Financial Reporting for Intangible Assets*, GASB Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments*, and GASB Statement No. 58, *Accounting and Financial Reporting for Chapter 9 Bankruptcies*, effective for the fiscal year ending December 31, 2010; GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, and GASB Statement No. 59, *Financial Instruments Omnibus*, effective for the fiscal year ending December 31, 2011; and GASB Statement No. 57, *OPEB Measurements by Agent Employers and Agent Multiple-Employer Plans*, effective for the fiscal year ending December 31, 2012. Therefore, the County is unable to disclose the impact that adopting GASB Statement Nos. 51, 53, 54, 57, 58 and 59 will have on its financial position and results of operations when such statements are adopted.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**II – STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY**

**A. Budgetary Information**

The County follows these procedures in establishing the budgetary data reflected in the financial statements:

1. In accordance with the County Charter and Administrative Code, no later than October 15, the County Executive submits a tentative operating and capital budget which details proposed expenditures and the proposed means of financing to the Erie County Legislature for the fiscal year commencing the following January 1. The College budget is not included in the County Executive's tentative budget, since it is separately adopted during the first County legislative meeting in July for the fiscal year commencing September 1.
2. After public hearings are conducted to obtain taxpayer comments, the County Legislature (governing board) adopts the budget no later than the second Tuesday in December.
3. Annual appropriated budgets are adopted and employed for control of the General Fund; the Road, Sewer, Downtown Mall, E-911, and Emergency Response Special Revenue Funds; the Utilities Aggregation Enterprise Fund; and the Debt Service Fund, minimally detailed to the department, account and selected line item level. The Emergency Response Special Revenue Fund was established to account for revenues received from the Federal Emergency Management Agency and expenditures associated with the on-going clean up of major damage from a storm that occurred in October 2006. These budgets are adopted on a basis consistent with GAAP, except that encumbrances are reported as budgetary expenditures in the year of incurrence of commitment to purchase, in the General Fund, the enumerated Special Revenue Funds and the Debt Service Fund. All unencumbered appropriations lapse at the end of the fiscal year. Budgetary comparisons presented in this report are on the budgetary basis and represent the budget as modified. Annual appropriated budgets are not employed for the Grants and Community Development Special Funds. A reconciliation to convert GAAP basis data to the budgetary basis is provided below.
4. Capital Projects funds are subject to project budgets determined primarily by the bonding authorizations used to fund a particular project rather than annual budgetary appropriations. These budgets do not lapse at year-end; rather, they lapse upon termination of the project.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**II – STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY (Continued)**

**A. Budgetary Information (Continued)**

5. The County Executive is authorized to make budget transfers within the same administrative unit up to a cumulative total of \$10,000 between accounts or line items. Any proposed transfer which would result in an increase exceeding \$10,000 in any one line item in the budget, as adopted during the fiscal year or would affect any salary rate or salary total, would need prior approval by resolution of the County Legislature. In no instance shall a transfer be made from appropriations for debt service, and no appropriations may be reduced below any amount which is required by law to be appropriated.
6. Expenditures within the General, Special Revenue, Utilities Aggregation Enterprise, and the Debt Service Funds may not legally exceed the amount appropriated for such accounts or line items within a department. During the year, numerous supplementary appropriations were necessary.

Individual governmental fund comparisons of budgetary and actual data at the legal level of control established by the adopted budget (i.e., minimally the department, account and selected line item level) are not presented in this report for those funds with annual appropriated budgets due to the excessive detail involved. However, a separate budgetary comparison report is available which contains this information.

Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of moneys are recorded for budgetary control purposes to reserve that portion of the applicable appropriations, is employed in all County funds except Enterprise and the Fiduciary Fund. Outstanding encumbrances at year end, except for grant-related commitments that are not reported in the financial statements, are presented for GAAP reporting purposes as reservations of fund balances, and do not constitute expenditures or liabilities because the commitments will be honored during the subsequent year.

The County reports its budgetary status with the actual data including encumbrances as charges against budgeted appropriations. Following is a reconciliation of the budgetary basis (i.e. non-GAAP) and the GAAP basis operating results:

	(000s omitted)
	<u>General Fund</u>
Excess of revenues and other financing sources over expenditures and other financing uses - GAAP basis	\$ 43,647
Less:	
Encumbrances at December 31, 2009	4,722
Plus:	
Encumbrances at January 1, 2009	<u>6,347</u>
Excess of revenues and other financing sources over expenditures and other financing uses - basis of budgeting	\$ <u><u>45,272</u></u>

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**II – STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY (Concluded)**

**A. Budgetary Information (Concluded)**

Budget columns presented in the accompanying financial statements reflect deficiencies of revenues and other financing sources over expenditures and other financing uses. These deficiencies are caused by the anticipated use of prior-year's fund balance, which had been designated for 2009 expenditures through the budget process.

Commitments related directly to the Grants and the Community Development Special Revenue Funds in the amount of \$11,619,307 and \$2,951,388, respectively, at December 31, 2009, are not reported on the GAAP financial statements. Budget appropriations are not made available for these commitments until grant revenues are recognized at the time of expenditure.

**B. Deficit Fund Balances**

The General Government Buildings, Equipment and Improvements Fund, Highways, Roads, Bridges and Equipment Capital Projects Fund, and Special Capital Projects Fund, which are reported in Other Governmental Funds, reported deficit fund balances of \$1,815,697, \$21,115,336, and \$6,217,840, respectively, at December 31, 2009. Future revenues, bond proceeds or transfers are expected to remediate the deficit fund balances. The Community College Proprietary Fund reported a total net assets deficit of \$2,744,015 that represents primarily the effect of the implementation of GASB Statement No.45 in their 2007 fiscal year. It is anticipated that this trend will continue.

**III – CASH, CASH EQUIVALENTS AND INVESTMENTS**

**Primary Government, Agency Fund and Library Component Unit**

Available cash of the County is deposited and invested in accordance with the County's own written investment guidelines which have been established by the Comptroller's Office, approved by the County Legislature and are in compliance with provisions of applicable State statutes. The ECFSA and ETCC do not have formal investment policies.

Agency Fund bank accounts are maintained at financial institutions where moneys of the County's other funds are also on deposit. In addition, the Library does not maintain a separate bank account; instead, it participates in the pooled cash of the County. The banks calculate and report FDIC coverage and collateral requirements for the County's Agency Fund, the County's other funds and Library together, separately from that of the College.

Interest Rate Risk – As a means of limiting its exposure to fair value losses arising from fluctuating interest rates, it is the County's policy to generally limit investments to 180 days or less.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**III – CASH, CASH EQUIVALENTS AND INVESTMENTS (Continued)**

***Primary Government, Agency Fund and Library Component Unit (Continued)***

Credit Risk – In compliance with New York State law, it is the County's policy to limit its investments to obligations of the United States of America, obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America, obligations of the State of New York, time deposit accounts and certificates of deposit issued by a bank or trust company located in and authorized to do business in New York State and certain joint or cooperative investment programs.

Custodial Credit Risk – For investments, this is the risk that, in the event of the failure of the counterparty, the County will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. A margin of 2% or higher of the market value of purchased securities in repurchase transactions must be maintained and the securities must be held by a third party in the County's name. For deposits, this is the risk that in the event of a bank failure, the County's deposits may not be returned to it. Collateral is required for deposits and certificates of deposit in an amount equal to or greater than the amount of all deposits not covered by federal deposit insurance. Banks can satisfy collateral requirements by furnishing a letter of credit, a surety bond, or by pledging eligible securities as specified in Section 10 of New York State General Municipal Law. New York State Education Law does not require collateral for college checking accounts, unless the Board of Trustees deems it necessary. If collateral is required, it can be in the form of a surety bond or obligations of the United States, the State, or any municipality or college of the State. Certain balances for accounts held in trust are collateralized by the State of New York.

Concentration of Credit Risk – To promote competition in rates and service cost, and to limit the risk of institutional failure, County deposits and investments are placed with multiple institutions. The general rule is not to place more than \$100,000,000 or 50% of the County's total investment portfolio, whichever is less, in overnight investments with any one institution.

***Deposits*** - The County deposits cash into a number of bank accounts. Moneys must be deposited in demand or time accounts or certificates of deposit issued by FDIC-insured commercial banks or trust companies located within the State. Some of the County's accounts are required by various statutes and borrowing restrictions for specific funds, while the remainder are used for County operating cash and for investment purposes.

As of December 31, 2009 (August 31, 2009 as to the College), bank deposits of the Primary Government, Library, and Agency Fund were either insured or fully collateralized with securities held by the pledging financial institution's agent in the County's name.

***Cash Equivalents*** - All highly liquid investments with an original maturity date of three months or less are considered to be cash equivalents. Existing policies require that any underlying securities for repurchase transactions must be only federal obligations. Such obligations are explicitly guaranteed by the U.S. Government and therefore not considered to have credit risk. At December 31, 2009, the fair value of money market accounts was \$233,238,087 which were fully collateralized with securities held by the pledging financial institution's agent in the County's name.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**III – CASH, CASH EQUIVALENTS AND INVESTMENTS (Continued)**

**Primary Government, Agency Fund and Library Component Unit (Concluded)**

**Investments** - All investments are carried at fair value and are held by a third party in the County's or ETASC's name. Investments for the Primary Government at year-end are shown below:

(000s omitted)

	Fair Value
Municipal bonds	\$ 300
Institutional liquidity funds	438
Corporate commercial paper	<u>20,017</u>
Total Investments	<u>\$ 20,755</u>

The County's investment in municipal bonds at December 31, 2009 consists of \$300,000 of Gulf Coast Waste Disposal Authority of Texas revenue bonds maturing September 1, 2025 that were rated Aaa by Moody's and AAA by Standard and Poor's.

ETASC's investment in corporate commercial paper at December 31, 2009 consisted of \$20,017,222 of Federal National Mortgage Association Discount Notes that matured and were rated AAA by Standard and Poor's. Rating information for the ETASC's \$438,000 investment in Blackrock Liquidity Funds was not available.

**ECMCC Component Unit**

The ECMCC maintains various accounts for depositing, disbursing and investing its funds. The ECMCC's investments are made in accordance with State regulations and its investment guidelines.

**Deposits and petty cash** - The ECMCC deposits cash into a number of bank accounts. As of December 31, 2009 the carrying amount of ECMCC's deposits was \$47,539,000.

**Cash Equivalents** - All highly liquid investments with an original maturity date of three months or less are considered to be cash equivalents.



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**III – CASH, CASH EQUIVALENTS AND INVESTMENTS (Concluded)**

**ECMCC Component Unit (Concluded)**

**Investments** - All investments are carried at fair value, and are categorized as insured or uninsured, and collateralized by securities held by the pledging financial institution in the ECMCC's name. The ECMCC's fixed income investments had an S&P credit quality rating of A-1+ as of December 31, 2009.

	(000's omitted) Fair Value
Fixed Income Securities	\$ 89,092
Equity Funds	19,692
Commercial Paper	12,962
Money Market Mutual Funds	10,120
Money Market Bank Accounts	7,603
Deposits	20,821
Foundation Component Unit	1,468
RHEC Component Unit	1,080
Total investments and Restricted cash and cash equivalents	<u>\$ 162,838</u>

	(000's omitted) Fair Value
Investments	\$ 41,792
Restricted cash and cash equivalents	121,046
	<u>\$ 162,838</u>

**Other Component Units**

**Erie Community College Foundation, Inc.**—The portfolio of investments is carried at their fair value. For donated investments, costs are determined to be fair value at the date of gift.

Fair values and net unrealized gains and losses pertaining to the investment portfolio as of August 31, 2009 are as follows:

	(000's omitted) Cost	Fair Value
Fixed income	\$ 540	\$ 540
International equities	554	447
Domestic stocks	709	537
	<u>\$ 1,803</u>	<u>\$ 1,524</u>
Net unrealized loss		<u>\$ (279)</u>

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**IV - RESTRICTED CASH AND CASH EQUIVALENTS**

**ECMCC Component Unit**

*Assets Whose Use is Limited*—Assets whose use is limited at December 31, 2009 consists of the following:

	(000's omitted) Fair Value
Patient and resident's trust cash	\$ 777
Research and study funds	423
Restricted for debt service principal and interest	10,120
Designated for retiree health obligations	19,807
Designated for acquisition of capital assets	25,000
Designated for self insurance	32,650
Designated for long-term investment	20,801
Designated for physician recruiting and retention	10,000
Foundation Component Unit	1,468
Total	<u>\$ 121,046</u>

**V - PROPERTY TAXES**

The countywide property tax is levied by the County upon the taxable real property in the towns and cities in the County in late December of each year at the last meeting of the County Legislature and becomes a lien on the next succeeding January 1. Such taxes are collected by the respective collection officers in each town and in the cities of Lackawanna and Tonawanda until the date established for return of the tax rolls to the County, which can be no later than September 15. For the City of Buffalo, the County collects these taxes from the lien date.

