It's Here! Fiduciary Activities Implementation Considerations

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Today's speakers

Michelle Horaney
CPA
RSM US LLP

Michelle Watterworth
CPA
Plante Moran PLLC

What we will cover

Important fiduciary activities implementation considerations under GASB Statement No. 84, Fiduciary Activities (GASB 84) including:

• Criteria used in determining fiduciary activities
• Impact on financial reporting including net position and flows statements
• Custodial fund considerations
• Recent GASB developments
Terminology and abbreviations

<table>
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<th>Business-Type Activities</th>
<th>IG</th>
<th>GASB Implementation Guide</th>
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<tr>
<td>CU</td>
<td>Component Unit</td>
<td>NFP</td>
<td>Not-for-Profit Entity</td>
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<tr>
<td>DB</td>
<td>Defined Benefit</td>
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<td>Other Post Employment Benefits</td>
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<td>DIR</td>
<td>Deferred Inflows of Resources</td>
<td>PG</td>
<td>Primary Government</td>
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<td>DOR</td>
<td>Deferred Outflows of Resources</td>
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<td>FNP</td>
<td>Fiduciary Net Position</td>
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<td>GASB</td>
<td>Governmental Accounting Standards Board</td>
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GASB 84 - Setting the Stage

Effective for reporting periods beginning after December 15, 2018 (i.e., first effective for December 31, 2019, year ends!)

- Establishes criteria for identifying fiduciary activities and guidance on reporting those activities
- Establishing reporting standards for fiduciary activities
- Clarifies that stand-alone BTAs should report fiduciary activities
GASB 84

• Changes the definition of a fiduciary activity - this is a biggie!
  - Provides in-depth framework to analyze various activities
  - Changes how we think about fiduciary activities
• Provides reporting guidance for those activities that are considered fiduciary
  - Redefines the various fiduciary fund types
  - Changes terminology of AGENCY funds to CUSTODIAL funds
  - Requires a statement of changes (flows statement) for all custodial funds
  - Custodial funds no longer would necessarily be reporting liabilities equal to their assets

Identifying Fiduciary Activities

Fiduciary activities flowchart (paragraph references to GASB 84)
Path of fiduciary activities

1. Is the arrangement a Pension/OPEB (¶ 6a-d of ¶84)?
2. Is the organization a CU?
3. If yes to both, FIDUCIARY ACTIVITY

Fiduciary CUs – Pension/OPEB arrangements

Pension/OPEB administered through trusts
- Irrevocable contributions
- Plan assets dedicated to providing benefits
- Plan assets legally protected from creditors

Resources accumulated for pension/OPEB benefits for other governments
Component unit considerations

- GASB 84
  - Paragraph 7 – financial burden
- IG 2019-2, Fiduciary Activities
- Exposure Draft, Implementation Guidance Update – 2020 (Draft 2020 IG Update)
Fiduciary CUs – Pension/OPEB arrangements

Legally separate

– Pension/OPEB administered through trusts under GASB Statement No. 67, Financial Reporting for Pension Plans / GASB Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans, are legally separate

Applicable IG 2019-2 Questions: 4.1- 4.2

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Board Composition

– Retirement benefits administered through trusts may not have a traditional board
– What do you do if there is no board?

Applicable IG 2019-2 Question: 4.5

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Financial burden

– PG considered to have financial burden if legally obligated or otherwise assumed obligation to make contributions to pension or OPEB plan

Applicable IG 2019-2 Question: 4.7

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Fiduciary CUs – Pension/OPEB arrangements

**Imposition of Will**

- PG has ability to impose will if it can significantly influence programs, projects, activities or level of services performed or provided
- Existence of any ONE of the following meets this criteria:
  - Ability to remove appointed members of the organization’s governing board at will
  - The ability to modify or approve the budget of the organization
  - The ability to modify or approve rate or fee changes affecting revenues
  - The ability to veto, overrule or modify other decisions of the organization’s governing body
  - The ability to appoint, hire, reassign or dismiss management of the organization

