



BOARD ACTION MEMORANDUM

TO: NCUA Board **DATE:** November 19, 2009
FROM: Chief Financial Officer **SUBJ:** 2010 Operating Fee

ACTION REQUESTED: Board approval of the operating fee structure and the assessment scale for 2010.

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OTHER OFFICES CONSULTED: Office of the Executive Director, Office of Examination & Insurance, Office of Corporate Credit Unions

VIEWS OF OTHER OFFICES CONSULTED: Concur

BUDGET IMPACT: The ability of NCUA to carry out its planned budget is dependent upon an adequate level of operating revenue.

RESPONSIBLE STAFF MEMBER: Chief Financial Officer Mary Ann Woodson

BACKGROUND: Section 105 of the Federal Credit Union Act provides the NCUA Board with the authority to assess an operating fee on federal credit unions to finance expenses incurred in carrying out its responsibilities under the Act. On an annual basis the Board is to determine the period for the fee, the method of assessment, and the date of payment. The Board must give consideration to its budget and to the ability of federal credit unions to pay when determining the fee.

SUMMARY: The operating fee will be assessed to federal credit unions based on December 31, 2009, year-end assets. As approved by the Board on June 18, 2009, assets on the books of natural person federal credit unions created by investments made under the Credit Union System Investment Program and Credit Union Homeowners Affordability Relief Program will be excluded from determining the assessment. To set the assessment scale for 2010, federal credit union asset growth is projected to December 31, 2009. The June 30, 2009, 5300 data indicated that federal credit union assets increased 6.9 percent over December 31, 2008, reported assets. Based upon September 2009 data, the growth for the year is expected to be 8.5 percent at year-end. The asset level dividing points will be increased by this same average annualized growth rate, except for the first and second asset level tiers which pay no fee or a flat fee of \$100, respectively. Assets are indexed annually to preserve the same relative relationship of the scale to the asset base to which it is applied.

In establishing the rate to be applied to each asset level, a number of factors are considered. These factors are shown in attachment 1, resulting in an operating fee rate decrease of 1.58 percent for natural person federal credit unions.

The corporate federal credit union rate scale remains unchanged. However, a portion of the cost of the Office of Corporate Credit Unions (OCCU), or \$2.28 million, is transferred to the National Credit Union Share Insurance Fund. This represents the cost of OCCU which is not covered by the overhead transfer rate and the corporate federal operating fees as shown below:

Cost of the Office of Corporate Credit Unions.....	\$8.12 million
Less: Overhead transfer rate 57.20%.....	\$4.64 million
Less: Corporate federal credit union operating fees.....	<u>\$1.20 million</u>
Amount transferred to National Credit Union Share Insurance Fund.....	\$2.28 million

The cash policy for the NCUA Operating Fund is to maintain sufficient cash to operate until the next Operating Fee assessment cycle plus one-month reserve and any contingencies. Any excess cash is to be returned to federal credit unions. Cash is projected to be \$9.14 million at March 31, 2011, which is just before the next Operating Fee assessment cycle. This amount is reduced by one-month of expenses of \$7.40 million. In addition, this amount is further reduced by \$1.00 million for unforeseen contingencies not contained in the operating expense budget. This results in excess cash of \$0.74 million that should be returned to Federal credit unions. Accordingly, the Operating Fee requirement has been reduced by \$0.74 million, as shown in line 7 of attachment 1. Attachment 2 shows the proposed new scale.

RECOMMENDED ACTION: It is recommended that the NCUA Board approve the following items related to the operating fee to be implemented for the 2010 assessment cycle:

1. Increase the asset level dividing points for the natural person federal credit union operating fee scale by 8.50 percent, which is equal to the estimated asset growth.
2. Decrease the natural person federal credit union operating fee rates by 1.58 percent, which is equal to the rate adjustment indicated on attachment 1.
3. Require the Operating Fund to maintain sufficient cash reserves equal to one month of expenses plus any contingencies.
4. Collect operating fees by Thursday, April 15, 2010.

Chief Financial Officer

Attachments