

ATTESTATION ENGAGEMENT

Borough of Arona
Westmoreland County, Pennsylvania
64-402
Liquid Fuels Tax Fund
For the Period
January 1, 2012 to December 31, 2014

May 2016



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 Arona, Westmoreland 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 Borough of Arona, Westmoreland County's Forms MS-965 for the period January 1, 2012 to December 31, 2014 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

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

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

Independent Auditor's Report (Continued)

As discussed in Finding No. 3, the borough expended \$793.71 from the Liquid Fuels Tax Fund for ballfield pavilion lighting, which is nonpermissible. Additionally, as discussed in the Summary Of Prior Examination section of this report, in our 2009-2011 report we recommended that the borough reimburse \$14,707.23 for failing to maintain documentation to support expenditures and \$4,645.00 for failure to maintain documentation for price quotations to its Liquid Fuels Tax Fund. The Department of Transportation reduced the reimbursement to \$3,000.00. This amount was reimbursed to the borough's Liquid Fuels Tax Fund on March 14, 2015, which was subsequent to our current examination period.

Although management of the municipality provided us with a management representation letter on the date of our exit conference of February 19, 2016, 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 nonpermissible expenditure, the reimbursement of the 2009-2011 findings subsequent to the examination period, 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 Arona, Westmoreland County, for the period January 1, 2012 to December 31, 2014, in conformity with the criteria set forth in Note 1.

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

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

Independent Auditor's Report (Continued)

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency below to be a material weakness.

- One Signature On Liquid Fuels Tax Fund Checks.

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

- Failure To File 2013 And 2014 Forms MS-965 - Recurring.
- Nonpermissible Expenditures.
- Late Receipts And Non Receipt Of Allocations - Recurring.

We are concerned that the municipality failed to correct our prior examination recommendations for failure to file Forms MS-965 and late receipt of allocations. During our current examination, the municipality required only one signature to authenticate Liquid Fuels Tax Fund checks, failed to file the 2013 and 2014 Forms MS-965, made nonpermissible expenditures, and received its 2012 and 2013 allocations late, and did not receive its 2014 allocation.

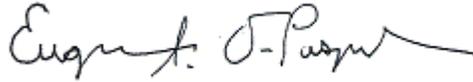
When only one signature is required there is a significant risk of unauthorized disbursements, errors, or misappropriations occurring and remaining undetected. Additionally, because the municipality did not file its 2013 and 2014 Forms MS-965, it has not yet received its 2014 allocation. Furthermore, 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 \$793.71 to its Liquid Fuels Tax Fund. Also, because the municipality failed to file documents and information timely, the municipality did not have use of the 2012 allocation for more than 14 months, the 2013 allocation for more than 2 months, and did not have use of the 2014 allocation.

The municipality should strive to implement the recommendations and corrective actions noted in this report.

Independent Auditor's Report (Continued)

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

We appreciate the courtesy extended by the Borough of Arona, Westmoreland 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.

March 7, 2016

Eugene A. DePasquale
Auditor General

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BOROUGH OF ARONA
WESTMORELAND 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.

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	610.00	-	610.00
Traffic control devices	-	-	-
Street lighting	5,050.61	425.45	5,476.06
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 5,660.61</u>	 <u>\$ 425.45</u>	 <u>\$ 6,086.06</u>

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
2012 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2012	\$ 3,277.56	\$ -	\$ 3,277.56
Receipts:			
2. State allocation	-	-	-
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	.94	-	.94
2c. Miscellaneous (Summary of 2006-2008 Examination Recommendation)	<u>6,000.00</u>	<u>-</u>	<u>6,000.00</u>
3. Total receipts	<u>6,000.94</u>	<u>-</u>	<u>6,000.94</u>
4. Total funds available	<u>9,278.50</u>	<u>-</u>	<u>9,278.50</u>
5. Expenditures (Section 1)	<u>5,660.61</u>	<u>425.45</u>	<u>6,086.06</u>
6. Balance, December 31, 2012	<u>\$ 3,617.89</u>	<u>\$ (425.45)</u>	<u>\$ 3,192.44</u>