**Fiscal Dependency**

- Approve the organization’s budget
- Approve organization’s levy, rates, taxes or other charges; OR
- Approve organization’s issuance of bonded debt

**Draft 2020 IG Update Applicable Questions: 4.1 and 4.2**

Panel discussion – Can you discuss considerations for entities with December 31, 2019, year ends, given the breaking news discussed earlier on the potential change in treatment of defined contribution plans and the timing of GASB’s related work?
Fiduciary CUs – Pension/OPEB arrangements

Example 1a: Single Employer DB Pension Plan

- 5 member board
  - 3 serve ex-officio
  - 1 elected by active plan members
  - 1 elected by retired plan members
- Plan assets are held in a qualifying trust
- Employees and employer both contribute to the plan
- No approval of the plan’s budget or contribution requirements by the PG

Example 1a: Single Employer DB Pension Plan

- Is this plan considered to be a CU?
  - Legally separate? Yes
  - Majority appointment? Yes – 3 out of 5
  - Financial benefit/burden AND fiscal dependency
    - Financial benefit/burden – Yes, employer makes contributions
    - Fiscal dependency – No

Conclusion: Fiduciary activity

Example 1b: Single Employer DB Pension Plan

- 5 member board
  - 2 serve ex-officio
  - 2 elected by active plan members
  - 1 elected by retired plan members
- Plan assets are held in a qualifying trust
- Employees and employer both contribute to the plan
- No approval of the plan’s budget or contribution requirements by the PG
Fiduciary CUs – Pension/OPEB arrangements

Path 1

Example 1b: Single Employer DB Pension Plan

• Is this plan considered to be a CU?
  – Legally separate? Yes
  – Majority appointment? No – active/retired membership appoint majority
  – Financial benefit/burden AND fiscal dependency
    • Financial benefit/burden – Yes, employer makes contributions
    • Fiscal dependency – No

Conclusion: Not a fiduciary activity; exclude from PG financial statements

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Fiduciary CUs – Pension/OPEB arrangements

Path 1

Example 2: Single Employer DB OPEB Plan

• Primary government established single employer DB OPEB plan for the benefit of their employees
• No specific board has been created to oversee the plan
• Assets in qualifying trust held by 3rd party
• Employer makes contributions of 3% of payroll required by bargaining agreements

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Fiduciary CUs – Pension/OPEB arrangements

Path 1

Example 2: Single Employer DB OPEB Plan

• Is this plan considered to be a CU?
  – Legally separate? Yes
  – Majority appointment? No board – see IG 2019-2, Question 4.5
  – Financial benefit/burden
    • Financial benefit/burden – Yes, employer makes contributions

Conclusion: Fiduciary activity
Fiduciary CUs — Pension/OPEB arrangements

Example 3: Cost-Sharing Pension Plan—participating employer perspective

- State establishes a cost sharing DB pension plan for the benefit of all the governments within the State
- Assets in qualifying trust; held by the cost-sharing pension plan
- Plan has an independent board, not appointed by the employer.
- Board alone has authority to establish budget, and determine contribution requirements.

Example 3: Cost-Sharing Pension Plan—participating employer perspective

- Is this plan considered to be a CU?
  - Legally separate? Yes
  - Majority appointment? No
  - Financial benefit/burden — Yes, employer makes contributions to plan
  - Fiscal dependency — No, employer does not determine plan's budget or plan's contribution requirements

Conclusion: Not a fiduciary CU; not reported in the employer’s financial statements

Fiduciary CUs — Other CUs

Other CUs are fiduciary activities if they meet one of the following characteristics:

1) Assets are administered through a trust
   - a) Government itself is not a beneficiary
   - b) Assets are dedicated to providing benefits
   - c) Assets are legally protected from creditors

2) Assets are for the benefit of individuals
   - a) Government does not have administrative or direct financial involvement with the assets
   - b) Assets are not derived from the government’s provision of goods or services to those individuals

3) Assets are for the benefit of organizations or other governments
   - a) Beneficiary is not part of the reporting entity
   - b) Assets are not derived from the government’s provision of goods or services to those organizations or governments
Identifying fiduciary activities

