

ATTESTATION ENGAGEMENT

Borough of Ambler
Montgomery County, Pennsylvania
46-401
Liquid Fuels Tax Fund
For the Period
January 1, 2013 to December 31, 2014

November 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 Borough of Ambler, Montgomery County, for the period January 1, 2013 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 Borough of Ambler, Montgomery County's Forms MS-965 for the period January 1, 2013 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 Finding No. 1, 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 Finding No. 3, the municipality expended \$24,867.61 in excess of the amount approved for project No. 13-46401-001 from its Liquid Fuels Tax Fund. The municipality reimbursed this amount to its Liquid Fuels Tax Fund on January 15, 2015, which was subsequent to our examination period.

Although management of the municipality provided us with a management representation letter on the date of our exit conference of June 19, 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 effects of the Liquid Fuels Tax Fund money over expended on a road project and the possible effects of the municipality's failure to provide an updated management representation letter, 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 Borough of Ambler, Montgomery County, for the period January 1, 2013 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.

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.

Independent Auditor's Report (Continued)

Our consideration of the internal control was for the limited purpose of expressing an opinion on whether the Form 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. We did identify a certain deficiency in internal control, described in the finding listed below, that we consider to be material weakness in internal control:

- Failure To Properly Prepare Forms MS-965 - Recurring.

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Ambler, Montgomery 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*:

- Liquid Fuels Allocations Deposited Into The General Fund And Liquid Fuels Money Transferred To The General Fund.
- Liquid Fuels Money Over Expended On Project.

We are concerned that the borough failed to comply with our previously reported finding for failure to properly prepare Forms MS-965. We are also very concerned that the municipality's management failed to respond to our recurring finding.

During our current examination, the borough failed to properly prepare Forms MS-965, deposited its Liquid Fuels Tax Fund allocations into the General Fund and made transfers to the General Fund, and over expended Liquid Fuels Tax Fund money on construction project No. 13-46401-001. The failure to properly complete Forms MS-965 increases the risk that errors or misappropriations may occur and remain undetected. Additionally, the risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds. The borough should strive to comply with recommendations and corrective actions noted in this report.

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

Independent Auditor's Report (Continued)

We appreciate the courtesy extended by the Borough of Ambler, Montgomery 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.

A handwritten signature in black ink, appearing to read "Eugene A. DePasquale". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

July 17, 2015

Eugene A. DePasquale
Auditor General

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BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2013 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.

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

| <u>Expenditure Summary</u> | <u>Reported</u> | <u>Adjustments (Finding No. 1)</u> | <u>Adjusted Amount</u> |
|---|-------------------------|--|----------------------------|
| Major equipment purchases | \$ - | \$ - | \$ - |
| Minor equipment purchases | - | - | - |
| Computer/Computer related training | - | - | - |
| Agility projects | - | - | - |
| Cleaning streets and gutters | 1,570.49 | - | 1,570.49 |
| Winter maintenance services | 12,800.43 | - | 12,800.43 |
| Traffic control devices | 555.89 | - | 555.89 |
| Street lighting | - | - | - |
| Storm sewers and drains | - | - | - |
| Repairs of tools and machinery | - | - | - |
| Maintenance and repair of roads and bridges | - | - | - |
| Highway construction and rebuilding projects | 11,369.87 | - | 11,369.87 |
| Miscellaneous (Note 5) | - | 215,821.70 | 215,821.70 |
| Total (To Section 2, Line 5) | <u>\$ 26,296.68</u> | <u>\$ 215,821.70</u> | <u>\$ 242,118.38</u> |

