### ATTESTATION ENGAGEMENT

### Township of Moreland

Lycoming County, Pennsylvania 41-226

Liquid Fuels Tax Fund
For the Period
January 1, 2012 to December 31, 2013

August 2014



Commonwealth of Pennsylvania Department of the Auditor General

Eugene A. DePasquale • Auditor General



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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 Moreland, Lycoming County, for the period January 1, 2012 to December 31, 2013. 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 Moreland, Lycoming County's Forms MS-965 for the period January 1, 2012 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 Forms MS-965 With Adjustments are made by the Department of the Auditor General.

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

As discussed in the Finding and Recommendations section of this report, the township expended \$12,347.90 during 2012 and \$9,254.22 during 2013 from the Liquid Fuels Tax Fund for heating, hauling, and applying road oil without advertising for bids.

In our opinion, except for 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 Moreland, Lycoming County, for the period January 1, 2012 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 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 internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

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 Forms 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 internal control over reporting on the Forms MS-965 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 would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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

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

Noncompliance With Advertising And Bidding Requirements.

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

July 29, 2015

Eugene A. DePasquale Auditor General

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# TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND BACKGROUND FOR THE PERIOD JANUARY 1, 2012 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 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 MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2012 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Evnanditura Summary		Danamad	A	djustments		Adjusted
Expenditure Summary		Reported		(Note 4)	Amount	
Major equipment purchases	\$	10,250.00	\$	-	\$	10,250.00
Minor equipment purchases		-		-		-
Computer/Computer related training		-		-		-
Agility projects		-		_		-
Cleaning streets and gutters		-		_		-
Winter maintenance services		6,116.35		_		6,116.35
Traffic control devices		1,368.35		_		1,368.35
Street lighting		-		_		-
Storm sewers and drains		17,500.02		_		17,500.02
Repairs of tools and machinery		34,851.28		_		34,851.28
Maintenance and repair of						
roads and bridges		135,088.37		35,931.70		171,020.07
Highway construction and						
rebuilding projects		35,931.70		(35,931.70)		-
Miscellaneous (Bank service charges)		10.00				10.00
Total (To Section 2, Line 5)	\$	241,116.07	\$		\$	241,116.07

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2012 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	 Reported	•	justments Note 4)	 Adjusted Amount
1. Balance, January 1, 2012	\$ 263,288.47	\$	-	\$ 263,288.47
Receipts:				
2. State allocation	121,181.28		-	121,181.28
2a. Turnback allocation	54,920.00		-	54,920.00
2b. Interest on investments (Note 3)	313.67		750.00	1,063.67
2c. Miscellaneous (Note 5)	130,543.57		-	 130,543.57
3. Total receipts	306,958.52		750.00	307,708.52
4. Total funds available	 570,246.99		750.00	 570,996.99
5. Expenditures (Section 1)	 241,116.07			241,116.07
6. Balance, December 31, 2012	\$ 329,130.92	\$	750.00	\$ 329,880.92

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2012 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance		Reported	djustments (Note 4)	Adjusted Amount
1. Prior year equipment balance	\$	115,312.47	\$ 6,502.50	\$ 121,814.97
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	n	35,220.26	-	35,220.26
3. PENNDOT approved adjustments				
4. Total funds available for equipment acquisition		150,532.73	6,502.50	157,035.23
5. Less: Major equipment expenditures		10,250.00	 	10,250.00
6. Remainder		140,282.73	6,502.50	146,785.23
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	140,282.73	\$ 6,502.50	\$ 146,785.23

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

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

E-man L'anna Commanda		D 1	A	djustments		Adjusted
Expenditure Summary		Reported		(Note 4)	Amount	
Major equipment purchases	\$	-	\$	10,282.00	\$	10,282.00
Minor equipment purchases		-		10,051.00		10,051.00
Computer/Computer related training		-		-		-
Agility projects		-		_		-
Cleaning streets and gutters		-		-		-
Winter maintenance services		43,076.37		(20,333.00)		22,743.37
Traffic control devices		649.00		-		649.00
Street lighting		-		_		-
Storm sewers and drains		6,418.85		-		6,418.85
Repairs of tools and machinery		27,802.39		_		27,802.39
Maintenance and repair of						
roads and bridges		174,414.74		31,348.70		205,763.44
Highway construction and						
rebuilding projects		32,058.60		(32,058.60)		-
Miscellaneous (Bank service charges)		40.00				40.00
Total (To Section 2, Line 5)	\$	284,459.95	\$	(709.90)	\$	283,750.05

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	 Reported	ljustments Note 4)	 Adjusted Amount
1. Balance, January 1, 2013	\$ 329,130.92	\$ 750.00	\$ 329,880.92
Receipts:			
2. State allocation	119,148.90	_	119,148.90
2a. Turnback allocation	54,920.00	_	54,920.00
2b. Interest on investments (Note 3)	942.93	571.74	1,514.67
2c. Miscellaneous (Note 5)	31,855.82		31,855.82
3. Total receipts	 206,867.65	571.74	 207,439.39
4. Total funds available	 535,998.57	 1,321.74	 537,320.31
5. Expenditures (Section 1)	 284,459.95	 (709.90)	 283,750.05
6. Balance, December 31, 2013	\$ 251,538.62	\$ 2,031.64	\$ 253,570.26

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND 2013 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	,	Reported	 Adjustments (Note 4)	Adjusted Amount
1. Prior year equipment balance	\$	150,495.23	\$ (3,710.00)	\$ 146,785.23
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	n	34,813.78	-	34,813.78
3. PENNDOT approved adjustments				
4. Total funds available for equipment acquisition		185,309.01	(3,710.00)	181,599.01
5. Less: Major equipment expenditures			10,282.00	10,282.00
6. Remainder		185,309.01	(13,992.00)	 171,317.01
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	185,309.01	\$ (13,992.00)	\$ 171,317.01

Notes to Forms 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:

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.