With respect to the cities, the County taxes are due by February 15, and penalties are imposed as follows: 1.5% prior to March 1; 3% prior to March 16; 4.5% prior to April 1; 6% prior to April 16; 7.5% prior to May 1; and 1.5% additional each month thereafter. The cities each levy and collect their city taxes, and the County is not responsible for any unpaid city taxes. The County is responsible only for uncollected County taxes levied in such cities.

With respect to the towns, the countywide property tax is levied by the County together with town property taxes, which include special district, fire district, and highway taxes. In towns of the first class, taxes are due without penalties by February 15. Penalties are 1.5% prior to March 1; 3% prior to March 16; prior to April 1; 6% prior to April 16; 7.5% prior to May 1; and 1.5% additional for each month thereafter. In towns of the second class, taxes are due without penalty within ten days after receipt of the tax roll by the

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**V - PROPERTY TAXES (Concluded)**

respective collection agency. Penalties are 1.5% prior to March 16 unless waived; 7.5% prior to May 1; and 1.5% additional each month thereafter. All towns first retain their share of taxes from collections and remit the balance to the County. The County is responsible for uncollected taxes of all subordinate jurisdictions, except for the three cities.

The County levies taxes for most school districts throughout the County and is responsible for uncollected school district taxes outside the cities of Buffalo, Lackawanna, and Tonawanda.

Additionally, at the option of villages within the County, the County may also be responsible for uncollected village taxes.

**Constitutional Tax Limit**

The amount that may be raised by the countywide tax levy on real estate in any fiscal year (for purposes other than debt service on County indebtedness) is limited to one and one-half per centum (subject to increase up to two per centum by resolution of the County Legislature) of the five-year average full valuation of taxable real estate of the County, per New York State statutes. On November 13, 1978, a local law became effective which limits the maximum amount of real estate taxes which can be levied other than for debt service to one per centum of such average full valuation of all the taxable real estate within the County.

The County constitutional tax limit (per New York State statutes) for the fiscal year ended December 31, 2009 is computed as follows:

	(000s omitted)
Five-Year Average Full Valuation of Taxable Real Estate (2005-2009)	\$ 40,288,153
Tax Limit @ 1.5%	\$ 604,322
Statutory Additions	51,265
Total Taxing Power	655,587
Total Levy	(232,439)
Tax Margin	\$ 423,148

**VI - REVENUE ACCRUALS**

All major revenues of the County are considered "susceptible to accrual" under the modified accrual basis. These include property tax, sales tax, state and federal aid, and various grant program revenues.

Major revenues accrued by the County in the various governmental fund types at December 31, 2009 include sales and use taxes in excess of \$43.1 million; state and federal assistance for social services of approximately \$98.4 million; and other state and federal aid (including grants) approximating \$77.0 million.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**VII - RECEIVABLES**

Receivables at year-end of the County's major individual funds and non-major funds in the aggregate, including the applicable allowances for uncollectible accounts, are as follows:

(000s omitted)

Receivables - Governmental Funds	General Fund	ECFSA	Other Governmental Funds	Total
Real Property taxes, interest, penalties and liens	\$ 75,296	\$	\$ 13,103	\$ 88,399
Sales and use Tax		43,106		43,106
Federal & State Assistance for DSS	98,354			98,354
Other Federal & State Aid	41,384	4,294	31,293	76,971
Loan	1,550			1,550
Other	10,863		30,186	41,049
Gross receivables	227,447	47,400	74,582	349,429
Less: allowances for uncollectibles	9,510		11,550	21,060
Total receivables	\$ 217,937	\$ 47,400	\$ 63,032	\$ 328,369

The only Governmental Fund receivables not expected to be collected within one year are \$1,550,000 in loan receivables, that are discussed in Note I(M).

(000s omitted)

Receivables - Proprietary Funds	Community College	Nonmajor Fund	Total
Accounts receivable	\$ 5,752	\$ 707	\$ 6,459
Other	4,149	1,867	6,016
Gross receivables	9,901	2,574	12,475
Less: allowances for uncollectibles	4,573		4,573
Total receivables	\$ 5,328	\$ 2,574	\$ 7,902

All Proprietary Fund receivables are expected to be collected within one year.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**VIII - CAPITAL ASSETS**

Capital asset activity for the year ended December 31, 2009 was as follows:

**A. Primary Government**

**1. Governmental Activities**

(000s omitted)

	Balance 1/1/09	Increases	Decreases	Balance 12/31/09
Capital assets, not being depreciated:				
Land	\$ 29,997	\$ 366	\$ (10)	\$ 30,353
Construction in progress	32,906	44,769	(31,913)	45,762
Total capital assets, not being depreciated	62,903	45,135	(31,923)	76,115
Capital assets, being depreciated:				
Buildings and improvements	497,453	9,281		506,734
Transportation network	441,679	19,821		461,500
Sewer network	248,510	6,717		255,227
Improvements other than buildings	25,306	620		25,926
Machinery and equipment	103,425	10,804	(4,162)	110,067
Total capital assets, being depreciated	1,316,373	47,243	(4,162)	1,359,454
Less accumulated depreciation for:				
Buildings and improvements	(238,721)	(15,558)		(254,279)
Transportation network	(214,940)	(18,982)		(233,922)
Sewer network	(73,037)	(3,944)		(76,981)
Improvements other than buildings	(9,158)	(1,285)		(10,443)
Machinery and equipment	(63,404)	(9,898)	3,726	(69,576)
Total accumulated depreciation	(599,260)	(49,667)	3,726	(645,201)
Total capital assets, being depreciated, net	717,113	(2,424)	(436)	714,253
Governmental activities capital assets, net	\$ 780,016	\$ 42,711	\$ (32,359)	\$ 790,368

Depreciation expense was charged to functions of the primary government as follows:

(000s omitted)

Governmental activities:	
General government	\$ 14,871
Public safety	6,477
Health	431
Transportation	20,142
Economic assistance and opportunity	119
Culture and recreation	1,439
Education	1,632
Home and community service	4,556
Total governmental activities depreciation expense	\$ 49,667

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**VIII - CAPITAL ASSETS (Continued)**

**A. Primary Government (Concluded)**

**2. Community College**

	(000s omitted)		
	Balance 9/1/08	Increases	Decreases
			Balance 8/31/09
Capital assets, not being depreciated:			
Construction in Progress	\$ 432	\$ 1,546	\$ (1,047)
Capital assets, being depreciated:			
Building Improvements	6,326	1,047	7,373
Land improvements	64		64
Equipment	22,417	1,170	(1,860)
Library collections	2,613	258	(283)
Total capital assets, being depreciated	31,420	2,475	31,752
Less accumulated depreciation for:			
Building improvements	(330)	(192)	(522)
Land improvements	(11)	(3)	(14)
Equipment	(19,051)	(1,025)	1,853
Library collections	(1,319)	(246)	269
Total accumulated depreciation	(20,711)	(1,466)	2,122
Total capital assets, being depreciated, net	10,709	1,009	(21)
Community College capital assets, net	\$ 11,141	\$ 2,555	\$ (1,068)

Depreciation expense for the Community College was \$1,465,827 for the year ended August 31, 2009.

**B. Component Units**

**1. ECMCC**

	(000s omitted)		
	Balance 1/1/09	Increases	Decreases
			Balance 12/31/09
Capital assets, not being depreciated:			
Construction in Progress	\$ 102	\$ 1,216	\$ (102)
Capital assets, being depreciated:			
Land improvements	2,836	52	2,888
Building	214,915	6,313	221,228
Fixed Equipment	3,269	247	3,516
Major moveable equipment	138,626	9,323	147,949
Total capital assets - being depreciated	359,646	15,935	375,581
Less accumulated depreciation	(285,903)	(12,887)	(298,790)
Total capital assets, being depreciated, net	73,743	3,048	76,791
Total ECMCC component unit capital assets	\$ 73,845	\$ 4,264	\$ (102)

Depreciation expense for ECMCC was \$12,887,000 for the year ended December 31, 2009.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**VIII - CAPITAL ASSETS (Concluded)**

**B. Component Units (Concluded)**

**2. Library**

	(000s omitted)		
	Balance 1/1/09	Increases	Decreases
Capital assets, not being depreciated:			
Rare book collection	\$ 11,014	\$ 22	\$
Capital assets, being depreciated:			
Machinery, Equipment and Library materials	57,652	6,092	(3,473)
Less accumulated depreciation for:			
Machinery, Equipment and Library materials	(51,206)	(3,066)	722
Total capital assets, being depreciated, net	6,446	3,026	(2,751)
Library Component Unit capital assets, net	\$ 17,460	\$ 3,048	\$ (2,751)

Depreciation expense for the Library was \$3,066,333 for the year ended December 31, 2009.

**IX – PAYABLES**

Payables at year-end of the County's major individual funds and non-major funds in the aggregate are as follows:

	(000s omitted)			
	General Fund	ECFSA General	Other Governmental Funds	Total
Payables - Governmental Funds				
Accounts payable	\$ 12,389	\$ 14	\$ 13,862	\$ 26,265
Other governments	22,773		932	23,705
Health and social service programs and agencies	33,756		198	33,954
Retained percentages	9		1,281	1,290
Salaries & fringes	18,048		2,405	20,453
Other	5,743	41	6,371	12,155
Total payables	\$ 92,718	\$ 55	\$ 25,049	\$ 117,822

	Community College	Nonmajor Fund	Total
Payables - Proprietary Funds			
Accounts payable	\$ 1,431	\$ 2,749	\$ 4,180
Salaries & fringes	6,268	165	6,433
Other	3,708		3,708
Total payables	\$ 11,407	\$ 2,914	\$ 14,321

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**X – RETIREMENT PLANS**

Background

The County participates in the New York State and Local Employees' Retirement System ("ERS"). In addition, all faculty and administrators of the College have the option of participating in the New York State Teachers' Retirement System ("TRS") or the Teachers' Insurance and Annuity Association – College Retirement Equities Fund ("TIAA-CREF").

**A. New York State and Local Employees' Retirement System**

This is a cost-sharing multiple-employer retirement system. The ERS provides retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law ("NYSRSSL"). As set forth in the NYSRSSL, the Comptroller of the State of New York ("Comptroller") serves as sole trustee and administrative head of the ERS. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the ERS and for the custody and control of their funds. The ERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to the New York State and Local Retirement Systems, Gov. Alfred E. Smith State Office Building, Albany, New York 12244.

Contributions equal to 3% of salary are required of employees, except for those who joined the ERS before July 27, 1976 and for those who have ten or more years of credited service. Under the authority of the NYSRSSL, the Comptroller shall certify annually the rates expressed as proportions of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

Contributions are required at an actuarially determined rate. The required ERS contributions for the current year and two preceding years were:

Year	Contribution Amount		
	Primary Government- ERS	Library Component Unit - ERS	ECMCC Component Unit - ERS
2009	\$ 20,340,675	\$ 999,436	\$ 10,100,000
2008	25,385,491	1,346,621	10,300,000
2007	28,669,390	1,470,906	10,800,000

The County's contributions made to the ERS were equal to 100% of the contributions required for each year. The annual payment is due on February 1 of the subsequent year.

**B. Teachers' Insurance and Annuity Association - College Retirement Equities Fund**

TIAA-CREF is a defined contribution annuity plan that is an optional retirement program ("ORP") authorized by the trustees of the State University of New York. TIAA/CREF provides benefits through annuity contracts and provides retirement and death benefits to those employees who elected to participate in the ORP. Benefits are determined by the amount of individual accumulations and the retirement income option selected. All benefits generally vest after the completion of one year of



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**X – RETIREMENT PLANS (Continued)**

**B. Teachers' Insurance and Annuity Association - College Retirement Equities Fund (Concluded)**

service if the employee is retained thereafter. TIAA/CREF is contributory for employees who joined after July 27, 1976, who contribute 3 percent of their salary. For employees enrolled after June 30, 1992, the College contributes 8% of salary for the first seven years of employment and 10% of salary thereafter. For employees enrolled between July 27, 1976 and June 30, 1992, the College contributes 9% of the first \$16,500 in salary and 12% thereafter. Employee contributions are deducted from their salaries and remitted on a current basis to TIAA/CREF.

Contributions made by the College and its employees in the 2009 fiscal year were \$2,199,465 and \$320,717, respectively. The total unpaid balance of this retirement liability at the end of the College's fiscal year was \$126,060.

**C. New York State Teachers' Retirement System**

The TRS is a cost-sharing multiple-employer defined benefit retirement system. The TRS provides retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute, and benefits to employees, are governed by the NYSRSSL and New York State Education Law. The TRS issues publicly available financial reports that include financial statements and required supplementary information. The TRS report may be obtained by writing to the New York State Teachers' Retirement System, 10 Corporate Woods Drive, Albany, New York 12211-2395.

