

ATTESTATION ENGAGEMENT

City of Reading
Berks County, Pennsylvania
06-301
Liquid Fuels Tax Fund
For the Period
January 1, 2012 to December 31, 2014

September 2015



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 City of Reading, Berks 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 City of Reading, Berks 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)

In our opinion, 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 City of Reading, Berks 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 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.

Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the City of Reading, Berks 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note matters that, while not required to be included in this report by *Government Auditing Standards*, have been included in the findings below:

- Nonpermissible Expenditures.
- Late Receipt Of Allocation.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the City of Reading, Berks 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 City of Reading, Berks 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

July 27, 2015

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CITY OF READING
BERKS 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.

CITY OF READING
 BERKS 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	\$ 534,249.30	\$ -	\$ 534,249.30
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	4,100.03	(4,100.03)	-
Winter maintenance services	35,508.94	-	35,508.94
Traffic control devices	-	-	-
Street lighting	1,075,784.85	(2,491.66)	1,073,293.19
Storm sewers and drains	-	-	-
Repairs of tools and machinery	126,411.59	(8,812.87)	117,598.72
Maintenance and repair of roads and bridges	53,259.42	-	53,259.42
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	687.02	4,100.03	4,787.05
 Total (To Section 2, Line 5)	 <u>\$ 1,830,001.15</u>	 <u>\$ (11,304.53)</u>	 <u>\$ 1,818,696.62</u>

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

CITY OF READING
 BERKS COUNTY
 LIQUID FUELS TAX FUND
 2012 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, 2012	\$ 399,801.49	\$ -	\$ 399,801.49
Receipts:			
2. State allocation	1,426,954.61	-	1,426,954.61
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	12.53	-	12.53
2c. Miscellaneous	7,792.02	(7,792.02)	-
3. Total receipts	<u>1,434,759.16</u>	<u>(7,792.02)</u>	<u>1,426,967.14</u>
4. Total funds available	<u>1,834,560.65</u>	<u>(7,792.02)</u>	<u>1,826,768.63</u>
5. Expenditures (Section 1)	<u>1,830,001.15</u>	<u>(11,304.53)</u>	<u>1,818,696.62</u>
6. Balance, December 31, 2012	<u>\$ 4,559.50</u>	<u>\$ 3,512.51</u>	<u>\$ 8,072.01</u>

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

CITY OF READING
 BERKS COUNTY
 LIQUID FUELS TAX FUND
 2012 FORM MS-965 – SECTION 3
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 399,801.49	\$ -	\$ 399,801.49
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	285,390.92	-	285,390.92
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	685,192.41	-	685,192.41
5. Less: Major equipment expenditures	<u>534,249.30</u>	<u>-</u>	<u>534,249.30</u>
6. Remainder	<u>150,943.11</u>	<u>-</u>	<u>150,943.11</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 4,559.50</u>	<u>\$ 3,512.51</u>	<u>\$ 8,072.01</u>

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

CITY OF READING
 BERKS 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	87,525.44	-	87,525.44
Traffic control devices	30,714.55	-	30,714.55
Street lighting	736,857.58	-	736,857.58
Storm sewers and drains	-	-	-
Repairs of tools and machinery	79,669.96	-	79,669.96
Maintenance and repair of roads and bridges	42,770.15	(1,768.00)	41,002.15
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Note 6)	2,790.64	401,768.00	404,558.64
 Total (To Section 2, Line 5)	 <u>\$ 980,328.32</u>	 <u>\$ 400,000.00</u>	 <u>\$ 1,380,328.32</u>

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

CITY OF READING
 BERKS 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	\$ 4,559.50	\$ 3,512.51	\$ 8,072.01
Receipts:			
2. State allocation	1,402,042.62	-	1,402,042.62
2a. Turnback allocation	-	-	-
2b. Interest on investments	-	-	-
2c. Miscellaneous (Note 5)	23,370.30	400,000.00	423,370.30
3. Total receipts	1,425,412.92	400,000.00	1,825,412.92
4. Total funds available	1,429,972.42	403,512.51	1,833,484.93
5. Expenditures (Section 1)	980,328.32	400,000.00	1,380,328.32
6. Balance, December 31, 2013	<u>\$ 449,644.10</u>	<u>\$ 3,512.51</u>	<u>\$ 453,156.61</u>

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

CITY OF READING
 BERKS 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	\$ 4,559.50	\$ 3,512.51	\$ 8,072.01
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	280,408.52	-	280,408.52
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	284,968.02	3,512.51	288,480.53
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>284,968.02</u>	<u>3,512.51</u>	<u>288,480.53</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 284,968.02</u>	<u>\$ 3,512.51</u>	<u>\$ 288,480.53</u>

