

ATTESTATION ENGAGEMENT

Township of Toboyne
Perry County, Pennsylvania
50-217
Liquid Fuels Tax Fund
For the Period
January 1, 2012 to December 31, 2014

August 2015



Commonwealth of Pennsylvania
Department of the Auditor General
Eugene A. DePasquale • Auditor General



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

EUGENE A. DEPASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Leslie Richards
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Toboyne, Perry County, for the period January 1, 2012 to December 31, 2014. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms 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 Township of Toboyne, Perry County's Forms MS-965 for the period January 1, 2012 to December 31, 2014 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 Forms MS-965 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in the Findings and Recommendations and Summary of Prior Examination Recommendations sections of this report:

- The municipality did not maintain invoices to support check No. 539 for \$542.43 and for check No. 541 for \$893.31, which were issued on October 19, 2012 and November 16, 2012, respectively (see Finding No. 1).
- The township expended \$15,000.00 during 2012 and \$12,171.50 during 2013 from the Liquid Fuels Tax Fund for the purchase of a John Deere grader and stone, respectively. However, documentation for price quotations was not available for examination (see Finding No. 2).
- The municipality expended \$540.00 during 2014 from the Liquid Fuels Tax Fund for shale, which is a nonpermissible expenditure (see Finding No. 3).
- In our prior examination period the municipality expended \$32,500.00 for a backhoe/loader that was restrictively bid. During our current examination the municipality reimbursed \$14,000.00 to its Liquid Fuels Tax Fund. As of December 31, 2014, \$18,500.00 remained due the Liquid Fuels Tax Fund. (Summary of Prior Examination Recommendations).

Although management of the municipality provided us with a management representation letter on the date of our exit conference of April 29, 2015, held at the municipality, they did not respond to our request for an updated management representation letter including the disclosure of any subsequent events that affected the Forms MS-965 through the date of this report.

In our opinion, except for the bulleted matters discussed above and for the possible effects of the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Toboyne, Perry County, for the period January 1, 2012 to December 31, 2014, 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 Forms 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 Forms 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 Forms MS-965 are 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 Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

Independent Auditor's Report (Continued)

Our consideration of internal control was for the limited purpose of expressing an opinion on whether the Forms MS-965 are 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 a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency below to be a material weakness.

- Documentation Supporting Expenditures Was Not Available For Examination.

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Township of Toboyne, Perry 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 Forms 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 instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Documentation For Price Quotations Was Not Available For Examination.
- Nonpermissible Expenditure.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Township of Toboyne, Perry 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 Township of Toboyne, Perry 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.



Eugene A. DePasquale
Auditor General

June 10, 2015

CONTENTS

| | <u>Page</u> |
|--|-------------|
| Background | 1 |
| Financial Section: | |
| 2012 Form MS-965 With Adjustments | 2 |
| 2013 Form MS-965 With Adjustments | 5 |
| 2014 Form MS-965 With Adjustments | 8 |
| Notes To Forms MS-965 With Adjustments | 11 |
| Findings And Recommendations: | |
| Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination | 16 |
| Finding No. 2 - Documentation For Price Quotations Was Not Available For Examination | 18 |
| Finding No. 3 - Nonpermissible Expenditure | 20 |
| Summary Of Prior Examination Recommendations | 21 |
| Summary Of Exit Conference | 22 |
| Report Distribution | 23 |

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

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 General 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.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2012 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

| <u>Expenditure Summary</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|---------------------|---------------------------------|----------------------------|
| Major equipment purchases | \$ 15,000.00 | \$ - | \$ 15,000.00 |
| Minor equipment purchases | - | - | - |
| Computer/Computer related training | - | - | - |
| Agility projects | - | - | - |
| Cleaning streets and gutters | - | - | - |
| Winter maintenance services | 1,939.82 | - | 1,939.82 |
| Traffic control devices | - | - | - |
| Street lighting | - | - | - |
| Storm sewers and drains | - | - | - |
| Repairs of tools and machinery | - | - | - |
| Maintenance and repair of roads and bridges | 10,775.75 | - | 10,775.75 |
| Highway construction and rebuilding projects | 39,648.70 | (2,267.38) | 37,381.32 |
| Miscellaneous (Note 5) | - | 2,267.38 | 2,267.38 |
| | <hr/> | <hr/> | <hr/> |
| Total (To Section 2, Line 5) | <u>\$ 67,364.27</u> | <u>\$ -</u> | <u>\$ 67,364.27</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2012 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

