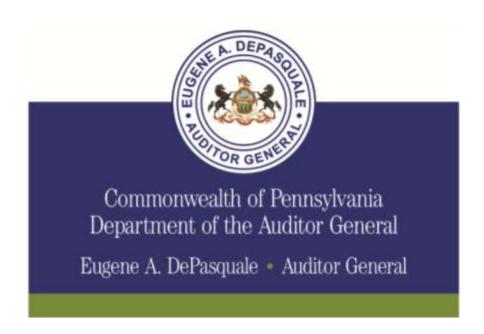
ATTESTATION ENGAGEMENT

Borough of Edwardsville

Luzerne County, Pennsylvania 40-408

Liquid Fuels Tax Fund
For the Period
January 1, 2013 to December 31, 2013

December 2014





Commonwealth of Pennsylvania Department of the Auditor General Harrisburg, PA 17120-0018 Facebook: Pennsylvania Auditor General Twitter: @PAAuditorGen

EUGENE A. DEPASQUALE AUDITOR GENERAL

Independent Auditor's Report

The Honorable Barry J. Schoch, P.E. Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Form MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Edwardsville, Luzerne County, for the period January 1, 2013 to December 31, 2013. The municipality's management is responsible for the Form MS-965. Our responsibility is to express an opinion on the Form MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Borough of Edwardsville, Luzerne County's Form MS-965 for the period January 1, 2013 to December 31, 2013 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

As described in Note 4, the adjustments included on the Form MS-965 With Adjustments are made by the Department of the Auditor General.

<u>Independent Auditor's Report (Continued)</u>

In our opinion, the Form MS-965 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Edwardsville, Luzerne County, for the period January 1, 2013 to December 31, 2013, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Form MS-965; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Form MS-965. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Form MS-965 is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over reporting on the Form MS-965 or on compliance and other matters; accordingly, we express no such opinions.

Our consideration of internal control was for the limited purpose of expressing an opinion on whether the Form MS-965 is presented in accordance with the criteria described above and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

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 combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Form MS-965 will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose of expressing an opinion on whether the Form MS-965 is presented in accordance with the criteria described above and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify a certain deficiency in internal control, described in the finding listed below, that we consider to be a material weakness in internal control:

• Electronic Imaging Of Canceled Checks From The Bank Did Not Include The Back Of The Check-Recurring.

<u>Independent Auditor's Report (Continued)</u>

As part of obtaining reasonable assurance about whether the Form MS-965 is free from material misstatement, we performed tests of the Borough of Edwardsville, Luzerne County's 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 amounts on the Form MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

 A Certified Record Of Borough Council Meeting Minutes Was Not Available For Examination.

We are concerned in light of the municipality's failure to correct a previously reported finding regarding the failure to obtain an image of the back of canceled checks from its financial institution. During our current examination we noted that the electronic imaging of canceled checks from the bank did not include the back of the checks and the municipality failed to maintain a certified record of borough council meeting minutes. The municipality should strive to implement the recommendations and corrective actions noted in this report.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Borough of Edwardsville, Luzerne County, and is not intended to be and should not be used by anyone other than these specified parties.

We appreciate the courtesy extended by the Borough of Edwardsville, Luzerne County, to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.

August 14, 2014

Eugene A. DePasquale Auditor General

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BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND BACKGROUND FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state, and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

The Vehicle Code, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In this case, the municipality may borrow money or transfer money from its Payroll Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

- 1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
- 2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
- 3. A report of elected and appointed officials by January 31 of each year.
- 4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments Note 4		Adjusted Amount	
Major equipment purchases	\$	4,663.13	\$	-	\$	4,663.13
Minor equipment purchases		704.93		-		704.93
Computer/Computer related training		-		-		-
Agility projects		-		-		_
Cleaning streets and gutters		-		-		-
Winter maintenance services		10,602.81		(49.51)		10,553.30
Traffic control devices		4,754.68		-		4,754.68
Street lighting		243.30		-		243.30
Storm sewers and drains		1,000.00		-		1,000.00
Repairs of tools and machinery		-		-		-
Maintenance and repair of						
roads and bridges		50,346.85		-		50,346.85
Highway construction and						
rebuilding projects		-		-		-
Miscellaneous				-		-
Total (To Section 2, Line 5)	\$	72,315.70	\$	(49.51)	\$	72,266.19