Pension/OPEB plans not considered CUs

- Non CU pension and OPEB plans are considered fiduciary activities if both:
  1) Government entity controls the assets
  2) Administered through a qualifying trust or held for entities that are not part of your reporting entity for pensions or OPEB outside of a trust

Control is defined as EITHER:

- Holding the asset
- Ability to direct use, exchange or employment of assets, providing benefits to specified recipients

Panel discussion – What does it mean to have the ability to direct the use, exchange or employment of assets?
Pension/OPEB plans not considered CUs

Example 1 – Government holding OPEB assets for other local units

- Government "A" holds OPEB assets for the benefit of other local units. The assets are not held in a trust.
- Each government that has invested in the OPEB pool has created their own separate single employer OPEB plan
- Government "A" does not administer the plan provisions; when asked, they disburse funds back to the local unit for OPEB use
- Government "A" is not a CU of any of the local units

Is this a fiduciary activity from the perspective of Government "A"?

- Control of the assets? Yes
- Administered through qualifying trust? No
- Held for entities not part of your reporting entity? Yes

Conclusion: Fiduciary Activity

Example 2 – Government Sponsor of a OPEB Defined Contribution Plan

- The OPEB defined contribution plan does not meet the definition of a component unit
- The OPEB plan is administered through a trust that meets the criteria in paragraph 3 of GASB 74
- OPEB plan assets are held by a separate administrator
- The sponsoring government selects a menu of investment options for the participants in the plan; participants must make investment decisions
Pension/OPEB plans not considered CUs

Example 2 – Government Sponsor of a OPEB Defined Contribution Plan

Is this a fiduciary activity of the sponsoring government?

- Control of the assets? No
- Administered through qualifying trust? Yes
- Held for entities not part of your reporting entity? No

Conclusion: Not a Fiduciary Activity
GASB IG 2019-2 Applicable Question: 4.31

Identifying fiduciary activities
Other Fiduciary Activities

<table>
<thead>
<tr>
<th>Must meet ALL of the following criteria:</th>
<th>PLUS ANY of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assets controlled by government</td>
<td>Assets held in a qualifying trust in which gov’t is not beneficiary, legally protected and dedicated to providing benefits to recipients OR</td>
</tr>
<tr>
<td>Assets not derived from own source revenues</td>
<td>Assets held for the benefit of individuals without the government having administrative or direct financial involvement OR</td>
</tr>
<tr>
<td>Assets not derived from government mandated or voluntary nonexchange transactions</td>
<td>Assets held for the benefit of outside organizations not part of the government’s reporting entity</td>
</tr>
</tbody>
</table>

Identifying fiduciary activities

- Own-source revenue
  - Defined as revenue generated by the government entity itself. Includes changes or services, interest earnings, income taxes, property taxes, etc.
Identifying fiduciary activities

Path 4

• Administrative or direct financial involvement
  - Monitoring secondary recipients for compliance with program-specific requirements
  - Determining eligible secondary recipients or projects, even if using grantor-established criteria
  - Having the ability to exercise discretion in how the funds are allocated.
  - Financing direct program costs or providing matching resources

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Other fiduciary activities

Path 4

Example 1 – Scholarship Funds

• Library was gifted $10,000 to establish a scholarship fund for talented students
• Library holds the assets
• Library is allowed to spend both the corpus plus the interest earnings, but restricted to scholarships
• Library chooses the scholarship recipient

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Other fiduciary activities

Path 4

Example 1 – Scholarship Funds

• Control? Yes
• Not derived from own source revenues? Yes
• Not derived from government mandated or voluntary nonexchange transactions? No

Conclusion: Not fiduciary; report in governmental funds

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Government assesses a fee of $500 per tree for each tree that developers remove from properties within their community.

The government pays a local NFP conservancy organization $500 for each tree they plant within the community; the funds come from the tree fund.

Control? Yes

Not derived from own source revenues? No

Conclusion: Not fiduciary; report in governmental or enterprise funds

Example withholds federal, state and local taxes from its employees’ checks.