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

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

| <u>Fund Balance</u> | <u>Reported</u> | <u>Adjustments (Finding No. 1)</u> | <u>Adjusted Amount</u> |
|--------------------------------------|----------------------|--|----------------------------|
| 1. Balance, January 1, 2013 | \$ 643,582.30 | \$ 190,332.15 | \$ 833,914.45 |
| Receipts: | | | |
| 2. State allocation | 113,654.71 | - | 113,654.71 |
| 2a. Turnback allocation | - | - | - |
| 2b. Interest on investments (Note 3) | 12,420.26 | - | 12,420.26 |
| 2c. Miscellaneous (Note 4) | 38,374.64 | 2,000.00 | 40,374.64 |
| 3. Total receipts | <u>164,449.61</u> | <u>2,000.00</u> | <u>166,449.61</u> |
| 4. Total funds available | <u>808,031.91</u> | <u>192,332.15</u> | <u>1,000,364.06</u> |
| 5. Expenditures (Section 1) | <u>26,296.68</u> | <u>215,821.70</u> | <u>242,118.38</u> |
| 6. Balance, December 31, 2013 | <u>\$ 781,735.23</u> | <u>\$ (23,489.55)</u> | <u>\$ 758,245.68</u> |

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2013 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 | \$ 155,034.18 | \$ - | \$ 155,034.18 |
| 2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) | 22,730.94 | - | 22,730.94 |
| 3. PENNDOT approved adjustments | <u>-</u> | <u>-</u> | <u>-</u> |
| 4. Total funds available for equipment acquisition | 177,765.12 | - | 177,765.12 |
| 5. Less: Major equipment expenditures | <u>-</u> | <u>-</u> | <u>-</u> |
| 6. Remainder | <u>177,765.12</u> | <u>-</u> | <u>177,765.12</u> |
| 7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) | <u>\$ 177,765.12</u> | <u>\$ -</u> | <u>\$ 177,765.12</u> |

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

| <u>Expenditure Summary</u> | <u>Reported</u> | <u>Adjustments (Finding No. 1)</u> | <u>Adjusted Amount</u> |
|---|----------------------|--|----------------------------|
| Major equipment purchases | \$ - | \$ - | \$ - |
| Minor equipment purchases | - | - | - |
| Computer/Computer related training | - | - | - |
| Agility projects | - | - | - |
| Cleaning streets and gutters | - | - | - |
| Winter maintenance services | 27,257.84 | - | 27,257.84 |
| Traffic control devices | 3,634.54 | - | 3,634.54 |
| Street lighting | - | - | - |
| Storm sewers and drains | - | - | - |
| Repairs of tools and machinery | 17,799.39 | - | 17,799.39 |
| Maintenance and repair of roads and bridges | - | - | - |
| Highway construction and rebuilding projects | 293,886.45 | 24,867.61 | 318,754.06 |
| Miscellaneous (Note 5) | - | 239,136.73 | 239,136.73 |
| | <hr/> | <hr/> | <hr/> |
| Total (To Section 2, Line 5) | <u>\$ 342,578.22</u> | <u>\$ 264,004.34</u> | <u>\$ 606,582.56</u> |

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

| <u>Fund Balance</u> | <u>Reported</u> | <u>Adjustments (Finding No. 1)</u> | <u>Adjusted Amount</u> |
|--------------------------------------|----------------------|--|----------------------------|
| 1. Balance, January 1, 2014 | \$ 758,245.68 | \$ - | \$ 758,245.68 |
| Receipts: | | | |
| 2. State allocation | 122,496.48 | - | 122,496.48 |
| 2a. Turnback allocation | - | - | - |
| 2b. Interest on investments (Note 3) | 4,819.75 | - | 4,819.75 |
| 2c. Miscellaneous (Note 4) | 190,332.15 | 239,136.73 | 429,468.88 |
| 3. Total receipts | <u>317,648.38</u> | <u>239,136.73</u> | <u>556,785.11</u> |
| 4. Total funds available | <u>1,075,894.06</u> | <u>239,136.73</u> | <u>1,315,030.79</u> |
| 5. Expenditures (Section 1) | <u>342,578.22</u> | <u>264,004.34</u> | <u>606,582.56</u> |
| 6. Balance, December 31, 2014 | <u>\$ 733,315.84</u> | <u>\$ (24,867.61)</u> | <u>\$ 708,448.23</u> |