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

CITY OF READING
 BERKS COUNTY
 LIQUID FUELS TAX FUND
 2014 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	\$ 382,095.42	\$ -	\$ 382,095.42
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	269,721.48	-	269,721.48
Traffic control devices	26,680.00	-	26,680.00
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	143,088.31	(2,428.20)	140,660.11
Maintenance and repair of roads and bridges	238,032.12	(165,862.00)	72,170.12
Highway construction and rebuilding projects	-	150,100.00	150,100.00
Miscellaneous (Note 6)	2,525.42	18,190.20	20,715.62
 Total (To Section 2, Line 5)	 <u>\$ 1,062,142.75</u>	 <u>\$ -</u>	 <u>\$ 1,062,142.75</u>

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

CITY OF READING
 BERKS COUNTY
 LIQUID FUELS TAX FUND
 2014 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, 2014	\$ 449,644.10	\$ 3,512.51	\$ 453,156.61
Receipts:			
2. State allocation	1,513,087.93	-	1,513,087.93
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	37.67	-	37.67
2c. Miscellaneous (Note 5)	1,056.75	-	1,056.75
3. Total receipts	<u>1,514,182.35</u>	<u>-</u>	<u>1,514,182.35</u>
4. Total funds available	<u>1,963,826.45</u>	<u>3,512.51</u>	<u>1,967,338.96</u>
5. Expenditures (Section 1)	<u>1,062,142.75</u>	<u>-</u>	<u>1,062,142.75</u>
6. Balance, December 31, 2014	<u>\$ 901,683.70</u>	<u>\$ 3,512.51</u>	<u>\$ 905,196.21</u>

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

CITY OF READING
 BERKS 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	\$ 284,968.02	\$ 3,512.51	\$ 288,480.53
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	302,617.59	-	302,617.59
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	587,585.61	3,512.51	591,098.12
5. Less: Major equipment expenditures	<u>382,095.42</u>	<u>-</u>	<u>382,095.42</u>
6. Remainder	<u>205,490.19</u>	<u>3,512.51</u>	<u>209,002.70</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 205,490.19</u>	<u>\$ 3,512.51</u>	<u>\$ 209,002.70</u>

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

CITY OF READING
 BERKS 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.

CITY OF READING
BERKS 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.

CITY OF READING
BERKS 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 Third Class City Code, Title 53 P.S. § 36804.1, authorizes the city 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.

CITY OF READING
BERKS 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	<u>\$905,196.21</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$12.53 during 2012, and \$37.67 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2012 - Section 1

Adjustments were made to "Cleaning streets and gutters" and "Miscellaneous" because expenditures of \$(4,100.03) were misclassified.

An adjustment of \$(2,491.66) was made to "Street lighting" because these expenditures were overstated.

An adjustment of \$(8,812.87) was made to "Repairs of tools and machinery" because these expenditures were overstated.

2012 - Section 2

An adjustment of \$(7,792.02) was made to "Miscellaneous" because there were no miscellaneous receipts.

CITY OF READING
BERKS 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 1

An adjustment was made to “Maintenance and repair of roads and bridges” because miscellaneous expenditures of \$(1,768.00) were misclassified.

An adjustment of \$401,768.00 was made to “Miscellaneous” because expenditures of \$1,768.00 were misclassified as maintenance and repair of roads and bridges and an expenditure of \$400,000.00 for the repayment of a temporary loan from the General Fund was not reported.

2013 - Section 2

An adjustment of \$3,512.51 was made to “Balance, January 1, 2013” to reflect the adjustment made to the fund balance in 2012 - Section 2.

An adjustment of \$400,000.00 was made to “Miscellaneous” because a temporary loan from the General Fund was not reported.

2013 - Section 3

An adjustment of \$3,512.51 was made to “Prior year equipment balance” to reflect the adjustments made to the equipment balance in 2012 - Section 3.

2014 - Section 1

Adjustments were made to “Repairs of tools and machinery,” “Maintenance and repair of roads and bridges,” “Highway construction and rebuilding projects,” and “Miscellaneous” because expenditures of \$168,290.20 were misclassified.

2014 - Section 2

An adjustment of \$3,512.51 was made to “Balance, January 1, 2014” to reflect the adjustment made to the fund balance in 2013 - Section 2.

2014 - Section 3

An adjustment of \$3,512.51 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2013 - Section 3.