Contributions equal to 3% of salary are required of employees, except for those who joined the TRS before July 27, 1976, and for those who have ten or more years of credited service. Under the authority of the NYSRSSL, the Comptroller shall certify annually the rates expressed as proportions of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

The College is required to contribute at an actuarially determined rate. The required pension contributions for the College current fiscal year and two preceding fiscal years were:

<u>Year</u>	<u>College TRS</u>
2009	\$ 1,118,358
2008	1,261,363
2007	1,154,076

Employer contributions made to the TRS were equal to 100% of the contributions required for each year. The 2009 amount is the employer portion only, shown to reflect the change in focus of the disclosure to that of the College's contributions. The 2008 and 2007 amounts included both the employer and employee contributions.

The total unpaid employer balance of the TRS retirement liabilities at the end of the College's fiscal year was \$1,151,026.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**X – RETIREMENT PLANS (Concluded)**

**D. Summary of Retirement Plan Liabilities:**

(000s omitted)					
Retirement Plan/ Description	Governmental Activities	Business-type Activities	Primary Government Total	Library Component Unit	Reporting Entity Total
<u>ERS</u>					
Regular	\$ 9,570	\$ 733	\$ 10,303	\$ 518	\$ 10,821
Total	<u>9,570</u>	<u>733</u>	<u>10,303</u>	<u>518</u>	<u>10,821</u>
<u>TRS</u>					
Regular		1,151	1,151		1,151
Total	<u>0</u>	<u>1,151</u>	<u>1,151</u>	<u>0</u>	<u>1,151</u>
<u>TIAA-CREF</u>					
Regular		126	126		126
Total	\$ <u>9,570</u>	\$ <u>2,010</u>	\$ <u>11,580</u>	\$ <u>518</u>	\$ <u>12,098</u>

The County and its component units have recorded the above retirement liabilities as long-term liabilities on the statement of net assets. In addition, retirement liabilities have been recorded as accrued liabilities as follows: Governmental Activities of \$11.836 million, ECMCC Component Unit of \$10.100 million and Library Component Unit of \$.642 million.

**XI – CONSTRUCTION COMMITMENTS**

The County has a number of active construction projects at December 31, 2009. The amounts spent to date and remaining commitments (encumbrances) presented by major project groupings are as follows:

(000s omitted)		
<u>Projects</u>	<u>Spent-to-date</u>	<u>Remaining Commitments</u>
General Government Buildings, Equipment and Improvements	\$ 18,247	\$ 14,052
Highways, Roads, Bridges and Equipment	28,639	21,182
Sewers, Facilities Equipment and Improvements	17,896	10,549
Special Capital Projects	2,532	480
ECMC Capital Projects	<u>6,813</u>	<u>972 *</u>
Total	\$ <u>74,127</u>	\$ <u>47,235</u>

\* The County has additional future capital commitments related to the ECMCC Sale Agreement, as amended, totaling approximately \$4,188,000 at December 31, 2009. Of this amount, \$1,048,000 is reflected in the government-wide financial statements only as a Due to Component Unit.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES**

**A. Bonded Indebtedness**

Bonded indebtedness is reported in the government-wide financial statements. The following is a summary of bond transactions of the County for the year ended December 31, 2009:

(000s omitted)								
Purpose*	Issue	Maturity	Interest Rate	Balance 1/1/09	Additions	Reductions	Balance 12/31/09	Due Within One Year
Capital	1992	2012	4.25-7.65	\$ 2,940	\$	\$ 735	\$ 2,205	\$ 735
Capital	1993	2013	3.30-5.25	331		85	246	75
Capital	1993	2013	Zero Coupon	1,424		389	1,035	366
Capital	1996	2015	0.00	520		70	450	72
Capital	1997	2017	3.75-5.35	335		35	300	35
Capital	1997	2012	4.50-5.50	3,960		990	2,970	990
Refunding	1997	2009	4.50-5.25	185		185		
Capital	1998	2017	3.70-5.15	335		30	305	35
Capital	1998	2013	4.25-5.00	4,090		850	3,240	850
Capital	1999	2018	3.48-5.42	140		10	130	10
Capital	1999	2018	0.00	61		6	55	6
Capital	1999	2009	4.375-5.75	1,424		1,424		
Capital	1999	2019	5.125-6.00	1,715		120	1,595	125
Capital	2000	2018	3.80-5.92	135		10	125	10
Capital	2000	2012	5.25-6.00	5,036		1,313	3,723	1,318
Capital	2000	2020	5.25-5.70	425		35	390	35
Capital	2001	2031	2.619-5.314	1,720		55	1,665	55
Capital	2001	2031	0.00	3,921		146	3,775	148
Capital	2001	2020	2.30-5.00	19,820		1,820	18,000	1,820
Capital	2001	2021	2.30-5.00	620		50	570	50
Capital	2002	2031	1.362-5.082	1,130		45	1,085	45
Capital	2002	2024	2.521-6.181	3,945		190	3,755	195
Capital	2002	2031	1.333-5.323	860		30	830	30
Capital	2002	2017	3.00-5.00	42,335		3,925	38,410	4,050
Capital	2002	2022	3.00-5.00	970		50	920	55
Capital	2003	2032	1.031-4.901	1,130		35	1,095	35
Capital	2003	2029	2.549-6.259	13,055		555	12,500	570
Capital	2003	2032	0.00-0.00	396		16	380	17
Capital	2003	2020	4.00-5.25	64,031		4,021	60,010	4,214
Capital	2003	2023	2.00-4.75	2,015		105	1,910	105
Capital	2003	2032	0.790-4.612	1,065		35	1,030	35
Subtotals carried forward				180,069		17,365	162,704	16,086

\*Capital = Capital acquisition and construction

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**A. Bonded Indebtedness (Continued)**

Purpose*	Issue	Maturity	Interest Rate	Balance 1/1/09	Additions	(000s omitted) Reductions	Balance 12/31/09	Due Within One Year
Subtotals brought forward				\$ 180,069	\$	\$ 17,365	\$ 162,704	\$ 16,086
Capital	2004	2015	2.50-5.250	13,620		1,705	11,915	1,765
Capital	2004	2033	1.02-4.63	975		30	945	30
Capital	2004	2024	3.25-5.25	62,585		6,255	56,330	5,025
Capital	2005	2034	1.56-4.57	3,060		85	2,975	90
Capital	2005	2033	2.06-4.13	2,305		70	2,235	70
Capital	2005	2020	4.45-5.00	56,020		3,520	52,500	3,700
Capital	2005	2035	3.50-5.00	11,525		230	11,295	240
Capital	2005	2012	5.50	15,890		3,660	12,230	3,860
Refunding	2005	2029	3.50-4.50	50,585		2,590	47,995	3,585
Tobacco Refunding	2005	varies***	varies***	309,990		5,265	304,725	
Tobacco Settlement	2006	varies***	varies***	17,695		0	17,695	
Capital	2006	2035	0.00	1,875		70	1,805	70
Capital	2006	2017	3.50-4.00	12,100		1,150	10,950	1,195
Capital	2006	2036	3.50-4.25	4,200		85	4,115	90
ECMCC Settlement	2006	2011	4.93-4.99	25,225		8,010	17,215	8,400
Capital	2007	2036	3.63-4.79	4,939		124	4,815	130
				772,658	0	50,214	722,444	\$ 44,336
Discount on zero coupon bonds				(153) **	62		(91) **	
Discount on ETASC bonds				(11,507)		(65)	(11,442)	
Premium on bond issuance				18,826		1,876	16,950	
Deferred amount on refunding				(1,804)		(168)	(1,636)	
Deferred amount on refunding-ETASC				(23,378)		(763)	(22,615)	
Bonds payable for financial statement purposes				\$ 754,642	\$ 62	\$ 51,094	\$ 703,610	

\*Capital = Capital acquisition and construction

\*\* Amount of unamortized discount on zero coupon bonds at issue date was \$3.348 million. Of this amount, \$3.195 million and \$.062 million have been amortized in the prior and current years, respectively.

\*\*\*Refer to discussion within Note XII(B) regarding outstanding ETASC bonds payable.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**A. Bonded Indebtedness (Concluded)**

The following is a summary of bonded indebtedness:

	(000s omitted)			
	Balance 1/1/09	Additions	Reductions	Balance 12/31/09
Governmental Activities	\$ 772,658	\$	\$ 50,214	\$ 722,444
Remaining unamortized:				
discount on zero coupon bonds	(153)	62		(91)
discount on ETASC bonds	(11,507)		(65)	(11,442)
premium on bond issuance	18,826		1,876	16,950
deferred amount on refunding	(1,804)		(168)	(1,636)
deferred amount on refunding-ETASC	(23,378)		(763)	(22,615)
Bonds payable for financial statement purposes	<u>\$ 754,642</u>	<u>\$ 62</u>	<u>\$ 51,094</u>	<u>\$ 703,610</u>

**B. Erie Tobacco Asset Securitization Corporation (a Blended Component Unit)**

In 2000, the ETASC issued \$246,325,000 of Tobacco Settlement Asset Backed Bonds, Series 2000 pursuant to an indenture dated as of September 1, 2000 (the "Indenture"). The \$246,325,000 bond issuance was comprised of \$196,985,000 Tobacco Settlement Asset Backed Bonds Series 2000A and \$49,340,000 Tobacco Settlement Asset Backed Bonds Series 2000B. The net proceeds of the Series 2000 Bonds were used to purchase from the County all of the County's right, title and interest to Tobacco Settlement Revenues ("TSR") to which the County would otherwise be entitled under the Master Settlement Agreement ("MSA") and Consent Decree and Final Judgment (the "Decree").

On August 15, 2005, ETASC issued \$318,834,680 in Tobacco Settlement Asset-Backed Bonds with interest rates ranging from 5.0% to 6.75% to advance refund \$239,060,000 of outstanding Series 2000 Tobacco Settlement Asset-Backed bonds bearing interest rates ranging from 5.0% to 6.5% originally issued in 2000. The net proceeds amounted to \$305,330,026 after original issuance discount and payment of \$13,504,654 for underwriting fees, insurance, and other issuance costs, of which \$267,037,311 was used to fund an irrevocable trust to defease the remaining original bonds. This transaction enabled the ETASC to release \$55,231,709 in previously restricted funds for debt service and trapping events to the County.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**B. Erie Tobacco Asset Securitization Corporation (a Blended Component Unit) (Continued)**

The advance refunding resulted in a difference between the reacquisition price and the net carrying amount of the old debt of \$25,953,936. This difference, reported in the accompanying financial statements as a deduction from bonds payable, is being charged to operations through the year 2039. The refunding increases the total debt service over the next 50 years by \$121,875,200 resulting in an economic loss of approximately \$31,392,350 at net present value.

On September 15, 2005, ETASC entered into an agreement with the bondholders to replace the government securities in the irrevocable trust with government agency securities. This transaction generated a savings of \$2,802,806. Of this, \$1,331,893 was transferred to the County and the remainder less costs of sale was paid to the bondholders for their concessions.

On January 5, 2006, ETASC issued \$17,694,720 of tobacco settlement asset-backed bonds, Series 2006A with an interest rate of 7.6%. ETASC entered into a purchase and sale agreement with the County on January 1, 2006, in which ETASC purchased the County's sole undivided beneficial interest in and to the trust established by ETASC pursuant to the Declaration and Agreement of Trust dated September 1, 2000 between ETASC and the Wilmington Trust Company ("2000 Residential Trust"), in its capacity as trustee, including the County's right to receive residual tobacco settlement revenues payable to the County, as sole beneficiary of the 2000 Residential Trust. The net proceeds of \$15,638,465 was transferred to the County's General Fund.

The payment of the Series 2005 and Series 2006 Bonds is dependent on the receipt of TSRs. The amount of TSRs actually collected is dependent on many factors including cigarette consumption and the continued operations of the participating cigarette manufacturers in the MSA. Such bonds are secured by and payable solely from TSRs and investment earnings pledged under the Indenture and amounts established and held in accordance with the Indenture. ETASC has no financial assets other than the collections and reserves and amounts held in the other funds and accounts established under the Indenture.

The ETASC has covenanted to apply 100% of all surplus revenues (defined as revenues which are in excess of Indenture requirements for the funding of operating expenses and deposits in the Debt Service account maintained for the funding of interest, principal and other items) to the special mandatory par redemption ("Turbo Redemptions") of Series 2005 Bonds in order of their maturity dates, beginning June 1, 2006.