### 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>

### **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 MORELAND LYCOMING COUNTY

### LIQUID FUELS TAX FUND NOTES TO FORMS MS-965 WITH ADJUSTMENTS

### FOR THE PERIOD JANUARY 1, 2012 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 as of December 31, 2013 consists of the following:

Cash \$253,570.26

### 3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts and certificate of deposits which earned \$1,063.67 during 2012, and \$1,514.67 during 2013, thus providing additional funds for road maintenance and repairs.

### 4. Adjustments

### 2012 - Section 1

Adjustments were made to "Maintenance and repair of roads and bridges" and "Highway construction and rebuilding projects" because expenditures of \$35,931.70 were misclassified.

### 2012 - Section 2

An adjustment of \$750.00 was made to "Interest on investments" because interest earned on certificates of deposit was understated.

### 2012 - Section 3

An adjustment of \$6,502.50 was made to "Prior year equipment balance" because adjustments made in the prior report were not carried forward.

### 4. Adjustments (Continued)

### 2013 - Section 1

Adjustments were made to "Major equipment purchases," "Minor equipment purchases," and "Winter maintenance services" because expenditures of \$20,333.00 were misclassified.

An adjustment of \$31,348.70 was made to "Maintenance and repair of roads and bridges" because maintenance expenditures of \$32,058.60 were misclassified as construction and check No. 5520 for \$709.90 was voided but was included as an expenditure.

An adjustments of \$(32,058.60) made to "Highway construction and rebuilding projects" because expenditures of \$32,058.60 for maintenance and repair of roads and bridges were misclassified.

### 2013 - Section 2

An adjustment of \$750.00 was made to "Balance, January 1, 2013" to reflect the adjustment made in 2012 - Section 2.

An adjustment of \$571.74 was made to "Interest on investments" because interest earned was understated.

### 2013 - Section 3

An adjustment of \$(3,710.00) was made to "Prior year equipment balance" because the beginning balance was overstated.

An adjustment of \$10,282.00 was made to "Major equipment expenditures" to reflect the adjustment made to major equipment purchases in 2013 - Section 1.

### 5. Miscellaneous Receipts

Source	Description	2012	2013
FEMA Department of	Severe Weather Assistance Winter Maintenance Service	\$120,590.58	\$ 930.41
Transportation	Agreement	9,652.04	9,835.41
Vendor	Refund of returned parts	144.70	-
Vendor	Refund of returned parts	156.25	-
Lycoming County	Dirt & Gravel Road Funds		21,090.00
Total		\$130,543.57	\$31,855.82

# TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND FINDING AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2013

### **Finding - Noncompliance With Advertising And Bidding Requirements**

Our examination disclosed that the township expended \$13,596.45 during 2012 and \$16,195.88 during 2013 for road oil that was properly purchased from the Liquid Fuels Tax Fund from a state contract. However, the township expended \$12,347.90 during 2012 and \$9,254.22 during 2013 from the Liquid Fuels Tax Fund for heating, hauling, and applying the road oil without advertising for bids. Because the cost of the road oil plus the cost for heating, hauling, and applying the road oil were greater than \$18,500.00 during 2012 and \$18,900.00 during 2013, the heating, hauling, and applying were required to be bid.

The above expenditures were not made in compliance with the advertising, bidding, and contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(a), (also found at § 3102(a) of *The Second Class Township Code* as published by the Local Government Commission), which requires that purchases over \$18,500.00 during 2012 must be advertised, bid, and awarded by contract. The bidding threshold increased to purchases over \$18,900.00 for 2013, \$19,100.00 for 2014, and \$19,400.00 for 2015. *The Second Class Township Code*, 53 P.S. § 68104(a), (also found at § 3104(a) of *The Second Class Township Code* as published by the Local Government Commission) further states that advertising, bidding and contract requirements should not be evaded through piecemeal purchases.

The failure to comply with *The Second Class Township Code* could result in the township having to reimburse \$21,602.12 to its Liquid Fuels Tax Fund.

### Recommendations

We recommend that the township reimburse \$21,602.12 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.

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND FINDING AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2013

### Finding - Noncompliance With Advertising And Bidding Requirements (Continued)

### Management's Response

The municipal officials stated:

Prior to the project the township was told by a representative from the vendor that the complete job was covered under the state contract. Supervisor, D. Scott Wertz contacted the representative on Monday, May 11, 2015, about this issue and was told that he believed that the heat/haul and apply was included in the contract.

### Auditor's Conclusion

The heating, hauling, and application of the road oil were not included in the state contract. During our next examination we will determine if the municipality complied with our recommendations.

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND SUMMARY OF EXIT CONFERENCE FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2013

An exit conference was held May 13, 2015. Those participating were:

### TOWNSHIP OF MORELAND

Ms. Susasn J. Liuzza, Secretary/Treasurer

### **DEPARTMENT OF THE AUDITOR GENERAL**

Ms. Vicki Baker, Auditor

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

### TOWNSHIP OF MORELAND LYCOMING COUNTY LIQUID FUELS TAX FUND REPORT DISTRIBUTION FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2013

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Moreland Lycoming County 1220 Moreland Township Road Muncy, PA 17756

The Honorable Lynn Reece Chairman of the Board of Supervisors

Ms. Susan J. Liuzza Secretary/Treasurer

This report is a matter of public record and is available online at <a href="http://www.PaAuditor.gov">http://www.PaAuditor.gov</a>. 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: <a href="mailto:news@PaAuditor.gov">news@PaAuditor.gov</a>.