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2014 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 | \$ 177,765.12 | \$ - | \$ 177,765.12 |
| 2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) | 24,499.30 | - | 24,499.30 |
| 3. PENNDOT approved adjustments | <u>-</u> | <u>-</u> | <u>-</u> |
| 4. Total funds available for equipment acquisition | 202,264.42 | - | 202,264.42 |
| 5. Less: Major equipment expenditures | <u>-</u> | <u>-</u> | <u>-</u> |
| 6. Remainder | <u>202,264.42</u> | <u>-</u> | <u>202,264.42</u> |
| 7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) | <u>\$ 202,264.42</u> | <u>\$ -</u> | <u>\$ 202,264.42</u> |

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2013 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.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2013 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.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2013 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 Borough Code, Title 53 P.S. § 46316, authorizes the borough to deposit its funds in the following:

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

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

2. Deposits

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 borough's name.

Fund Balance

The fund balance as of December 31, 2014 consists of the following:

| | |
|------|--------------|
| Cash | \$708,448.23 |
|------|--------------|

3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$12,420.26 during 2013, and \$4,819.75 during 2014, thus providing additional funds for road maintenance and repairs.

4. Miscellaneous Receipts

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

| Source | Description | 2013 | 2014 |
|--------------|---|-------------|--------------|
| General Fund | Correction of transfers in errors (Note 6) | \$ 2,000.00 | \$215,647.18 |
| General Fund | Reimbursement (Summary Of 2011 Examination Recommendation) | 38,374.64 | - |
| General Fund | Deposit in error (Note 7) | - | 23,489.55 |
| General Fund | Reimbursement for road project | - | 190,332.15 |
| | Totals | \$40,374.64 | \$429,468.88 |

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

5. Miscellaneous Expenditures

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

| <u>Payee</u> | <u>Description</u> | <u>2013</u> | <u>2014</u> |
|--------------|--|---------------------|---------------------|
| General Fund | Road project that was not intended to be paid from the Liquid Fuels Tax Fund | \$190,332.15 | \$ - |
| General Fund | Correction of deposits in error (Note 6) | 23,489.55 | 23,489.55 |
| General Fund | Transfers in error (Finding No. 2)) | 2,000.00 | 215,647.18 |
| | Totals | <u>\$215,821.70</u> | <u>\$239,136.73</u> |

6. Deposits In Error

On September 18, 2012 and February 6, 2014, the municipality deposited \$23,489.55 and \$23,489.55, respectively, into its Liquid Fuels Tax Fund in error. On September 13, 2013 and October 23, 2014, respectively, the municipality transferred these amounts from its Liquid Fuels Tax Fund to its General Fund to correct these deposits in error.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Finding No. 1 - Failure To Properly Prepare Forms MS-965 - Recurring

We cited the municipality for failure to properly prepare Forms MS-965 in our prior three reports with the most recent being for the period January 1, 2012 to December 31, 2012. Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2013 and 2014 Forms MS-965. These errors resulted in the following adjustments:

2013 - Section 1

- An adjustment of \$215,821.70 was made to "Miscellaneous" because these expenditures were not reported

2013 - Section 2

- An adjustment of \$190,332.15 was made to "Balance, January 1, 2013" because of prior report adjustments that were not carried forward in the fund balance.
- An adjustment of \$2,000.00 was made to "Miscellaneous" because a reimbursement for a transfer in error was not reported.

2014 - Section 1

- An adjustment of \$24,867.61 was made to "Highway construction and rebuilding projects" because these expenditures were understated.
- An adjustment of \$239,136.73 was made to "Miscellaneous" because these expenditures were not reported.

2014 - Section 2

- An adjustment of \$239,136.73 was made to "Miscellaneous" because these receipts were understated.

Good internal controls ensure that the municipality complete its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or misappropriations may occur and remain undetected.

This condition occurred because the municipality failed to comply with our prior examination recommendation to ensure that its Forms MS-965 are complete and accurate.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Finding No. 1 - Failure To Properly Prepare Forms MS-965 - Recurring (Continued)

Recommendation

We again recommend that the municipality ensure that its Forms MS-965 are complete and accurate.