Interest on the Series 2005A and E Bonds are payable each June 1 and December 1. Interest on the Series B, C, and D bonds as well as the Series 2006 Bonds accrue throughout the life of the bonds but are payable at redemption. Series 2005B, C, and D Bonds are zero-coupon bonds and are subject to redemption at the option of ETASC beginning in years after 2016. The Series 2006A bonds may be redeemed after May 31, 2017.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**B. Erie Tobacco Asset Securitization Corporation (a Blended Component Unit) (Continued)**

Details of long-term debt are as follows:

				\$318,834,680	
				Term Bond	
<u>Issue</u>	<u>Amount</u>	<u>Rate</u>	<u>Description</u>	<u>Projected Final Turbo</u>	
				<u>Redemption Date</u>	
\$	30,330,000	5.000%	Series 2005A Bonds Due June 1, 2031 Semi-annual interest only payments through maturity, may be redeemed at the option of the ETASC at anytime in whole or in part after June 1, 2015	June 1, 2018	
\$	74,685,000	5.000%	Series 2005A Bonds Due June 1, 2038 Semi-annual interest only payments through maturity, may be redeemed at the option of the ETASC at anytime in whole or in part after June 1, 2015	June 1, 2022	
\$	111,480,000	5.000%	Series 2005A Bonds Due June 1, 2045 Semi-annual interest only payments through maturity, may be redeemed at the option of the ETASC at anytime in whole or in part after June 1, 2015	June 1, 2027	
\$	9,163,000	5.750%	Series 2005B Bonds Due June 1, 2047 Semi-annual interest accrued but not payable until maturity, subject to redemption at the option of ETASC anytime after June 1, 2015 at accreted values as follows: June 1, 2015 through May 31, 2016, 102%; June 1, 2016 through May 31, 2017, 101%; June 1, 2017 and thereafter, 100%	June 1, 2027	
\$	12,565,080	6.250%	Series 2005C Bonds Due June 1, 2050 Semi-annual interest accrued but not payable until maturity, subject to redemption at the option of ETASC anytime after June 1, 2015 at accreted values as follows: June 1, 2015 through May 31, 2016, 102%; June 1, 2016 through May 31, 2017, 101%; June 1, 2017 and thereafter, 100%	June 1, 2029	
\$	11,141,600	6.750%	Series 2005D Bonds Due June 1, 2055 Semi-annual interest accrued but not payable until maturity, subject to redemption at the option of ETASC anytime after June 1, 2015 at accreted values as follows: June 1, 2015 through May 31, 2016, 102%; June 1, 2016 through May 31, 2017, 101%; June 1, 2017 and thereafter, 100%	June 1, 2032	
\$	69,470,000	6.000%	Series 2005E Taxable Bonds Due June 1, 2028 Semi-annual interest only payments through maturity, may be redeemed at the option of the ETASC at anytime in whole or in part after June 1, 2015	June 1, 2016	

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**B. Erie Tobacco Asset Securitization Corporation (a Blended Component Unit) (Concluded)**

		\$17,694,720 Term Bond		
<u>Issue Amount</u>	<u>Rate</u>	<u>Description</u>	<u>Projected Final Turbo Redemption Date</u>	
\$ 17,694,720	7.650%	Series 2006A Bonds Due June 1, 2060 Semi-annual interest accrued but not payable until maturity, subordinate to the Series 2005 A-E Bonds, subject to redemption at the option of the ETASC anytime after June 1, 2016 at accrued values as follows: June 1, 2016 through May 31, 2017, 102%; June 1, 2017 through May 31, 2018, 101%, thereafter 100%	June 1, 2037	

Changes in bonds payable for the year ended December 31, 2009 was as follows:

	(000s omitted)
Bonds payable at January 1, 2009	\$ 327,685
Principal payments during 2009	(5,265)
Bonds payable at December 31, 2009	<u>\$ 322,420</u>

The amount reflected in the statement of net assets for ETASC's bonds payable is net of unamortized discount on the sale of bonds of \$11,442,535 and loss on defeasance of \$22,614,936.

The ETASC's debt service requirements based upon the due dates excluding turbo redemption payments is as follows:

		(000s omitted)	
		<u>Principal</u>	<u>Interest</u>
<u>Twelve months ended December 31</u>			<u>Total Debt Service</u>
2010	\$	\$ 14,146	\$ 14,146
2011		14,146	14,146
2012		14,146	14,146
2013		14,146	14,146
2014		14,146	14,146
2015-2019		70,732	70,732
2020-2024		70,732	70,732
2025-2029	55,360	65,749	121,109
2030-2034	30,330	48,816	79,146
2035-2039	74,685	40,940	115,625
2040-2044		27,870	27,870
2045-2049	120,643	24,125	144,768
2050-2054	12,565	34,161	46,726
2055-2059	11,142	36,475	47,617
2060	17,695	68,359	86,054
	<u>\$ 322,420</u>	<u>\$ 558,689</u>	<u>\$ 881,109</u>



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII – LONG-TERM LIABILITIES (Continued)**

**C. Erie County Medical Center Corporation (a Discretely Presented Component Unit)**

***Long-term Debt***—The following is a summary of long-term bonded debt at December 31, 2009:

Erie County—Guaranteed Senior Revenue Bonds, Series 2004 (interest of 4.1% to 5.7%)	<u>\$ 99,305,000</u>
--	----------------------

The Series 2004 bonds are secured by a pledge of the gross receipts of ECMCC and amounts on deposit in certain debt service reserve funds. To the extent that the debt service reserve funds fall below their requirements, the County has agreed to restore such accounts to their requirement.

Pursuant to a Guaranty Agreement the County has unconditionally guaranteed to ECMCC, the punctual payment of the principal of, interest and redemption premium, if any, on the Series 2004 Bonds, as the same shall become due and payable, and has pledged the faith and credit of the County for the performance of such guaranty. A municipal bond insurance policy has been purchased by ECMCC to guarantee all debt service payments in case of default by ECMCC and the County.

The Series 2004 Bonds require ECMCC to make monthly payments to certain debt service accounts for the semiannual payment of interest and the annual payment of principal (principal payments commenced November 1, 2009).

**D. Other Long-Term Liabilities**

In addition to bonded indebtedness, the County incurs a variety of other long-term liabilities. Descriptions of these liabilities follow:

1. Due to Retirement Systems

As further explained in Note X, retirement liabilities at December 31, 2009 for amounts due in 2010 and future years are reported in the government-wide financial statements as follows:

	(000s omitted)		
	<u>Primary Government</u>	<u>Component Units</u>	<u>Reporting Entity</u>
Retirement Liability Outstanding			
at year-end	\$ 11,580	\$ 518	\$ 12,098
Less: Due within one year	<u>3,575</u>	<u>76</u>	<u>3,651</u>
Due in more than one year	<u>\$ 8,005</u>	<u>\$ 442</u>	<u>\$ 8,447</u>

The County and its component units have recorded the above retirement liabilities as long-term liabilities on the statement of net assets. In addition, retirement liabilities have been recorded as accrued liabilities as follows: Governmental Activities of \$11.836 million, ECMCC Component Unit of \$10.100 million and Library Component Unit of \$.642 million.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII – LONG-TERM LIABILITIES (Continued)**

**D. Other Long-Term Liabilities (Continued)**

**2. Compensated Absences**

The value recorded in the government-wide financial statements at December 31, 2009, for governmental activities is \$23,654,097 classified as a long-term liability in the accompanying financial statements. The following governmental funds have been used in prior years to liquidate this liability: General Fund, Capital Projects Funds and the Road, Sewer, Grants and Community Development Special Revenue Funds.

Compensated absences of \$4,201,854 have been reported for business-type activities, classified as fringe benefits payable, on the fund financial statements.

Compensated absences of the ECMCC component unit totaling \$8,600,000 have been reported as an accrued liability. Compensated absences of the Library component unit totaling \$1,768,356 have been reported as a long-term liability.

**3. Judgments and Claims**

As further explained in Note XV, the County is self-insured. Liabilities are established for workers' compensation, general and malpractice claims in accordance with GASB Statement No. 10, *Accounting and Financial Reporting for Risk Financing and Related Insurance Issues*. Estimated long-term contingent loss liabilities of governmental fund types total \$55,020,256 and have been reported as long-term liabilities in the government-wide financial statements.

Also, as further explained in Notes XII (E) (4) and XV, ECMCC is self-insured and has recorded approximately \$11,500,000 and \$15,650,000 for the long-term portions of medical malpractice and worker's compensation related exposures, respectively.

**4. Other Post-Employment Benefits (OPEB) – Health Insurance**

In applying the requirements of GASB Statement No. 45, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, (adopted during the year ended December 31, 2007), the County recognizes the cost of post-employment healthcare in the year when the employee services are received, reports the accumulated liability from prior years, and provides information useful in assessing potential demands on the County's future cash flows. Recognition of the liability accumulated from prior years will be phased in over 30 years, and commenced with the 2007 liability.

**Plan Description** - The County provides continuation of medical insurance coverage to employees if they have been continuously employed by the County for the equivalent of at least five years at the time of retirement. The obligation of the County to contribute to the cost of these benefits has been established pursuant to legislative resolution and various collective bargaining agreements. The retiree and his or her beneficiaries receive this coverage for the life of the retiree. Healthcare benefits for non-union employees are similar to those of union employees. The retiree's share of premium costs in most instances range from 0% to 50% depending on the employee group, length of service and year of retirement.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**D. Other Long-Term Liabilities (Continued)**

**Funding Policy** - The County currently pays for post-employment health care benefits on a pay-as-you-go basis. These financial statements assume that pay-as-you-go funding will continue.

**Annual Other Post-employment Benefit Cost** - For the fiscal year ended December 31, 2009, the County's annual OPEB cost (expense) of \$77,365,604 is equal to the Annual Required Contribution (ARC), which is \$80,207,002 minus certain adjustments which totaled \$2,841,398. Those adjustments were: interest on the net OPEB obligation; adjustment to the ARC; and other adjustments for certain data related to the actuarial assessment at implementation, which were amortized over one year. Considering the annual expense as well as payments for current health insurance premiums, which totaled \$21,539,045 for retirees and their beneficiaries, the result was an increase in the net OPEB obligation of \$55,826,559 for the year ended December 31, 2009.

Annual OPEB Cost and Net OPEB Obligation  
(000s omitted)

	Governmental Activities	Business-type Activities *	Primary Government Total
Actuarial Accrued Liability (AAL)	\$ 682,793	\$ 152,700	\$ 835,493
Unfunded actuarial accrued liability (UAAL)	682,793	152,700	835,493
Normal cost at beginning of year	27,436	5,297	32,733
Amortization factor based on 30 years	17.40	17.40	
Annual Covered Payroll	198,569	50,278	248,847
UAAL as a Percentage of Covered Payroll	343.86%	303.71%	335.75%

Level Dollar Amortization  
Calculation of ARC under Projected Unit Credit Method

ARC Normal cost with interest to end of year	\$ 27,436	\$ 5,297	\$ 32,733
(UAAL) over 30 years with interest at end of year	38,707	8,767	47,474
Annual required contribution (ARC)	66,143	14,064	80,207
Interest on Net OPEB Obligation	3,607	811	4,418
Adjustment to ARC	(5,029)	(1,130)	(6,159)
Other adjustments	(3,429)	2,329	(1,100)
Annual OPEB cost (expense)	61,292	16,074	77,366
Contribution for fiscal year ended December 31, 2009	(18,141)	(3,398)	(21,539)
Increase in net OPEB obligation	43,151	12,676	55,827
Net OPEB obligation December 31, 2008	87,315	16,533	103,848
Net OPEB obligation December 31, 2009	\$ 130,466	\$ 29,209	\$ 159,675
Percent of annual OPEB cost contributed	29.60%	21.14%	27.84%

\* Erie Community College (August 31, 2009)

The County's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for the fiscal years ended December 31, 2009 and the two proceeding years were as follows:

(000s omitted)

Fiscal Year Ended	Annual OPEB Cost	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
12/31/2009	\$ 77,366	27.84%	\$ 159,675
12/31/2008	65,085	31.58%	103,848
12/31/2007	76,799	22.77%	59,314

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**D. Other Long-Term Liabilities (Continued)**

***Funded Status and Funding Progress*** – The OPEB plan was unfunded, resulting in an unfunded accrued liability (UAAL) of \$608,687,868 for governmental activities and \$139,486,846 for business-type activities as of the most recent actuarial valuation date of January 1, 2008. The County's schedule of funding progress is presented below:

(000s omitted)

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability ("AAL")	Unfunded AAL ("UAAL")	Funded Ratio	Covered Payroll	Ratio of UAAL to Budget Covered Payroll
1/1/2008	\$	\$ 748,175	\$ 748,175		\$ 256,543	291.64%
1/1/2006		736,192	736,192		243,332	302.55%

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress, presented as required supplementary information following the notes to the financial statements, presents multiyear trend information that shows whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

***Actuarial Methods and Assumptions*** - Projections of benefits for financial reporting purposes are based on the types of benefits provided under the terms of the substantive plan (the plan as understood by the employer and the plan members) and on the historical pattern of cost sharing between the employer and plan members at that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations. Included coverages are "experience-rated" and annual premiums for experience-rated coverages were used as a proxy for claims costs with age adjustments for pre-65 and post-65 participants. The unfunded actuarial accrued liability is being amortized over 30 years on a level dollar open basis.