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported		Adjustments (Note 4)		Adjusted Amount	
1. Balance, January 1, 2013	\$	44,210.94	\$	68.45	\$	44,279.39
Receipts: 2. State allocation 2a. Turnback allocation 2b. Interest on investments (Note 3) 2c. Miscellaneous		85,492.29 - 15.78		- - -		85,492.29 - 15.78
3. Total receipts		85,508.07		-		85,508.07
4. Total funds available		129,719.01		68.45		129,787.46
5. Expenditures (Section 1)		72,315.70		(49.51)		72,266.19
6. Balance, December 31, 2013	\$	57,403.31	\$	117.96	\$	57,521.27

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance		Reported	_	stments ote 4)	Adjusted Amount
1. Prior year equipment balance	\$	35,691.20	\$	68.45	\$ 35,759.65
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	1	17,098.46		-	17,098.46
3. PENNDOT approved adjustments		<u>-</u>			
4. Total funds available for equipment acquisition		52,789.66		68.45	52,858.11
5. Less: Major equipment expenditures		4,663.13		<u>-</u>	 4,663.13
6. Remainder		48,126.53		68.45	48,194.98
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	48,126.53	\$	68.45	\$ 48,194.98

Notes to Form MS-965 With Adjustments are an integral part of this report.

1. Criteria

Section 1

This section of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

• Major equipment purchases are purchases of road machinery and road equipment with varying yearly costs in excess of the amounts indicated below:

Prior To 2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

• Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs, or less, than the amounts indicated below:

2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

• Agility projects are exchanges of services with the Department of Transportation.

Section 2

This section of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation is generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.

1. <u>Criteria (Continued)</u>

Section 2 (Continued)

• Expenditures include the total transferred from Section 1.

Section 3

This section of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

Basis Of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Forms MS-965 have been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, dated 1956 and as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

1. <u>Criteria (Continued)</u>

Section 3 (Continued)

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments are prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

2. <u>Deposits</u>

The Borough Code, Title 53 P.S § 46316, authorizes the borough to deposit its funds in the following:

- Deposits in savings accounts or time deposits, other than certificates of deposit
 or share accounts of institutions having their principal place of business in the
 Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance
 Corporation (FDIC) or other like insurance. For any amount above the insured
 maximum, the depository shall pledge approved collateral.
- Certificates of deposit purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan's or savings bank's assets minus liabilities.

Deposits consist of receipts and deposits in a financial institution. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND

NOTES TO FORM MS-965 WITH ADJUSTMENTS FOR THE PERIOD

JANUARY 1, 2013 TO DECEMBER 31, 2013

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2013. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the municipality's name.

Fund Balance

The fund balance consists of the following:

Cash \$57,521.27

3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$15.78 during 2013, thus providing additional funds for road maintenance and repairs.

4. Adjustments

Section 1

An adjustment of \$(49.51) was made to "Winter maintenance services" because check No. 1380 was voided but was included as an expenditure.

Section 2

An adjustment of \$68.45 was made to "Balance, January 1, 2013" because of a prior report adjustment that was not carried forward in the fund balance.

Section 3

An adjustment of \$68.45 was made to "Prior year equipment balance" because of prior report adjustments that were not carried forward in the equipment balance.

5. Bank Loan

On July 11, 2012, the municipality borrowed \$41,131.41 from Ford Motor Credit Company, LLC, to purchase a new 2012 Chevrolet Silverado 3500 truck. The term of the loan was for five years at an interest rate of 6.7 percent. Principal and interest payments of \$9,326.26 are due annually. Prior years' principal payments from the Liquid Fuels Tax Fund were \$4,663.13. Additionally, the municipality paid principal of \$4,663.13 from the Refuse Fund.

During the current examination period the municipality paid principal of \$3,597.66 and interest of \$1,065.47 from the Liquid Fuels Tax Fund. This amount is reflected in major equipment purchases on the 2013 Form MS-965 - Section 1. Additionally, the municipality paid principal of \$3,597.66 and interest of \$1,065.47 from the Refuse Fund. The outstanding balance of the loan as of December 31, 2013 was \$24,609.83, plus interest.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND FINDINGS AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

Finding No. 1 - Electronic Imaging Of Canceled Checks From The Bank Did Not Include The Back Of The Checks-Recurring

We cited the municipality for failing to obtain images of the back of canceled checks from its financial institution in our prior report for the period January 1, 2011 to December 31, 2012. Our current examination disclosed that the municipality did not obtain images of the back of canceled checks from its financial institution for the period January 1, 2013 to December 31, 2013. During this period, the municipality made transfers from the Liquid Fuels Tax Fund to the Payroll Fund for the reimbursement of expenditures that could have been paid from the Liquid Fuels Tax Fund. Therefore, our disbursement test included checks from the Payroll Fund account. During our testing, we discovered that the imaging of canceled checks from the Payroll Fund bank account was not acceptable because the bank provides only the front side of the canceled checks. For us to properly complete our examination testing, we have to examine the front and back of the canceled checks.