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

5. Miscellaneous Receipts

The following miscellaneous receipts were deposited into the Liquid Fuels Tax Fund during the examination period:

Source	Description	2013	2014
General Fund	Temporary loan (Note 7)	\$400,000.00	\$ -
General Fund	Reimbursement (Summary Of Prior Examination Recommendations)	23,370.30	-
Vendor	Reimbursement for returned materials	-	1,056.75
	Totals	<u>\$423,370.30</u>	<u>\$1,056.75</u>

6. Miscellaneous Expenditures

The following miscellaneous expenditures were paid from the Liquid Fuels Tax Fund during the examination period:

Payee	Description	2012	2013	2014
Financial institution	Bank service charges	\$ 687.02	\$ 1,080.64	\$ 233.92
Vendors	Nonpermissible expenditures (Finding No. 1)	4,100.03	3,478.00	19,994.20
Vendor	Bid advertisement	-	-	487.50
General Fund	Repayment of temporary loan (Note 7)	-	400,000.00	-
	Totals	<u>\$4,787.05</u>	<u>\$404,558.64</u>	<u>\$20,715.62</u>

7. Temporary Loan

On January 30, 2013, the municipality loaned \$400,000.00 from its General Fund to its Liquid Fuels Tax Fund. On June 11, 2013, the municipality transferred \$400,000.00 from its Liquid Fuels Tax Fund to its General Fund to repay the temporary loan.

CITY OF READING
 BERKS COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE PERIOD
 JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 1 - Nonpermissible Expenditures

Our examination disclosed that the municipality expended \$4,100.03 during 2012, \$3,478.00 during 2013, and \$19,994.20 during 2014 from the Liquid Fuels Tax Fund for the following nonpermissible items:

<u>Description</u>	<u>Amount</u>	<u>Totals</u>
Landfill waste fee	\$ 4,100.03	
2012 Total		\$ 4,100.03
Snow warning system	\$ 3,478.00	
2013 Total		3,478.00
Sidewalk/curb replacement	\$15,762.00	
Fire Department tires/road service	2,428.20	
Snow warning system	1,804.00	
2014 Total		<u>19,994.20</u>
Two Year Total		<u><u>\$27,572.23</u></u>

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 those listed in the chart above, 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 \$27,572.23 to its Liquid Fuels Tax Fund.

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Finding No. 1 - Nonpermissible Expenditures (Continued)

Recommendations

We recommend that the municipality reimburse \$27,572.23 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

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

Management's Response

The city auditor and controller stated:

We agree with the audit findings that \$27,572.23 are nonpermissible expenses.

Auditor's Conclusion

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

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Finding No. 2 - Late Receipt Of Allocation

Our examination disclosed that the 2013 Liquid Fuels Tax Fund allocation of \$1,402,042.62, which should have been distributed from the Department of Transportation to the municipality during the first week of April of that year, was not received until June 11, 2013, because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition by March 15th.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2013 allocation for more than two months. Furthermore, had the allocation been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

We noted that the municipality received its 2014 Liquid Fuels Tax Fund allocation on time.

Recommendation

We recommend that, in the future, the municipality continues to comply with the Department of Transportation's *Publication 9* to ensure that the allocations are received during the first week in April as outlined above.

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Finding No. 2 - Late Receipt Of Allocation (Continued)

Management's Response

The city auditor and controller stated:

Municipal Service Representative, Charles Paris contacted the City Of Reading stating that required reimbursements for the prior audit needed to be reimbursed before the Liquid Fuels allocation could be released. It was stated that the reimbursement of \$23,370.30 had been made on October 9, 2013.

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SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS
FOR THE PERIOD
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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 \$23,370.30 to its Liquid Fuels Tax Fund for failing to advertise for bids.

During our current examination we reviewed a letter dated August 26, 2013, from the Department of Transportation informing the municipality to reimburse \$23,370.30 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on October 9, 2013.

In our prior report we also recommended:

- That the municipality ensure that its Forms MS-965 are accurate and complete.
- That the municipality comply with *The Home Rule Charter of the City of Reading* by advertising and bids for purchases over \$10,000.00.

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

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SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
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An exit conference was held June 25, 2015. Those participating were:

CITY OF READING

Mr. David M. Cituk, City Auditor

Mr. Christian F. Zale, Controller

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Tammy Fleisher, Auditor

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

CITY OF READING
BERKS 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

City of Reading
Berks County
Room 2-36
815 Washington Street
Reading, PA 19601

The Honorable Vaughn D. Spencer

Mayor

The Honorable Francis Acosta

President of Council

Mr. David M. Cituk

City Auditor

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.