| <u>Fund Balance</u> | <u>Reported</u> | <u>Adjustments</u> | <u>Adjusted Amount</u> |
|--------------------------------------|----------------------------|--------------------|----------------------------|
| 1. Balance, January 1, 2012 | \$ 87,325.41 | \$ - | \$ 87,325.41 |
| Receipts: | | | |
| 2. State allocation | 29,476.77 | - | 29,476.77 |
| 2a. Turnback allocation | - | - | - |
| 2b. Interest on investments (Note 3) | 537.44 | - | 537.44 |
| 2c. Miscellaneous (Note 5) | 2,267.38 | - | 2,267.38 |
| 3. Total receipts | <u>32,281.59</u> | <u>-</u> | <u>32,281.59</u> |
| 4. Total funds available | <u>119,607.00</u> | <u>-</u> | <u>119,607.00</u> |
| 5. Expenditures (Section 1) | <u>67,364.27</u> | <u>-</u> | <u>67,364.27</u> |
| 6. Balance, December 31, 2012 | <u><u>\$ 52,242.73</u></u> | <u><u>\$ -</u></u> | <u><u>\$ 52,242.73</u></u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2012 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

| <u>Equipment Balance</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|---------------------|---------------------------------|----------------------------|
| 1. Prior year equipment balance | \$ 27,473.29 | \$ (4,313.20) | \$ 23,160.09 |
| 2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) | 5,895.35 | - | 5,895.35 |
| 3. PENNDOT approved adjustments | - | - | - |
| 4. Total funds available for equipment acquisition | 33,368.64 | (4,313.20) | 29,055.44 |
| 5. Less: Major equipment expenditures | 15,000.00 | - | 15,000.00 |
| 6. Remainder | <u>18,368.64</u> | <u>(4,313.20)</u> | <u>14,055.44</u> |
| 7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) | <u>\$ 18,368.64</u> | <u>\$ (4,313.20)</u> | <u>\$ 14,055.44</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2013 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

| <u>Expenditure Summary</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|-------------------------|---------------------------------|----------------------------|
| Major equipment purchases | \$ - | \$ - | \$ - |
| Minor equipment purchases | - | - | - |
| Computer/Computer related training | - | - | - |
| Agility projects | - | - | - |
| Cleaning streets and gutters | - | - | - |
| Winter maintenance services | 2,755.13 | - | 2,755.13 |
| Traffic control devices | - | - | - |
| Street lighting | - | - | - |
| Storm sewers and drains | - | - | - |
| Repairs of tools and machinery | - | - | - |
| Maintenance and repair of roads and bridges | 47,774.57 | (337.58) | 47,436.99 |
| Highway construction and rebuilding projects | - | - | - |
| Miscellaneous | - | - | - |
| Total (To Section 2, Line 5) | <u>\$ 50,529.70</u> | <u>\$ (337.58)</u> | <u>\$ 50,192.12</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2013 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

| <u>Fund Balance</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|---------------------|---------------------------------|----------------------------|
| 1. Balance, January 1, 2013 | \$ 52,242.73 | \$ - | \$ 52,242.73 |
| Receipts: | | | |
| 2. State allocation | 28,985.39 | - | 28,985.39 |
| 2a. Turnback allocation | - | - | - |
| 2b. Interest on investments (Note 3) | 197.69 | - | 197.69 |
| 2c. Miscellaneous (Summary of prior examination recommendations) | - | 5,000.00 | 5,000.00 |
| 3. Total receipts | <u>29,183.08</u> | <u>5,000.00</u> | <u>34,183.08</u> |
| 4. Total funds available | <u>81,425.81</u> | <u>5,000.00</u> | <u>86,425.81</u> |
| 5. Expenditures (Section 1) | <u>50,529.70</u> | <u>(337.58)</u> | <u>50,192.12</u> |
| 6. Balance, December 31, 2013 | <u>\$ 30,896.11</u> | <u>\$ 5,337.58</u> | <u>\$ 36,233.69</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2013 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