In the January 1, 2008 actuarial valuation, the liabilities were computed using the projected unit credit method. The actuarial assumptions utilized an inflation rate of 3.25% and a 4.30% investment rate of return. The latter rate is based on the projected long-term earning rate of the assets expected to be available to pay benefits. Because the County does not currently segregate funding for these benefits, the rate selected is the expected return on the County's assets. The valuation assumes healthcare cost trends as follows: pre-65 medical, 9.50%; post-65 medical, 7.50%; and prescription, 11.00%. Healthcare trends are reduced by decrements to reach a rate of 5.00% in 2018.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**D. Other Long-Term Liabilities (Concluded)**

***Medical Reimbursements*** - The County's Medicare Part D prescription drug subsidy, which reduces the cost of retiree healthcare premiums, is accrued as revenue only in the current year. Projected subsidies for future years cannot be recognized as a reduction to the actuarial accrued liability.

**5. Bond Anticipation Notes**

During the year ended December 31, 2009, the County issued bond anticipation notes in the amount of \$5,218,116. The County refinanced \$3,232,262 of that amount on a long-term basis on June 24, 2010. Accordingly, that portion of the obligation will not require the use of available financial resources and has been reclassified as long-term.

**E. Summary of Changes in Long-Term Liabilities**

The following is a summary of changes in long-term liabilities for the year ended December 31, 2009:

**1. Governmental Activities**

(000s omitted)

	Balance 1/1/09	Additions	Reductions	Balance 12/31/09	Due Within One Year
Bonds payable for financial statement purposes	\$ 754,642	\$ 62 <sup>(1)</sup>	\$ 51,094	\$ 703,610	\$ 44,336
Due to New York State and Local Employees' Retirement System	11,175		1,605	9,570 <sup>(2)</sup>	1,702 <sup>(2)</sup>
Compensated absences	23,143	18,141	17,630	23,654	14,054
Judgments and claims	41,075	24,771	10,826	55,020	11,737
OPEB liability	87,315	69,750	26,599	130,466	
Bond Anticipation Notes		3,232		3,232	
Governmental activity Long-term liabilities	<u>\$ 917,350</u>	<u>\$ 115,956</u>	<u>\$ 107,754</u>	<u>\$ 925,552</u>	<u>\$ 71,829</u>

(1) Includes \$.062 million representing portion of zero coupon bonds discount amortized in current year; remaining unamortized discount is \$0.091 million.

(2) In addition, \$11.836 million is recorded as an accrued liability.

(3) Detail amortization schedules for the portion of BANs classified as long-term are not readily available.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**E. Summary of Changes in Long-Term Liabilities (Concluded)**

**2. Business-Type Activities**

(000s omitted)

	Balance 9/1/08	Additions	Reductions	Balance 8/31/09	Due Within One Year
Retirement Liabilities	\$ 2,442	\$ 4,814	\$ 5,189	\$ 2,067 *	\$ 1,888 *
Compensated Absences & Fringes	3,776	516	91	4,201	135
OPEB Liability	16,534	16,073	3,398	29,209	
Business-type activity					
Long-term liabilities	\$ 22,752	\$ 21,403	\$ 8,678	\$ 35,477	\$ 2,023

\* Includes \$0.057 million of Retirement Incentive Wages, of which \$0.015 million is due within one year.

**3. Library Component Unit**

(000s omitted)

	Balance 1/1/09	Additions	Reductions	Balance 12/31/09	Due Within One Year
Due to New York State and Local Employees'					
Retirement System	\$ 590	\$ 256	\$ 328	\$ 518 <sup>(1)</sup>	\$ 76 <sup>(1)</sup>
Compensated Absences	1,731	1,060	1,023	1,768	924
OPEB Liability	4,458	3,908	798	7,568	
Library Component Unit					
Long-term liabilities	\$ 6,779	\$ 5,224	\$ 2,149	\$ 9,854	\$ 1,000

(1) In addition, \$.642 million is recorded as an accrued liability.

**4. ECMCC Component Unit**

(000s omitted)

	Balance 1/1/09	Additions	Reductions	Balance 12/31/09	Due Within One Year
Bonds Payable for Financial Statement Purposes	\$ 101,375	\$	\$ 2,070	\$ 99,305	\$ 2,155
Judgments and Claims	21,600	17,450	11,900	27,150	
OPEB Liability	21,343	35,854	607	56,590	
ECMCC Component Unit					
Long-term liabilities	\$ 144,318	\$ 53,304	\$ 14,577	\$ 183,045	\$ 2,155

Additional judgments and claims liabilities for worker's compensation and medical malpractice have been recorded by ECMCC as accrued liabilities in the amounts of \$4,500,000 and \$1,000,000, respectively.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**F. Maturity Schedules**

1. Remaining Annual Maturities of Long-Term Liabilities (by Debt Type) – Primary Government

(000s omitted)						
Year	Total	Serial Bonds	Retirement	Compensated Absences	Judgments & Claims	OPEB
2010	\$ 73,852	\$ 44,336	\$ 3,590 <sup>(2)</sup>	\$ 14,189	\$ 11,737	\$
2011	47,461	45,479	1,982			
2012	38,998	37,085	1,913			
2013	33,638	32,321	1,317			
2014	33,944	32,561	1,383			
2015-2019	144,186	142,734	1,452			
2020-2024	39,782	39,782				
2025-2029	71,023	71,023				
2030-2034	38,643	38,643				
2035-2039	76,435	76,435				
2040-2044						
2045-2049	120,643	120,643				
2050-2054	12,565	12,565				
2055-2059	11,142	11,142				
2060	17,695	17,695				
Various <sup>(1)</sup>	216,624			13,666	43,283	159,675
	<u>976,631</u>	<u>722,444</u>	<u>\$ 11,637 <sup>(2)</sup></u>	<u>\$ 27,855</u>	<u>\$ 55,020</u>	<u>159,675</u>
	(91)	(91)	Remaining unamortized discount on zero coupon bonds			
	(11,442)	(11,442)	Discount on ETASC bonds			
	16,950	16,950	Remaining unamortized premium of bond issuance			
	(1,636)	(1,636)	Remaining unamortized deferred amount on refunding			
	(22,615)	(22,615)	Deferred amount on refunding ETASC			
	<u>3,232 <sup>(3)</sup></u>		Bond Anticipation Notes			
	<u>\$ 961,029</u>	<u>\$ 703,610</u>	Long-term liabilities for financial statement purposes			

(1) Payment of compensated absences, judgments and claims, and OPEB liability are dependent upon many factors; therefore, timing of future payments is not readily determinable.

(2) In addition, \$11.836 million is recorded as an accrued liability.

(3) Detail amortization schedules for the portion of BANs classified as long-term are not readily available.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**F. Maturity Schedules (Continued)**

**2. Annual Interest Payments Due on Serial Bonds**

(000s omitted)

Year	Primary Gov't *	Component Unit ECMCC
2010	\$ 33,014	\$ 5,476
2011	30,906	5,382
2012	28,757	5,279
2013	26,885	5,167
2014	25,332	23,789
2015-2019	103,540	19,398
2020-2024	80,322	13,581
2025-2029	69,650	5,746
2030-2034	50,220	
2035-2039	41,041	
2040-2044	27,870	
2045-2049	24,125	
2050-2054	34,161	
2055-2059	36,475	
2060	68,359	
Totals	<u>\$ 680,657</u>	<u>\$ 83,818</u>

\* Excludes long-term BAN interest

**3. Remaining Annual Maturities of Long-Term Liabilities - Library Component Unit**

(000s omitted)

Year	Total	Retirement	Compensated Absences	OPEB
2010	\$ 1,000	\$ 76 <sup>(2)</sup>	\$ 924	\$
2011	80	80		
2012	84	84		
2013	88	88		
2014	93	93		
2015-2016	97	97		
Various <sup>(1)</sup>	8,412		844	7,568
	<u>9,854</u>	<u>\$ 518 <sup>(2)</sup></u>	<u>\$ 1,768</u>	<u>\$ 7,568</u>

(1) Payment of compensated absences is dependent on many factors; therefore, timing of future payments is not readily determinable.

(2) In addition, \$.642 million is recorded as an accrued liability.



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Continued)**

**F. Maturity Schedules (Concluded)**

**4. Remaining Annual Maturities of Long-Term Liabilities - ECMCC Component Unit**

(000s omitted)

<u>Year</u>	<u>Total</u>	<u>Serial Bonds</u>	<u>Judgments &amp; Claims</u>	<u>OPEB</u>
2010	\$ 2,155	\$ 2,155	\$	\$
2011	2,250	2,250		
2012	2,350	2,350		
2013	2,465	2,465		
2014	2,585	2,585		
2015-2019	15,135	15,135		
2020-2024	19,785	19,785		
2025-2029	25,960	25,960		
2030-2033	26,620	26,620		
Various*	83,740		27,150	56,590
Total	\$ 183,045	\$ 99,305	\$ 27,150	\$ 56,590

\*Payment of judgments and claims is dependent on many factors; therefore, timing of future payments is not readily determinable.

**G. Permanent Financing Requirements**

Under New York State statutes, permanent bonding of general County improvements must take place within five years of the date of initial financing. Specially assessed improvements, e.g., sewer, have no limitation as to their period of temporary financing, except that a three-year limitation exists where such financing has been obtained through the New York State Environmental Facilities Corporation. The County has permanently financed all significant indebtedness subject to this permanent financing statute.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XII - LONG-TERM LIABILITIES (Concluded)**

**H. Constitutional Debt Limit**

The County constitutional debt limit at December 31, 2009 is computed as follows:

	(000s omitted)
Five-Year Average Full Valuation of Taxable Real Estate (2005-2009)	\$ <u>40,288,153</u>
Debt Limit @ 7%	\$ 2,820,171
Net Indebtedness (After Statutory Exclusions)	<u>436,259</u> *
Net Debt Contracting Margin	\$ <u>2,383,912</u>
Percentage of Debt Contracting Power Exhausted	15.47%

\*Net indebtedness includes general obligation bonds of \$499.330 million (excludes ETASC bonds of \$322.420 million and includes ECMCC bond guaranty of \$99.305 million) less sewer bonds for self-supporting sewer districts of \$63.071 million.

**I. Operating Leases**

Operating lease obligations are primarily for rental of space. Lease expenditures/expenses for the year were approximately \$6,190,000 for the primary government and \$2,100,000 for the ECMCC component unit. The future minimum rental payments required for non-cancelable operating leases are:

	(000s omitted)	
Fiscal Year	Primary Government	ECMCC Component Unit
2010	\$ 3,680	\$ 1,058
2011	2,927	944
2012	1,557	418
2013	651	287
2014	39	100
Totals	\$ <u>8,854</u>	\$ <u>2,807</u>

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XIII - SHORT-TERM DEBT**

Short-term debt of the County may include revenue, tax, and/or bond anticipation notes. These notes are reported as a fund liability in the fund receiving the proceeds in accordance with the criteria set forth in Financial Accounting Standards Board ("FASB") Statement No. 6, *Classification of Short-Term Obligations Expected to be Refinanced*, because legal steps have not been taken to refinance the notes on a long-term basis.

The following is a summary of changes in the County's short-term debt for the year ended December 31, 2009:

Description	Balance 1/1/09	Issued	Redeemed	Balance 12/31/09
Bond Anticipation Notes-ECFSA	\$	\$ 102,675	\$	\$ 102,675
Bond Anticipation Notes-Sewer		5,218	3,277	1,941
Revenue Anticipation Notes	75,000		75,000	
Bond Anticipation Notes-ECFSA		64,805		64,805
Note Payable	303		303	
Total	\$ 75,303	\$ 172,698	\$ 78,580	\$ 169,421

On May 20, 2009, the ECFSA issued bond anticipation notes ("BANs") totaling \$102,675,000 with an interest rate of 2.00%, and at a premium, to fund certain capital projects of the County. On the same date, the ECFSA paid the County \$103,534,867 for the County's own BAN, with an interest rate of 1.14%. This transaction is reported as an interfund receivable and payable. The BANs were paid in 2010 through the issuance of long-term general obligation bonds by the ECFSA as further described in Note XVIII.

On October 27, 2009 The ECFSA issued a BAN totaling \$65,137,450 with an interest rate of 1.25%. On the same date, the ECFSA paid the County \$65,000,000 for the County's Revenue Anticipation Notes ("RAN"). The RAN matures on June 30, 2010 with an interest rate of 0.96%. The RAN was issued in anticipation of the receipt of moneys that will become due during the current fiscal year from sales taxes and the state and federal governments and is recorded in the General Fund as an interfund payable. The proceeds of the notes will be used to pay ordinary and current operating expenses properly payable from the moneys in anticipation of which the notes have been issued.