Those withheld funds sit in the payroll withholding fund as a liability until paid.
Other fiduciary activities

Example 3 – Payroll withholdings

• Control? Yes

• Not derived from own source revenues? Yes

• Not derived from government mandated or voluntary nonexchange transactions? Yes

• Held for whose benefit? The benefit of the government

Conclusion: Not fiduciary (IG 2019-2 Question 4.15); report in governmental or enterprise funds

Panel discussion – School districts tend to have several student activity funds; what recommendations do you have for evaluating whether these are fiduciary activities or not?

Other fiduciary activities

Example 4a – Band Boosters

• Band Boosters at a school holds several fundraising events during the year to fund band related activities

• Band Boosters holds separate 501(c) 3 status

• Schools holds the funds for the band boosters, but not in a trust

• Band Booster is not part of the school’s financial reporting entity
Other fiduciary activities

**Example 4a – Band Boosters**

- **Control? Yes**
- **Not derived from own source revenue? Yes**
- **Not derived from government mandated or voluntary nonexchange transactions? Yes**

**Key question – are the assets held for the benefit of individuals or an organization?**

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Other fiduciary activities

**Held for the benefit of an individual or organization?**

- Assets are for the benefit of an organization if…
  - Benefits accrued to the organizations as an institution rather than to the individuals that constitute the organization
  - Organization must be **LEGALLY SEPARATE**
- If benefit to individual, administrative or direct financial involvement is key question
  - No similar requirement if benefit to organization

Applicable IG 2019-2

**Question: 4.16**

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Other fiduciary activities

**Example 4a – Band Boosters**

- **Control? Yes**
- **Not derived from own source revenue? Yes**
- **Not derived from government mandated or voluntary nonexchange transactions? Yes**
- **Held for individual or organization? Organization**
- **Is organization part of the school’s financial reporting entity? No**

**Conclusion: Fiduciary activity**
Other fiduciary activities

Example 4b – Math Club

- Math club at a school holds several fundraising events during the year to fund club activities
- Math club is not a separate legal entity
- Schools holds the funds for the math club, but not in a trust
- Math club teacher advisor determines club spending during the year, approves all invoices for payment and has the ability to modify or reject an invoice for payment

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Example 4b – Math Club

- Control? Yes
- Not derived from own source revenue? Yes
- Not derived from government mandated or voluntary nonexchange transactions? Yes
- Held for individual or organization? Individual
- Does the school have administrative or direct financial involvement? Yes

Conclusion: Governmental Fund

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Example 5 – Yearbook Club

- Students at a school formed a yearbook club
- Club has fundraising activities to generate revenue to produce the yearbook annually
- School matches every dollar raised by the yearbook club
- School holds the assets on behalf of the club, but not in a trust
- Club is not a legally separate entity
Other Fiduciary Activities

Example 5 – Yearbook Club
• Control? Yes
• Not derived from own source revenue? Yes
• Not derived from government mandated or voluntary nonexchange transactions? Yes
• Held for individual or organization? Individual
• Does the school have administrative or direct financial involvement? Yes

Conclusion: Governmental Fund
Applicable IG 2019-2 Question: 4.26

Example 6 – County administered investment pool
• County administered an investment pool for the local units of government within the county.
• Investments are not held in a trust

Example 6 – County administered investment pool
• Control? Yes
• Not derived from own source revenue? Yes
• Not derived from government mandated or voluntary nonexchange transactions? Yes
• Held for individual or organization? Organization

Conclusion: Fiduciary Activity
Identifying fiduciary activities

<table>
<thead>
<tr>
<th>Fiduciary Activities</th>
<th>Fiduciary</th>
<th>NOT Fiduciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll clearing accounts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Performance deposits</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Single employer DB pension plans</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retainages</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Seized cash/assets prior to adjudication</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Inmate commissary accounts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Property taxes collected for other local units of government</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Property tax administration fees</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Need to continue to monitor the developments happening with defined contribution plans:

- 457 plans
- 403b plans
- 401a plans

Panel discussion – Where do expect to see the most change related to GASB 84 with your client base?
Materiality considerations