| <u>Equipment Balance</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|---------------------|---------------------------------|----------------------------|
| 1. Prior year equipment balance | \$ 18,368.64 | \$ (4,313.20) | \$ 14,055.44 |
| 2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) | 5,797.08 | - | 5,797.08 |
| 3. PENNDOT approved adjustments | - | - | - |
| 4. Total funds available for equipment acquisition | 24,165.72 | (4,313.20) | 19,852.52 |
| 5. Less: Major equipment expenditures | - | - | - |
| 6. Remainder | <u>24,165.72</u> | <u>(4,313.20)</u> | <u>19,852.52</u> |
| 7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) | <u>\$ 24,165.72</u> | <u>\$ (4,313.20)</u> | <u>\$ 19,852.52</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

| <u>Expenditure Summary</u> | <u>Reported</u> | <u>Adjustments</u> | <u>Adjusted Amount</u> |
|---|---------------------|--------------------|----------------------------|
| Major equipment purchases | \$ - | \$ - | \$ - |
| Minor equipment purchases | - | - | - |
| Computer/Computer related training | - | - | - |
| Agility projects | - | - | - |
| Cleaning streets and gutters | - | - | - |
| Winter maintenance services | 5,760.18 | - | 5,760.18 |
| Traffic control devices | - | - | - |
| Street lighting | - | - | - |
| Storm sewers and drains | - | - | - |
| Repairs of tools and machinery | 6,573.84 | - | 6,573.84 |
| Maintenance and repair of roads and bridges | 8,153.93 | - | 8,153.93 |
| Highway construction and rebuilding projects | - | - | - |
| Miscellaneous | - | - | - |
| | <hr/> | <hr/> | <hr/> |
| Total (To Section 2, Line 5) | <u>\$ 20,487.95</u> | <u>\$ -</u> | <u>\$ 20,487.95</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

| <u>Fund Balance</u> | <u>Reported</u> | <u>Adjustments</u> | <u>Adjusted Amount</u> |
|---|----------------------------|--------------------|----------------------------|
| 1. Balance, January 1, 2014 | \$ 36,233.69 | \$ - | \$ 36,233.69 |
| Receipts: | | | |
| 2. State allocation | 31,214.93 | - | 31,214.93 |
| 2a. Turnback allocation | - | - | - |
| 2b. Interest on investments (Note 3) | 163.80 | - | 163.80 |
| 2c. Miscellaneous (Summary of prior examination recommendations) | 9,000.00 | - | 9,000.00 |
| 3. Total receipts | <u>40,378.73</u> | <u>-</u> | <u>40,378.73</u> |
| 4. Total funds available | <u>76,612.42</u> | <u>-</u> | <u>76,612.42</u> |
| 5. Expenditures (Section 1) | <u>20,487.95</u> | <u>-</u> | <u>20,487.95</u> |
| 6. Balance, December 31, 2014 | <u><u>\$ 56,124.47</u></u> | <u><u>\$ -</u></u> | <u><u>\$ 56,124.47</u></u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

| <u>Equipment Balance</u> | <u>Reported</u> | <u>Adjustments (Note 4)</u> | <u>Adjusted Amount</u> |
|---|---------------------|---------------------------------|----------------------------|
| 1. Prior year equipment balance | \$ 24,165.72 | \$ (4,313.20) | \$ 19,852.52 |
| 2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) | 6,242.99 | - | 6,242.99 |
| 3. PENNDOT approved adjustments | - | - | - |
| 4. Total funds available for equipment acquisition | 30,408.71 | (4,313.20) | 26,095.51 |
| 5. Less: Major equipment expenditures | - | - | - |
| 6. Remainder | <u>30,408.71</u> | <u>(4,313.20)</u> | <u>26,095.51</u> |
| 7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) | <u>\$ 30,408.71</u> | <u>\$ (4,313.20)</u> | <u>\$ 26,095.51</u> |