As discussed in Note XII (D) (5), the County issued bond anticipation notes in the amount of \$5,218,116 during the year ended December 31, 2009 with interest rates of 0.00% and 1.32% that were purchased by the New York State Environmental Facilities Corporation. Of the remaining balance of \$5,173,243 at December 31, 2009, \$3,232,262 was refinanced on a long-term basis on June 24, 2010, and therefore has been classified as long-term. The remaining balance totaling \$1,940,981 has been deemed short-term since they will be repaid with available financial resources. The proceeds will be used to finance Sewer District capital projects.

ETCC, a blended component unit of the County, retired its \$303,196 note payable during 2009. The note was acquired in connection with tax lien sales made by the County to ETCC. Payments against the note payable were made from collections received on such tax liens.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XIV - INTERFUND TRANSACTIONS**

**A. Interfund Receivables and Payables**

Interfund receivables and payables of the County at December 31, 2009, and the Community College at August 31, 2009, consisted of the following:

		(000s omitted)
<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
General Fund	ECFSA	\$ 44,329
	Nonmajor Governmental Funds	25,428
	Community College	2,445
		<u>72,202</u>
ECFSA	General	65,000
	Nonmajor Governmental Funds	103,535
		<u>168,535</u>
Nonmajor Governmental Funds	ECFSA	3,173
	Nonmajor Governmental Funds	4,039
		<u>7,212</u>
Nonmajor Proprietary Fund	Community College	<u>527</u>
Community College	General Fund	97
	Nonmajor Governmental Funds	<u>1,800</u>
		<u>1,897</u>
Total Receivables		250,373
Less: Timing Differences		<u>(2,894)</u>
Total Payables		<u>\$ 247,479</u>

Interfund receivables exceed interfund payables by \$2,893,706. This difference represents interfund receivables in the amounts of \$996,357 and \$1,897,349 recorded by the County and the College respectively that are not reflected as interfund payables in the corresponding balance sheets because of the difference between the County and the College fiscal year end.

All balances resulted from the time lag between the dates that (1) interfund goods and services are provided or reimbursable expenditures occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XIV - INTERFUND TRANSACTIONS (Continued)**

**B. Due To/From Component Unit and Primary Government**

Amounts due from the ECMCC Component Unit to the Primary Government at December 31, 2009, consisted of the following:

		(000s omitted)
<u>Receivable Entity</u>	<u>Payable Entity</u>	<u>Amount</u>
Primary Government-General Fund	ECMCC Component Unit	\$ <u>2,153</u>
Primary Government-Nonmajor Proprietary Fund	ECMCC Component Unit	\$ <u>1,563</u>
Nonmajor Governmental Funds	ECMCC Component Unit	\$ <u>10</u>
ECMCC Component Unit	Primary Government-General Fund	\$ <u>1,427</u>

The General Fund receivable from ECMCC includes \$1,040,000 for a disputed rental payment made by the County to ECMCC. ECMCC recognized no liability for the refunding of this payment in its issued 2009 financial statements. The final resolution of this matter occurred in 2010 with ECMCC agreeing that the rent will be offset against a future credit.

An amount of \$1,048,000 due from the primary government to ECMCC for future capital projects is long-term in nature and reported on the government-wide financial statements only. This balance is shown as a reconciling item on the Reconciliation of Statement of Net Assets to Governmental Fund Balances.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XIV - INTERFUND TRANSACTIONS (Concluded)**

**C. Interfund Transfers**

Interfund transfers for the County for the year ended December 31, 2009, and the Community College for the year ended August 31, 2009, consisted of the following:

		(000s omitted)	
<u>Transfers Out</u>	<u>Transfers In</u>	<u>Amount</u>	<u>Purpose - provide financial resources:</u>
General Fund	Nonmajor Governmental Funds	\$ 3,514	For the local share of Grant programs
	Nonmajor Governmental Funds	56,207	For general debt service
	Nonmajor Governmental Funds	906	To support various capital projects
	Nonmajor Governmental Funds	14,770	For highway improvements
	Community College	15,421	To support College operations
	ETCC	1,091	To support ETCC operations
		<u>91,909</u>	
ECFSA	General Fund	362,183	For general operations from sales tax receipts
	General Fund	1,562	For general operations
	Nonmajor Governmental Funds	668	For general debt service
	Nonmajor Governmental Funds	1,509	For Grant programs
	Nonmajor Governmental Funds	449	For highway operations
	Nonmajor Governmental Funds	377	For sewer operations
	Nonmajor Governmental Funds	1,403	To support various capital projects
		<u>368,151</u>	
Nonmajor Governmental Funds	Nonmajor Governmental Funds	6,019	To support various capital projects
	Nonmajor Governmental Funds	4,411	For sewer debt service
	Nonmajor Governmental Funds	100	For ETASC debt service
	Community College	1,800	For movable equipment
		<u>12,330</u>	
Total Transfers		<u>\$ 472,390</u>	

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XV - CONTINGENCIES**

**A. Self-Insurance Programs**

The County is exposed to various risks of losses related to torts; theft of, damage to, and destruction of assets; business interruption; errors or omissions; injuries to employees; and natural disasters. The County assumes the liability for risks relating to property damage, personal injury liability, medical malpractice and workers' compensation. The County has also elected to purchase some minor policies from commercial insurers to provide for items such as comprehensive crime and boiler/machinery coverage, as well as protection of valuable papers and records; settled claims have not exceeded commercial coverage in any of the past three fiscal years.

Loss contingency liabilities arising from operations of the College are recorded in accordance with GASB 10 by the County and are reported in full within governmental activities in the government-wide financial statements and in the General Fund when payment is due. They are only recognized as a College liability when invoiced from the County.

Claims and judgments are recognized as liabilities in the government-wide financial statements when it is probable that an asset has been impaired or a liability has been incurred and the amount of the loss can be reasonably estimated. These liabilities include an estimate of claims that have been incurred but not reported, and the effects of both specific, incremental claims adjustment expenditures/expenses and estimated recoveries on unsettled claims, if any. Claims and judgments reportable as part of the County's governmental type fund activities are recognized as expenditures and liabilities in the General Fund when payment is due.

The County Attorney is responsible for analyzing the County's claims and judgments and providing an opinion regarding the County's ability to cover its liabilities in the self-insurance programs. Based on this analysis, claims and judgments of \$55,020,256 were recorded as Governmental Activities long-term liabilities at December 31, 2009.

During 2009, the County changed its third party administrator ("TPA") for its workers' compensation program. The new TPA's reserving methodology differed from the prior TPA's methodology and was the major component of the increase in the judgments and claims liabilities included in the County's Governmental Activities long-term liabilities as of December 31, 2009.

In addition, the County has claims in the range of \$220,000 to \$3,975,000 for which there is a reasonable possibility of a future loss. No accrual has been recorded for such possible losses as of December 31, 2009. The County is a defendant in various other lawsuits. Although the outcome of these suits is not presently determinable, in the opinion of the County Attorney, the resolution of these matters will not have a material adverse effect on the County's financial condition or results of operations.

The amounts and classifications of the claims and judgments noted above are based upon information and opinions from the County Attorney.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XV – CONTINGENCIES (Continued)**

**A. Self-Insurance Programs (Concluded)**

The changes since December 31, 2007 in the reported governmental fund liability for risk financing activities were as follows:

	Beginning of Year Liability	Current-Year Claims and Changes in Estimates	Claim Payments	Balance at Year End
2008	\$ 147,158	\$ 601,582	\$ 147,158	\$ 601,582
2009	601,582	1,017,217	601,582	1,017,217

**Erie County Medical Center Corporation**

Losses from asserted and unasserted claims identified under ECMCC's incident reporting system are accrued based on estimates that incorporate ECMCC's past experience, the nature of each claim or incident, relevant trend factors, and estimated recoveries on unsettled claims. Approximately \$12,500,000 has been accrued at December 31, 2009 discounted at 4.25% and included as liabilities in the accompanying statement of net assets. The County assumed ECMCC's malpractice liability for periods prior to 2004 and, under terms of a consent decree, has agreed to provide ECMCC indemnification for malpractice related exposures of up to \$1 million for each of 2006 and 2007. There are claims in the range of \$210,000 to \$1,150,000 for which there is a reasonable possibility of a future loss related to this consent decree. No accrual has been recorded by the County for such possible losses. Additionally, ECMCC purchased excess insurance for medical malpractice starting November 19, 2008. The policy provides \$20 million of coverage in excess of \$5 million of individual claims or \$7 million in aggregate claims. In addition, ECMCC has recorded liabilities of approximately \$20,150,000 for worker's compensation related exposure, discounted at 3.5%.

**B. Sales Tax Audits**

The State of New York periodically audits its distribution of sales tax revenues to counties throughout the State. Subsequent revisions to the revenues recorded as of December 31, 2009, if any, would be reflected in the operating statement in the year that they are calculated.

**C. Supplemental 1% Sales Tax**

Through legislation approved by the County and the State of New York, the County extended an additional 1% sales and compensating use tax. This tax generated approximately \$133.8 million for the year ended December 31, 2009. The enabling legislation allowing this additional tax expires November 30, 2010. An added requirement of this legislation is that the County is required to share \$12.5 million of this tax with other local municipalities commencing in 2007. Legislative approval by both New York State and the County is required for the continuation of this revenue source.

**D. Supplemental 0.25% Sales Tax**

Through legislation approved by the County and the State of New York, the County initiated an additional 0.25% sales and compensating use tax effective July 1, 2005. This tax generated approximately \$33.3 million for the year ended December 31, 2009. The enabling legislation allowing this additional tax expires November 30, 2011. Legislative approval by both New York State and the County is required for the continuation of this revenue source.



**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XV – CONTINGENCIES (Continued)**

**E. Supplemental 0.50% Sales Tax**

The County Legislature approved a home rule message requesting approval of the New York State Legislature to raise the sales tax  $\frac{1}{2}\%$  to 8.75%. The New York State Legislature approved the Sales Tax Request in January 2006 and the County Legislature enacted the tax increase effective January 15, 2006. This tax generated approximately \$66.5 million for the year ended December 31, 2009. The enabling legislation allowing this additional tax was extended during the year and expires November 30, 2011.

**F. Federal and State Aid**

The County receives Federal and State aid for a portion of its mandated social services programs, such as Medicaid, Family Assistance and Safety Net, which it categorizes as “Economic Assistance and Opportunity” functional expenditures. The Safety Net program receives State, but not Federal aid. The County appropriates only the local share of Medicaid. It appropriates total expenditures for Family Assistance and Safety Net, and shows State and (in the case of the former) Federal aid as revenue items. Federal and State aid represent approximately 49% of 2010 County appropriations for social services programs.

The County also receives certain Federal, State and private grants. These grants are used primarily to augment current operations, and for special demonstration projects and programs. Should funding of any such grant be stopped at any point, the County may assume the cost thereof in its operating budget or suspend the programs funded by such grant.

The Federal and State governments are not constitutionally obligated to maintain or continue current levels of Federal and State aid to the County. Accordingly, no assurance can be given that present Federal and State aid levels will be maintained in the future. Federal and State budgetary restrictions which may eliminate or substantially reduce Federal or State aid could have a material adverse effect upon the County, requiring either a counterbalancing increase in revenues from other sources to the extent available or a curtailment of non-mandated expenditures. Social Services and Medicaid expenditures are generally mandated by New York State law.

**G. Other Contingent Liabilities**

**1. Financial Assistance Audits**

As discussed above, the County receives significant financial assistance from numerous federal and state governmental agencies and third-party payors. The disbursement of moneys received under these programs generally requires compliance with terms and conditions specified in the related agreements and are subject to audit by the funding agencies or payors. Any disallowed expenditures resulting from such audits could become a liability of the governmental or proprietary funds. At December 31, 2009, ECMCC, a component unit of the County, has recorded \$18,749,000 as an accrued liability, for probable third-party payor settlements. The amount of any other expenditures that may be disallowed cannot be determined at this time, although ECMCC expects such amounts to be immaterial.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XV – CONTINGENCIES (Concluded)**

**G. Other Contingent Liabilities (Concluded)**

**2. Pollution Remediation**

In connection with the implementation of GASB Statement No. 49, *Accounting and Financial Reporting for Pollution Remediation Obligations*, the County has identified two pollution remediation sites that trigger the obligating event criteria. The County is aware that the New York State Department of Environmental Conservation has classified these sites as Class 2 meaning that remediation action is required due to a significant threat posed to the public health or environment. Although a loss is probable, it is not possible at this time to reasonably estimate the amount of any obligation for remediation that would be material to the County's financial statements because the extent of environmental impact, allocation among the potentially responsible parties, remediation alternatives (which could involve no or minimal efforts), and concurrence of the regulatory authorities have not yet advanced to the stage where a reasonable estimate of any loss that would be material to the enterprise can be made.