Good internal controls and the Commonwealth of Pennsylvania Management Directive 210.11, dated June 16, 1997, require that imaging systems comply with the provisions of the Internal Revenue Service (IRS) procedures for record keeping with electronic imaging. To be acceptable, the documents provided by the system must meet IRS procedures governing size, content, format, and pattern. Those procedures require that all images produced by the imaging system exhibit a high degree of legibility and readability when displayed on paper. Legibility includes the ability to identify all letters and numerals positively and quickly. Readability includes the ability to recognize a group of letters or numerals as words or completed numbers. Imaged documents must include the front and back of a document in which both the front and back are used.

Further, good internal controls ensure that by having a municipal official review the front and back of the canceled checks, any errors or misappropriations can be detected on a timely basis.

Without this control, the potential exists for errors or misappropriations to go undetected for long periods of time.

The municipality obtained and provided us with copies of the backs of the canceled checks requested for examination.

This condition occurred because the municipality failed to comply with our prior examination recommendation to obtain images of the front and back of canceled checks from its financial institution in accordance with Directive 210.11.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND FINDINGS AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

<u>Finding No. 1 - Electronic Imaging Of Canceled Checks From The Bank Did Not Include</u> <u>The Back Of The Checks-Recurring (Continued)</u>

Recommendations

We again recommend that the municipal officials obtain images of the front and back of canceled checks in accordance with Directive 210.11. Additionally, municipal officials should review the front and back of each canceled check for any errors or misappropriations.

Management's Response

The borough manager stated:

I have contacted our bank and asked them to provide front and back copies of our cancelled checks from the payroll account with our monthly bank statement going forward.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendations.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND FINDINGS AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

Finding No. 2 - A Certified Record Of Borough Council Meeting Minutes Was Not Available For Examination

Our examination disclosed that the published minutes of borough council's 2013 meetings were not certified by the borough secretary as required by *The Borough Code*.

Section 1111 of *The Borough Code* states, in part, that "the secretary shall attend all meetings of the borough council and keep full minutes of its proceedings. The secretary shall certify copies of any book, paper, bylaw, rule, regulation, resolution, ordinance or proceeding of the borough, under the seal, when so certified, shall be admissible in Commonwealth Court." Furthermore, Section 1113 states, in part, that "the minute book shall be open to inspection of any taxpayer."

The primary purpose of the minutes is to provide an official record of council meetings. Without a complete record of certified minutes, we were unable to determine if the minutes as presented included all references to road projects or other information regarding expenditures from the Liquid Fuels Tax Fund.

Recommendation

We recommend that, in the future, transcribed minutes for council meetings be certified by the borough secretary and available for public review within a reasonable period of time after each meeting.

Management's Response

The borough manager stated:

I spoke to our borough secretary and informed him to certify the minutes from our monthly council meetings. He assured me this would be taken care of.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendation.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND COMMENT FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

Comment - Summary Of Prior Examination Recommendation

In our prior report we recommended that the municipality file all required documents and information timely to receive its allocation during the first week in April.

During our current examination we noted that the municipality complied with our recommendation.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND SUMMARY OF EXIT CONFERENCE FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

An exit conference was held June 26, 2014. Those participating were:

BOROUGH OF EDWARDSVILLE

Ms. Cathy Soprano, Borough Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Robert A. Bauder, Auditor

The results of the examination were presented and discussed in their entirety.

BOROUGH OF EDWARDSVILLE LUZERNE COUNTY LIQUID FUELS TAX FUND REPORT DISTRIBUTION FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013

This report was initially distributed to:

The Honorable Barry J. Schoch, P.E. Secretary
Department of Transportation

Borough of Edwardsville Luzerne County 470 Main Street Edwardsville, PA 18704-3275

The Honorable David Stochla President of Council

Ms. Cathy Soprano Borough Manager

This report is a matter of public record and is available online at www.auditorgen.state.pa.us. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 231 Finance Building, Harrisburg, PA 17120; via email to: news@auditorgen.state.pa.us.