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

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:

| Prior To 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.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (Continued)

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.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (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. Deposits

The Second Class Township Code, Title 53 P.S. § 68204, authorizes the township 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 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.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2014. 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 as of December 31, 2014 consists of the following:

| | |
|------|-------------|
| Cash | \$56,124.47 |
|------|-------------|

3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$537.44 during 2012, \$197.69 during 2013, and \$163.80 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2012 - Section 1

Adjustments were made to "Highway construction and rebuilding projects" and "Miscellaneous" because expenditures of \$2,267.38 were misclassified.

2012 - Section 3

An adjustment of \$(4,313.20) was made to "Prior year equipment balance" because of prior report adjustments that were not carried forward in the equipment balance.

2013 - Section 1

An adjustment of \$(337.58) was made to "Maintenance and repair of roads and bridges" because check No. 560 was voided but was included as an expenditure.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

4. Adjustments (Continued)

2013 - Section 2

An adjustment of \$5,000.00 was made to “Miscellaneous” because this receipt was not reported.

2013 - Section 3

An adjustment of \$(4,313.20) was made to “Prior year equipment balance” to reflect the adjustments made to the equipment balance in 2012 - Section 3.

2014 - Section 3

An adjustment of \$(4,313.20) was made to “Prior year equipment balance” to reflect the adjustments made to the equipment balance in 2013 - Section 3.

5. Overpayment Of Invoice

On November 5, 2012, the municipality expended \$39,648.70 from the Liquid Fuels Tax Fund to pay vendor invoice No. 23666 for road construction project No. 12-50217-663. However, the amount of the invoice was only 37,381.32. On November 30, 2012, the municipality deposited \$2,267.38 into its Liquid Fuels Tax Fund that was received from the vendor to correct the overpayment of the invoice.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination

Our examination disclosed that the municipality did not maintain invoices to support check No. 539 for \$542.43 and for check No. 541 for \$893.31, which were issued on October 19, 2012 and November 16, 2012, respectively.

Good internal control procedures ensure that there is documentation to support all expenditures.

The Liquid Fuels Tax Municipal Allocation Law, 72 P.S. § 2615.4, provides, in part, that monies herein allocated may be used only for construction, reconstruction, maintenance and repairs of such public roads or streets, including bridges, culverts and drainage structures, for which they are legally responsible. Also permitted are expenditures involving acquisition, maintenance, repairs and operation of street signs, traffic signs, traffic signal control systems, road equipment, and snow fences.

The Department of Transportation has been statutorily authorized to promulgate regulations concerning the administration of Liquid Fuels Tax Fund money and has determined that certain items, including expenditures made without supporting documentation, are outside the scope of permissible expenditures.

Without adequate documentation, we could not determine if the expenditures were permissible according to the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations.

The failure to maintain documentation to support expenditures could result in the municipality having to reimburse \$1,435.74 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$1,435.74 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the municipality ensure good internal control over expenditures by maintaining adequate documentation to support all expenditures.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination (Continued)

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 2 - Documentation For Price Quotations Was Not Available For Examination

Our examination disclosed that the township expended \$15,000.00 during 2012 and \$12,171.50 during 2013 from the Liquid Fuels Tax Fund for the purchase of a John Deere grader and stone, respectively. The township was required to obtain three written or telephonic price quotations for these expenditures. However, documentation for price quotations was not available for examination. The purchases were as follows:

| <u>Invoice Number</u> | <u>Invoice Date</u> | <u>Check Number</u> | <u>Check Date</u> | <u>Amount</u> | <u>Totals</u> |
|---------------------------|-------------------------|-------------------------|-----------------------|--------------------|--------------------|
| 9204 | 01/23/12 | 530 | 01/24/12 | <u>\$15,000.00</u> | |
| 2012 Total | | | | | \$15,000.00 |
| 260983 | 04/30/13 | 551 | 05/15/13 | 539.57 | |
| 270055 | 05/14/13 | 552 | 05/29/13 | 2,079.74 | |
| 309578 | 07/05/13 | 553 | 07/11/13 | 677.19 | |
| 314188 | 07/15/13 | 554 | 07/18/13 | 2,149.59 | |
| 325250 | 07/29/13 | 555 | 08/05/13 | 1,070.36 | |
| 326133 | 07/30/13 | 555 | 08/05/13 | 2,683.75 | |
| 367121 | 09/17/13 | 557 | 10/04/13 | <u>2,971.30</u> | |
| 2013 Total | | | | | <u>12,171.50</u> |
| Two Year Total | | | | | <u>\$27,171.50</u> |

The above expenditures were not made in compliance with the contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(b), (also found at § 3102(b) of *The Second Class Township Code* as published by the Local Government Commission), which states, in part:

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts [during 2012] that exceed ten thousand dollars (\$10,000.00) but are less than the amount [in excess of \$18,500.00] requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 2 - Documentation For Price Quotations Was Not Available For Examination
(Continued)

The thresholds for obtaining price quotations increased to purchases between \$10,000.00 and \$18,500.00 for 2012, \$10,200.00 and \$18,900.00 for 2013, \$10,300.00, and \$19,100.00 for 2014, and \$10,500.00 and \$19,400.00 for 2015.

The failure to comply with *The Second Class Township Code* could result in the township having to reimburse \$27,171.50 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the township reimburse \$27,171.50 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the township complies with *The Second Class Township Code* as noted in this finding.

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 3 - Nonpermissible Expenditure

Our examination disclosed that the municipality expended \$540.00 during 2014 from the Liquid Fuels Tax Fund for shale, which is a nonpermissible expenditure.

The Liquid Fuels Tax Municipal Allocation Law, 72 P.S. § 2615.4, provides, in part, that monies herein allocated may be used only for construction, reconstruction, maintenance, and repairs of such public roads or streets, including bridges, culverts and drainage structures, for which they are legally responsible. Also permitted are expenditures involving acquisition, maintenance, repairs and operation of street signs, traffic signs, traffic signal control systems, road equipment, and snow fences.

The Department of Transportation has been statutorily authorized to promulgate regulations concerning the administration of Liquid Fuels Tax Fund money and has determined that certain items, including shale, are outside the scope of permissible expenditures.

The failure to follow the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations as noted above could result in the municipality having to reimburse \$540.00 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$540.00 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the municipality complies with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations regarding permissible expenditures.

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$32,500.00 to its Liquid Fuels Tax Fund for a backhoe/loader that was restrictively bid.

During our current examination we reviewed a letter dated February 5, 2013, from the Department of Transportation informing the municipality to reimburse \$32,500.00 to its Liquid Fuels Tax Fund. The Department of Transportation approved for the municipality to reimburse the Liquid Fuels Tax Fund on an installment plan. The plan is as follows:

| <u>Date</u> | <u>Amount</u> |
|-------------|---------------------------|
| 09/17/13 | \$ 5,000.00 |
| 12/31/14 | 9,000.00 |
| 12/31/15 | 9,250.00 |
| 12/31/16 | <u>9,250.00</u> |
| Total | <u><u>\$32,500.00</u></u> |

We noted that the municipality reimbursed \$5,000.00 and \$9,000.00 to its Liquid Fuels Tax Fund on September 17, 2013 and November 7, 2014, respectively. As of the date of this report, the remaining balance of \$18,500.00 is still due to the Liquid Fuels Tax Fund.

In our prior report we also recommended that the municipality follow with the Department of Transportation's *Publication 9* if it uses Brand names in future advertisements for purchases.

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

An exit conference was held April 29, 2015. Those participating were:

TOWNSHIP OF TOBOYNE

Mr. Patrick J. Carlin, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Tammy Fleisher, Auditor

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

TOWNSHIP OF TOBOYNE
PERRY COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Toboyne
Perry County
50 Lower Buck Ridge Road
Blain, PA 17006

The Honorable James J. Henry

Chairman of the Board of Supervisors

Mr. Patrick J. Carlin

Secretary/Treasurer

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.