**XVI – FUND BALANCE DESIGNATIONS**

Designations are not required segregations, but are segregated for a specific purpose by the County at December 31, 2009 and were as follows:

	(000s omitted)		
	General	Other Governmental Funds	Total Primary Government
<u>Designated for:</u>			
Subsequent year's expenditures	\$ 21,035	\$ 6,180	\$ 27,215
Total Fund Balance Designations	\$ 21,035	\$ 6,180	\$ 27,215

**XVII – JOINT VENTURE**

Pursuant to authority provided by New York State statute, a regional off-track betting corporation was established in 1973 to operate a system of off-track pari-mutuel betting within the Western New York area. This public benefit corporation, known as the Western Regional Off-Track Betting Corporation ("Corporation"), is governed by a board of directors comprised of one member from each participating county and city. The Corporation's net revenue is divided among the participating counties, with one-half being distributed based on population and the remainder based on each entity's share of the total wagering in the region. A county containing an eligible city that has elected to participate in the Corporation must relinquish a portion of the revenue to which it would otherwise be entitled to such city in an amount equal to the percentage of the county population attributable to the city. In the case of Erie County, both the County and the City of Buffalo participate in the Corporation.

The Corporation has the power to issue bonds and notes to carry out the purposes for which it was formed. Such bonds, notes or other, obligations are not a debt of the participating municipalities, and they may only be paid from the Corporation's funds.

**COUNTY OF ERIE, NEW YORK**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2009**

**XVII – JOINT VENTURE (Concluded)**

Corporation total undistributed net revenue decreased by \$1,250,822 for the year ended December 31, 2009. The Corporation reported a net revenue available for distribution to participating municipalities of \$2,685,749. In addition, cumulative net revenue retained for capital acquisitions was \$23,672,908 at December 31, 2009. The unexpended balance of funds retained for capital acquisitions cannot exceed the lesser of 1% of total pari-mutuel wagering pools for the previous 12 months or the undepreciated value of the Corporation's offices, facilities, and premises. Separate financial statements for this joint venture can be obtained from the Corporation's Comptroller at 8315 Park Road, Batavia, New York, 14020.

**XVIII - SUBSEQUENT EVENTS**

**Bond Sales**

The ECFSA issued bonds totaling \$157,995,000 on May 18, 2010, in part to pay their \$102,675,000 BAN issued in 2009, at a premium. On the same date, the ECFSA paid the County \$173,713,459 for the County's own bonds. The proceeds will be used by the County to fund certain capital improvements.

On June 16, 2010 the ECFSA issued bonds in the amount of \$88,540,000 to advance refund \$89,985,000 of outstanding 1993 and 1998 to 2003 public improvement serial bonds of the County maturing in the years 2010 to 2022. The interest rate on the refunding bonds is 2.0% - 5.0%, and they mature in the years 2010 through 2022. On the same date, the County issued mirror bonds in the amount of \$88,540,000 to the ECFSA.

As discussed further in Notes XII (D) (5) and XIII, on June 24, 2010 the County refinanced \$3,232,262 of Bond Anticipation Notes on a long-term basis.

**Revenue Anticipation Notes**

The ECFSA issued \$44,815,000 of Revenue Anticipation Notes ("RAN") dated August 12, 2010 with an interest rate of 1.25%. On the same date, the ECFSA paid the County \$45,045,900 for the County's own RAN with an interest rate of 0.881%. The County's RANs were issued in anticipation of the receipt of monies that will become due during the current fiscal year from sales taxes and the State and Federal governments. The proceeds of the County's notes will be used to pay ordinary and current operating expenses properly payable from the monies in anticipation of which the notes have been issued. The notes mature on June 30, 2011.

**Due From Component Unit**

As discussed in Note XIV (B), the reported difference in Due To/From the ECMCC Component Unit and Primary Government was resolved in 2010.

**Dissolution of ETCC**

In July 2010 the ETCC Board of Directors adopted a series of resolutions that in part facilitate (i) the termination of the third-party servicing agreement effective September 1, 2010 and (ii) ETCC's servicing of its own tax liens from September 1, 2010 until ETCC is completely dissolved on or before December 31, 2010. As part of the dissolution, all remaining assets of the Corporation will be transferred to the County.

\* \* \* \* \*

## **REQUIRED SUPPLEMENTARY INFORMATION**

The schedule of funding progress presents the results of OPEB valuations as of January 1, 2008, and 2006 and provides trend information about whether the actuarial values of the plan assets are increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

COUNTY OF ERIE, NEW YORK  
Schedule of Funding Progress  
Other Post-Employment Benefits (OPEB) – Health Insurance  
(amounts expressed in thousands)

Actuarial Valuation <u>Date</u>	Actuarial Value of <u>Assets</u>	Actuarial Accrued Liability (1) <u>("AAL")</u>	Unfunded AAL <u>("UAAL")</u>	Funded <u>Ratio</u>	Covered <u>Payroll</u>	Ratio of UAAL to Budget Covered <u>Payroll</u>
1/1/2008	\$	\$ 748,175	\$ 748,175	\$	\$ 256,543	291.64%
1/1/2006		736,192	736,192		243,332	302.55%

Notes:

(1) Based on the Projected Unit Credit Actuarial Cost Method

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

Federal Grantor/Pass-Through Grantor/ Program Title (1)	Federal CFDA Number (2)	Expenditures (3)
U.S. DEPARTMENT OF AGRICULTURE:		
Passed through NYS Education Department — Child Nutrition Cluster: National School Lunch Program	10.555	\$ <u>73,581</u>
Total Child Nutrition Cluster		<u>73,581</u>
Passed through NYS Department of Health — Special Supplemental Nutrition Program for Women, Infants, and Children (4)	10.557	<u>9,293,612</u>
Passed through NYS Department of Social Services — Food Stamp Cluster:		
Food Stamps (4)	10.551	174,838,534
State Administrative Matching Grants for Food Stamp Program	10.561	7,400,067
State Administrative Matching Grants for Food Stamp Program	ARRA-10.561	<u>568,211</u>
Total Food Stamp Cluster		<u>182,806,812</u>
Total U.S. Department of Agriculture		<u>192,174,005</u>
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Direct Programs:		
Community Development Block Grants/Entitlement Grants	14.218	3,074,223
Emergency Shelter Grants Program	14.231	171,702
Supportive Housing Program	14.235	2,228,095
Shelter Plus Care	14.238	1,607,616
HOME Investment Partnerships Program	14.239	1,283,816
Lead-Based Paint Hazard Control in Privately-Owned Housing	14.900	113,432
Lead Outreach Grants	14.904	668,774
Community Development Block Grant ARRA Entitlement Grants (CDBG-R) (Recovery Act Funded)	ARRA-14.253	578,421
Homelessness Prevention and Rapid Re-Housing Program (Recovery Act Funded)	ARRA-14.257	132,200
Passed through NYS Department of Health — Lead Outreach Grants	14.904	<u>567,113</u>
Total U.S. Department of HUD		<u>10,425,392</u>

(Continued)

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

Federal Grantor/Pass-Through Grantor/ Program Title (1)	Federal CFDA Number (2)	Expenditures (3)
U.S. DEPARTMENT OF JUSTICE:		
Direct Programs:		
Crime Laboratory Improvement — Combined Offender DNA Index System Backlog Reduction	16.564	\$ 310,962
Grants to Encourage Arrest Policies and Enforcement of Protection Orders	16.590	174,778
Local Law Enforcement Block Grants Program	16.592	106,969
Services for Trafficking Victims	16.320	147,848
Passed through NYS Division of Criminal Justice Services:		
Juvenile Justice and Delinquency Prevention — Allocation to States	16.540	277,273
Part E — State Challenge Activities	16.549	43,309
Crime Laboratory Improvement — Combined Offender DNA Index System Backlog Reduction	16.564	248,098
Byrne Formula Grant Program	16.579	260,355
Violence Against Women Formula Grants	16.588	61,368
Edward Byrne Memorial Justice Assistance Grant	16.738	58,655
Paul Coverdell Forensic Sciences Improvement Grant Program	16.742	68,685
Grants to Encourage Arrest Policies and Enforcement of Protection Orders	16.590	343,303
Recovery Act — Edward Byrne Memorial Justice Assistance Grant — States	ARRA-16.803	40,690
Recovery Act — Edward Byrne Memorial Justice Assistance Grant — Local	ARRA-16.804	<u>37,898</u>
Total U.S. Department of Justice		<u>2,180,191</u>
U.S. DEPARTMENT OF LABOR:		
Passed through Senior Service America, Inc.:		
Senior Community Service Employment Program	17.235	1,091,703
Senior Community Service Employment Program	ARRA-17.235	119,765
Passed through New York State Office for the Aging:		
Senior Community Service Employment Program	17.235	238,019
Senior Community Service Employment Program	ARRA-17.235	126,508
Passed through the Buffalo and Erie County Workforce Investment Board — Work Incentives Grants		
	17.266	<u>190,653</u>
Total U.S. Department of Labor		<u>1,766,648</u>

(Continued)

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

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Federal Grantor/Pass-Through Grantor/ Program Title (1)	Federal CFDA Number (2)	Expenditures (3)
U.S. DEPARTMENT OF TRANSPORTATION —		
Direct Program:		
Highway Planning and Construction	20.205	\$ 216,475
Passed through NYS Department of Transportation:		
Highway Planning and Construction	20.205	10,291,565
Highway Planning and Construction	ARRA-20.205	<u>302,757</u>
Total U.S. Department of Transportation		<u>10,810,797</u>
U.S. NATIONAL ENDOWMENT FOR THE HUMANITIES —		
Direct Programs:		
Promotion of the Humanities Public Programs	45.164	600
Digital Humanities Start Up Grants	45.169	<u>3,927</u>
Total U.S. National Endowment For the Humanities:		<u>4,527</u>
U.S. ENVIRONMENTAL PROTECTION AGENCY:		
Passed through NYS Department of Health:		
State Indoor Radon Grants	66.032	44,731
Beach Monitoring and Notification Program Implementation Grants	66.472	17,398
Direct Programs:		
Surveys, Studies, Investigations, Demonstrations, and Special		
Purpose Activities Relating to the Clean Air Act	66.034	242,077
Clean School Bus USA	66.036	450,578
Pest Management Surveys	66.716	<u>40,276</u>
Total U.S. Environmental Protection Agency		<u>795,060</u>
U.S. DEPARTMENT OF ENERGY		
Direct Program —		
Energy Efficiency and Conservation Block Grant	ARRA-81.128	<u>10,762</u>
Total U.S. Department of Energy		<u>10,762</u>

(Continued)



# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

Federal Grantor/Pass-Through Grantor/ Program Title (1)	Federal CFDA Number (2)	Expenditures (3)
U.S. DEPARTMENT OF EDUCATION —		
Passed through NYS Department of Health —		
Special Education — Grants for Infants and Families with Disabilities	84.181	\$ 597,635
Passed through NYS Education Department —		
State Fiscal Stabilization Fund — Government Service	ARRA-84.397	<u>4,709,287</u>
Total U.S. Department of Education		<u>5,306,922</u>
U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES:		
Direct Programs:		
Medical Reserve Corps Small Grant Program	93.008	2,593
Comprehensive Community Mental Health Services for		
Children with Serious Emotional Disturbances	93.104	1,464,524
Centers for Disease Control and Prevention - Investigations		
and Technical Assistance	93.283	103,504
Aging - Home Delivered Nutrition Services for States	ARRA-93.705	101,324
Aging - Congregate Nutrition Services for States	ARRA-93.707	195,606
Maternal and Child Health Services Block Grant	93.994	72,343
Passed through NYS Office for Aging:		
Aging Cluster:		
Special Programs for the Aging, Title III, Part B — Grants for		
Supportive Services, and Senior Centers	93.044	1,328,200
Special Programs for the Aging, Title III, Part C — Nutrition Services	93.045	1,566,195
Nutrition Services Incentive Program	93.053	<u>695,975</u>
Total Aging Cluster		<u>3,590,370</u>
Special Program for the Aging, Title VII, Chapter 2		
Long-term Care Ombudsman Services for Older Individuals	93.042	41,740
Special Programs for the Aging, Title III, Part D — Disease		
Prevention, and Health Promotion Services	93.043	108,642
Special Programs for the Aging — Title IV & Title II		
Discretionary Projects	93.048	21,000
Special Programs for the Aging, Title III, Part E —		
National Family Caregiver Support	93.052	525,166
Centers for Medicare and Medicaid Services (CMS) Research,		
Demonstrations, and Evaluations	93.779	58,752
Passed through NYS Department of Health:		
Family Planning Services	93.217	662,480
Immunization Grants	93.268	306,658

(Continued)