AICPA TQA on materiality issued in December 2019

- Q&A Section 6950.23-24
- Auditor Assessment of a Special-Purpose Government’s Only Immaterial Fiduciary Fund

Addresses auditor’s consideration of materiality when a BTA elects not to present the only identified fiduciary fund in the financial statements because it considers it to be immaterial.
Fiduciary Funds – four types

<table>
<thead>
<tr>
<th>Fiduciary Funds</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pension and OPEB Trust Funds</td>
<td>Report Pension and OPEB plan activity administered through under GASB 67 or GASB 74. Other Employee Benefit Plans where resources held in trust and contributions are irrevocable.</td>
</tr>
<tr>
<td>Investment Trust Funds</td>
<td>Assets held in. External portion of investment pools.</td>
</tr>
<tr>
<td>Private-purpose Trust Funds</td>
<td>Fiduciary activities held in that are NOT required to be reported as pension, other employee benefit or investment funds.</td>
</tr>
<tr>
<td>Custodial Funds</td>
<td>Report fiduciary activities not held in trust. Report external portion of investment pool not held in trust in separate “external investment pool fund” column under custodial funds.</td>
</tr>
</tbody>
</table>

Financial statement reporting

• Current reporting for Agency Funds
  - Assets/Liabilities
  - Assets = Liabilities

• Reporting for custodial funds under GASB 84
  - Assets/DOR/Liabilities/DIR/Net Position
  - Additions/Deductions
  - Assets + DOR – Liabilities – DIR = Net Position

GASB 84 – Required financial statements

<table>
<thead>
<tr>
<th>GASB 84 Financial Statements</th>
<th>Pension and OPEB Trust Funds</th>
<th>Investment Trust Funds</th>
<th>Private purpose Trust Funds</th>
<th>Custodial Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement of FNP</td>
<td>Assets</td>
<td>Assets</td>
<td>Assets</td>
<td>Assets</td>
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<tr>
<td></td>
<td>DOR</td>
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<tr>
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<td>Liabilities</td>
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<td>FNP</td>
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</tr>
</tbody>
</table>

| Statement of Changes in FNP | Additions                   | Additions              | Additions                   | Additions     |
|                            | Deductions                  | Deductions             | Deductions                  | Deductions    |
GASB 84: Reporting nuances

Business-Type Activities

- 3-month exception
- Aggregation for transactions held <3 months

Flows statement

Custodial Funds

- Liabilities no longer always automatically equal assets
- Liabilities to beneficiaries—when event occurs to compel the government to disburse resources:
  - Demand made OR
  - No further action, approval or condition required by beneficiary

Custodial Funds could have TWO columns underneath—external investment pools, and other custodial funds.
Implementation Is Here – What Should You be Doing?

Key takeaways

- Activities that previously were fiduciary could now be governmental or proprietary
- Activities that previously were governmental or proprietary could now meet the definition of a fiduciary activity
- Some activities may come out of the government’s financial statements
- Some activities never reported previously may now come in
  - Tracking of additions and deductions within custodial funds.
  - Consider changes in activity classifications
- Budgetary impacts
- Impact on internal controls
- BTA-only reporters that now have to report fiduciary funds

This standard could have considerable impact that you need to understand!

Key takeaways

- Read GASB 84 and the related GASB IGs
- **Monitor the status of the GASB’s considerations around defined contribution plans**
  - Identify population of activities that require analysis under GASB 84
  - Start with last year’s financial statements to identify potential fiduciary activities
  - Analyze activities under GASB 84 guidance; make a determination as to whether or not they are fiduciary funds
  - Identify items currently in a fiduciary fund that no longer will meet the definition of fiduciary
  - Identify items NOT currently in fiduciary funds that will meet the definition going forward
- Identify and implement changes in the financial system
  - New accounts needed to track activities differently
  - New accounts for additions/deletions for custodial funds
  - Impact on budgeting (movement in/out of governmental funds)
Biggest implementation tip.....

Panel discussion – What do you generally see your clients struggling with as it relates to implementing GASB 84? Any advice for how to overcome those challenges?

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