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendation. During our next examination we will determine if the municipality complied with our recommendation.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Finding No. 2 - Liquid Fuels Allocations Deposited Into The General Fund And Liquid Fuels Money Transferred To The General Fund

Our examination disclosed that the municipality deposited its 2013 and 2014 Liquid Fuels Tax Fund allocations of \$113,654.71 and \$122,496.48, into the General Fund on April 1, 2013 and March 5, 2014, respectively, which is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law. On May 13, 2013 and August 11, 2014, the municipality reimbursed \$113,654.71 and \$122,496.48, respectively, to the Liquid Fuels Tax Fund. Additionally, the municipality made the following transfers from the Liquid Fuels Tax Fund to the General Fund:

| Date Transferred To The General Fund | Amount | Date Reimbursed From The General Fund |
|---|--------------|---|
| 01/31/2013 | \$ 2,000.00 | 02/15/2013 |
| 01/16/2014 | 10,331.34 | 02/07/2014 |
| 02/13/2014 | 169,848.94 | 10/23/2014 |
| 04/02/2014 | 14,250.17 | 10/23/2014 |
| 05/30/2014 | 10,331.34 | 05/30/2014 |
| 09/23/2014 | 10,885.39 | 10/21/2014 |
| Total | \$217,647.18 | |

The practice of depositing and transferring liquid fuels money into any account other than the Liquid Fuels Tax Fund account is contrary to the Act of June 1, 1956, P.L. (1955) 1944, 72 P.S. § 2615.5, known as the Liquid Fuels Tax Municipal Allocation Law, which states:

. . . each city, borough, town and township, shall . . . Establish and maintain a special fund into which the moneys [liquid fuels tax funds] . . . shall be deposited and into which no other moneys may be deposited or commingled . . .

The risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Finding No. 2 - Liquid Fuels Allocations Deposited Into The General Fund And Liquid Fuels Money Transferred To The General Fund (Continued)

Recommendation

We recommend that, in the future, the municipality deposit all liquid fuels tax money promptly into the Liquid Fuels Tax Fund.

We further recommend that the municipality discontinue the practice of transferring Liquid Fuels Tax Fund money to the General Fund unless it is for the reimbursement of expenditures paid on behalf of the Liquid Fuels Tax Fund.

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.

BOROUGH OF AMBLER
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LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Finding No. 3 - Liquid Fuels Money Over Expended On Project

Our examination disclosed that the municipality expended \$330,123.93 of Liquid Fuels Tax Fund money on construction project No. 13-46401-001. However, the amount of Liquid Fuels Tax Fund money approved by the Department of Transportation to be expended from the Liquid Fuels Tax Fund for this project was \$305,256.32. The difference of \$24,867.61 should have been paid directly from the General Fund.

The Department of Transportation's Regulations do not permit a municipality to expend Liquid Fuels Tax Fund money in excess of the amount approved on Municipal Services Completion Report Form MS-999.

The municipality reimbursed \$24,867.61 to its Liquid Fuels Tax Fund on January 15, 2015, which was subsequent to our examination period.

Recommendation

We recommend that, in the future, the municipality expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

Management's Response

The Finance Director stated:

The \$24,867.61 was returned in January of 2015.

Auditor's Conclusion

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF 2010- 2011 EXAMINATION RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

Summary Of 2010-2011 Examination Recommendation

In our 2010-2011 report we recommended that the Department of Transportation review our examination findings to determine if the municipality should reimburse \$38,374.64 to its Liquid Fuels Tax Fund. This amount consists of \$23,489.55 for liquid fuels tax money transferred to the General Fund and \$14,885.09 for failing to advertise for bids.

During our 2012 examination we reviewed a letter dated February 5, 2013, from the Department of Transportation informing the municipality to reimburse \$38,374.64 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on March 1, 2013.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

An exit conference was held June 19, 2015. Those participating were:

BOROUGH OF AMBLER

Ms. Gail Gordon, Finance Director

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Fred Casella, Auditor

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2013 TO DECEMBER 31, 2014

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Borough of Ambler
Montgomery County
122 East Butler Avenue
Ambler, PA 19002-4476

The Honorable Salvatore Pasceri

President of Council

Ms. Gail Gordon

Finance Director

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.