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

Federal Grantor/Pass-Through Grantor/ Program Title (1)	Federal CFDA Number (2)	Expenditures (3)
Passed through NYS Department of Health:		
Centers for Disease Control and Prevention — Investigations and Technical Assistance	93.283	\$ 1,088,828
Temporary Assistance for Needy Families	93.558	46,523,223
Preventive Health and Health Services Block	93.991	375,632
Maternal and Child Health Services Block Grant to the States	93.994	591,884
Passed through NYS Department of Social Services:		
Child Support Enforcement	93.563	3,494,672
Child Support Enforcement	ARRA-93.563	415,118
Refugee and Entrant Assistance — State Administered Programs	93.566	399,632
Low-Income Home Energy Assistance (LIHEAP)	93.568	58,803,458
Child Care and Development Block Grant	93.575	21,449,089
Child Welfare Service — State Grants	93.645	1,094,874
Foster Care, Title IV-E	93.658	17,075,786
Foster Care, Title IV-E	ARRA-93.658	1,762,474
Social Services Block Grant	93.667	12,130,123
Family Violence Prevention and Services Grants	93.671	31,469
Emergency Contingency Fund for TANF State Program	ARRA-93.714	6,415,526
Medical Assistance Program	93.778	16,150,092
Passed through the NYS Department of Mental Health:		
Projects for Assistance in Transition from Homelessness	93.150	91,350
Block Grants for Community Mental Health Services	93.958	705,249
Passed through NYS Office of Alcoholism and Substance Abuse —		
Block Grants for Prevention and Treatment of Substance Abuse	93.959	2,897,323
Preventative Health Services-Sexually Transmitted Diseases Control	93.977	108,253
Total U.S. Department of Health & Human Services		<u>198,858,757</u>
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE —		
Direct Program — Retired and Senior Volunteer Program	94.002	<u>110,593</u>
Total Corporation for National and Community Service		<u>110,593</u>
SOCIAL SECURITY ADMINISTRATION —		
Direct Program — Supplemental Security Income	96.006	<u>78,600</u>
Total Social Security Administration		<u>78,600</u>

(Continued)

## COUNTY OF ERIE, NEW YORK

### SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

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<b>Federal Grantor/Pass-Through Grantor/ Program Title (1)</b>	<b>Federal CFDA Number (2)</b>	<b>Expenditures (3)</b>
U.S. DEPARTMENT OF HOMELAND SECURITY:		
Direct Programs —		
Homeland Security Grant Program	97.067	\$ 21,838
Passed through NYS Division of Criminal Justice Services —		
Homeland Security Grant Program	97.067	319,761
Passed through NYS Emergency Management Office:		
Emergency Management Performance Grants	97.042	304,694
Disaster Grants — Public Assist. (Presidentially Declared Disasters)	97.036	3,410,802
Passed through NYS Division of Criminal Justice Services:		
Urban Areas Security Initiative	97.008	<u>729,219</u>
Total U.S. Department of Homeland Security		<u>4,786,314</u>
TOTAL FEDERAL FINANCIAL ASSISTANCE (5)		<u>\$ 427,308,568</u>

See notes to schedule of expenditures of federal awards.

(Concluded)

## COUNTY OF ERIE, NEW YORK

### NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2009

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1. Includes all federal award programs of the County of Erie, New York. The federal award programs of Erie Community College and Erie County Medical Center Corporation are not included, since those entities' federal award programs were audited by other auditors and are reported on separately by those auditors.
2. Source: Catalog of Federal Domestic Assistance (CFDA) — as revised for 2009.
3. Prepared in conformity with accounting principles generally accepted in the United States of America as applied to government units and includes all federal program expenditures.
4. The County of Erie, New York (the "County") is the recipient of federal financial assistance programs that do not result in cash receipts or disbursements, termed "non-monetary programs." During the year ended December 31, 2009, the County distributed \$174,838,534 of benefits to eligible persons participating in the Food Stamps Program (CFDA Number 10.551). In addition, the County distributed \$7,292,119 of benefits to participants in the Special Supplemental Food Program for Women, Infants and Children (WIC) (CFDA Number 10.557).
5. A reconciliation to the basic financial statements is available.

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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER  
MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING  
STANDARDS**

Honorable County Executive  
Honorable County Comptroller  
Members of the County Legislature  
County of Erie, New York

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Erie, New York (the "County"), as of and for the year ended December 31, 2009, which collectively comprise the County's basic financial statements and have issued our report thereon dated September 24, 2010. Our report includes a reference to other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Other auditors audited the financial statements of Erie Community College (whose year-end is August 31, 2009), Erie Community College Foundation, Inc., Auxiliary Services Corporation of Erie Community College, Inc., Erie County Fiscal Stability Authority, Erie County Medical Center Corporation, ECMC Lifeline Foundation, Inc., Research for Health in Erie County, Inc., and the Buffalo and Erie County Industrial Land Development Corporation and Subsidiary, as described in our report on the County's financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting or compliance and other matters that are reported on separately by those auditors. The financial statements of Erie Community College Foundation, Inc., Auxiliary Services Corporation of Erie Community College, Inc., ECMC Lifeline Foundation, Inc., and Research for Health in Erie County, Inc. were not audited in accordance with *Government Auditing Standards*.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the County's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County's internal control over financial reporting.

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.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we identified a certain deficiency in internal control over financial reporting, described in the accompanying schedule of findings and questioned costs as item 2009-1, that we consider to be a significant deficiency in internal control over financial reporting. A *significant deficiency* is a deficiency, or 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.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the County's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to management of the County in a separate letter dated September 24, 2010.

The County's response to the findings identified in our audit is described in the accompanying schedule of findings and questioned costs. We did not audit the County's response, and accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the audit committee, others within the entity, federal awarding agencies, state funding agencies, and pass-through entities and is not intended to be and should not be used by anyone other than those specified parties.

A handwritten signature in black ink that reads "Deloitte & Touche LLP". The signature is written in a cursive, flowing style.

September 24, 2010

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH  
REQUIREMENTS APPLICABLE TO EACH MAJOR PROGRAM AND ON  
INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH  
OMB CIRCULAR A-133**

Honorable County Executive  
Honorable County Comptroller  
Members of the County Legislature  
County of Erie, New York

**Compliance**

We have audited the compliance of the County of Erie, New York (the "County") with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) *Circular A-133 Compliance Supplement* that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2009. The County's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts, and grants applicable to each of its major federal programs is the responsibility of the County's management. Our responsibility is to express an opinion on the County's compliance based on our audit.

The County's basic financial statements include the operations of Erie Community College (the "College") and the Erie County Medical Center Corporation (the "Corporation"), which received \$22,374,870 and \$2,712,690, respectively, in federal awards that are not included in the County's schedule of expenditures of federal awards for the year ended December 31, 2009. Our audit, described below, did not include the operations of the College or the Corporation because the College and the Corporation contracted for a separate audit to be performed in accordance with OMB Circular A-133.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the County's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the County's compliance with those requirements.

In our opinion, the County complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2009.



## Internal Control Over Compliance

The management of the County is responsible for establishing and maintaining effective internal control over compliance with requirements of laws, regulations, contracts, and grants applicable to federal programs. In planning and performing our audit, we considered the County's internal control over compliance with the requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the County's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in the internal control over compliance that we consider to be material weaknesses, as defined above.

This report is intended solely for the information and use of management, the audit committee, others within the entity, federal awarding agencies, state funding agencies, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Deloitte & Touche LLP". The signature is written in a cursive, flowing style.

October 22, 2010

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED DECEMBER 31, 2009

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### PART I. SUMMARY OF AUDITORS' RESULTS

#### FINANCIAL STATEMENTS

Type of auditors' report issued:

Unqualified

Internal control over financial reporting:

- |   |              |     |              |     |
|---|--------------|-----|--------------|-----|
| 1. Material weakness(es) identified?  | _____        | Yes | <u>  X  </u> | No  |
| 2. Significant deficiency(ies) identified not considered to be material weaknesses? | <u>  X  </u> | Yes | _____        | N/A |
| 3. Noncompliance material to financial statements noted?                            | _____        | Yes | <u>  X  </u> | No  |

#### FEDERAL AWARDS:

Internal control over major programs:

- |   |       |     |              |     |
|---|-------|-----|--------------|-----|
| 4. Material weakness(es) identified?  | _____ | Yes | <u>  X  </u> | No  |
| 5. Significant deficiency(ies) identified not considered to be material weakness(es)? | _____ | Yes | <u>  X  </u> | N/A |

Type of auditors' report issued on compliance for major programs:

Unqualified

- |   |       |     |              |    |
|---|-------|-----|--------------|----|
| 6. Any audit findings disclosed that are required to be reported in accordance with OMB Circular A-133 (Section .510(a))? | _____ | Yes | <u>  X  </u> | No |
|---|-------|-----|--------------|----|

7. The County's major programs were:

Name of Federal Program	CFDA Number
Food Stamp Cluster	10.551, 10.561, ARRA-10.561
Community Development Block Grants/Entitlement Grants	14.218
Community Development Block Grant ARRA Entitlement Grants (CDBG-R)	ARRA-14.253
Foster Care, Title IV-E	93.658, ARRA-93.658
Medical Assistance Cluster	93.778, 93.779
ARRA - Emergency Contingency Fund for Temporary Assistance for Needy Families State Program	ARRA-93.714
Recovery Act — Edward Byrne Memorial Justice Assistance Grant — States	ARRA-16.803,
Recovery Act — Edward Byrne Memorial Justice Assistance Grant — Local	ARRA-16.804
Homelessness Prevention and Rapid Re-Housing Program	ARRA-14.257
Senior Community Service Employment Program	17.235, ARRA-17.235
Highway Planning and Construction	20.205, ARRA-20.205
Energy Efficiency and Conservation Block Grant	ARRA-81.128
State Fiscal Stabilization Fund — Government Services	ARRA-84.397
Child Support Enforcement	93.563, ARRA-93.563
Aging Cluster	93.044, 93.045, 93.053, ARRA-93.705, ARRA-93.707
Disaster Grants — Public Assist. (Presidentially Declared Disasters)	97.036

8. Dollar threshold used to distinguish between Type A and Type B programs? \$ 3,000,000

9. Auditee qualified as low-risk auditee? X Yes        No

# COUNTY OF ERIE, NEW YORK

## SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED DECEMBER 31, 2009

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### PART II. FINANCIAL STATEMENT FINDINGS SECTION

Matters are noted as being reportable as follows:

#### 2009-1: OVERALL RISK ASSESSMENT

**Condition** — The County currently has not performed an enterprise-wide risk assessment of risks facing the County, including fraud risks.

**Criteria** — The enterprise risk management framework of the Committee of Sponsoring Organizations of the Treadway Commission includes five interrelated components of internal control, one of which is risk assessment. A formal risk assessment is the cornerstone to an effective internal control program and provides the framework by which internal controls can be designed, implemented, and evaluated for effectiveness. As part of a risk assessment process, the consideration of the risk of fraud is essential to evaluating whether or not the appropriate controls are in place.

**Cause** — We understand that management along with professional advisers have reviewed insurance-related risks facing the County. We also understand that the County initiated a request for proposal to engage an outside firm to assist with a formally documented enterprise-wide risk assessment process but has not secured funds within the budget to move forward with such a project.

**Effect** — The potential for reporting fraud in the financial statements exists.

**Recommendation** — The County's risk assessment process should include formal documentation of the risks related to fraud at the entity level. Implementing this formal process will further assist management in determining whether or not they have designed the appropriate controls related to the areas of the County that are most susceptible to risk, including fraud. This risk assessment process will also provide an objective view of the County's level of controls compared to the level of risk and may provide opportunities for the County to develop a more efficient and effective control structure. It is important that this process specifically address the risks related to fraud in the financial statements to allow the County to assess whether controls are in place to effectively mitigate risks related to fraud.

**Auditee Response** — We agree with this comment. The County Comptroller's Office conducted a request for proposals in 2008 to perform an entity-wide risk assessment. The Comptroller's Office repeatedly requested funds to complete the assessment, but funding has not yet been made available by County management.

## **COUNTY OF ERIE, NEW YORK**

### **SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED DECEMBER 31, 2009**

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#### **PART III. FEDERAL AWARD FINDINGS AND QUESTIONED COSTS SECTION**

No instances were noted as being reportable.

## COUNTY OF ERIE, NEW YORK

### SUMMARY SCHEDULE OF PRIOR-YEAR FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED DECEMBER 31, 2009 (FOLLOW-UP OF DECEMBER 31, 2008 FINDINGS)

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#### 2008-1: OVERALL RISK ASSESSMENT

**Condition** — The County currently has not performed an enterprise-wide risk assessment of risks facing the County, including fraud risks.

**Status** — The County Comptroller's Office conducted a request for proposals in 2008 to perform an entity-wide risk assessment. The Comptroller's Office repeatedly requested funds to complete the assessment, but funding has not yet been made available by County management. The finding is still applicable in 2009 and has been included in the financial statement findings section as item 2009-1.

#### 2008-2: CFDA 93.778 MEDICAL ASSISTANCE PROGRAM

**Condition** — During testing of allowable wage expenditures claimed under the Medical Assistance program, two out of twenty-five individuals selected were not allocated to the appropriate program based upon their job function.

**Status** — Corrective action has been taken.

\* \* \* \* \*