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
2012 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 3,277.56	\$ (1.46)	\$ 3,276.10
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	-	-	-
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	3,277.56	(1.46)	3,276.10
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>3,277.56</u>	<u>(1.46)</u>	<u>3,276.10</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 3,277.56</u>	<u>\$ (85.12)</u>	<u>\$ 3,192.44</u>

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

BOROUGH OF ARONA
WESTMORELAND 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	-	1,690.00	1,690.00
Traffic control devices	-	-	-
Street lighting	-	1,327.44	1,327.44
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ -</u>	<u>\$ 3,017.44</u>	<u>\$ 3,017.44</u>

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

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ 3,192.44	\$ 3,192.44
Receipts:			
2. State allocation	-	23,018.33	23,018.33
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	-	2.70	2.70
2c. Miscellaneous	-	-	-
3. Total receipts	-	23,021.03	23,021.03
4. Total funds available	-	26,213.47	26,213.47
5. Expenditures (Section 1)	-	3,017.44	3,017.44
6. Balance, December 31, 2013	\$ -	\$ 23,196.03	\$ 23,196.03

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

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ 3,192.44	\$ 3,192.44
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	-	4,603.67	4,603.67
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	-	7,796.11	7,796.11
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>-</u>	<u>7,796.11</u>	<u>7,796.11</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ -</u>	<u>\$ 7,796.11</u>	<u>\$ 7,796.11</u>

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

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	2,840.00	2,840.00
Traffic control devices	-	-	-
Street lighting	-	10,361.66	10,361.66
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	6,300.00	6,300.00
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ -</u>	 <u>\$ 19,501.66</u>	 <u>\$ 19,501.66</u>

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

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ 23,196.03	\$ 23,196.03
Receipts:			
2. State allocation	-	-	-
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	-	2.51	2.51
2c. Miscellaneous	-	-	-
3. Total receipts	<u>-</u>	<u>2.51</u>	<u>2.51</u>
4. Total funds available	<u>-</u>	<u>23,198.54</u>	<u>23,198.54</u>
5. Expenditures (Section 1)	<u>-</u>	<u>19,501.66</u>	<u>19,501.66</u>
6. Balance, December 31, 2014	<u><u>\$ -</u></u>	<u><u>\$ 3,696.88</u></u>	<u><u>\$ 3,696.88</u></u>

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

BOROUGH OF ARONA
WESTMORELAND 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	\$ -	\$ 7,796.11	\$ 7,796.11
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	-	-	-
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	-	7,796.11	7,796.11
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>-</u>	<u>7,796.11</u>	<u>7,796.11</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ -</u>	<u>\$ 3,696.88</u>	<u>\$ 3,696.88</u>

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

BOROUGH OF ARONA
 WESTMORELAND 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 was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the state allocation in March of each year beginning in 2014. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the turnback allocation in March of each year beginning in 2014. 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 ARONA
WESTMORELAND 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.

BOROUGH OF ARONA
WESTMORELAND 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 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 ARONA
WESTMORELAND 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	\$3,696.88
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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 \$.94 during 2012, \$2.70 during 2013, and \$2.51 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2012 - Section 1

An adjustment of \$425.45 was made to "Street lighting" because check No. 1013 was not reported.

2012 - Section 3

An adjustment of \$(1.46) was made to "Prior year equipment balance" because an incorrect equipment balance was carried forward.

2013 - Section 1

Adjustments were made to this form because it was not filed with the Department of Transportation (see Finding No. 2).

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

4. Adjustments (Continued)

2013 - Section 2

Adjustments were made to this form because it was not filed with the Department of Transportation (see Finding No. 2).

2013 - Section 3

Adjustments were made to this form because it was not filed with the Department of Transportation (See Finding No. 2).

2014 - Section 1

Adjustments were made to this form because it was not filed with the Department of Transportation (See Finding No. 2).

2014 - Section 2

Adjustments were made to this form because it was not filed with the Department of Transportation (See Finding No. 2).

2014 - Section 3

Adjustments were made to this form because it was not filed with the Department of Transportation (See Finding No. 2).

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 1 - One Signature On Liquid Fuels Tax Fund Checks

Our examination disclosed that only one signature was required to authorize checks drawn on the Liquid Fuels Tax Fund. When only one signature is required there is a significant risk of unauthorized disbursements, errors, or misappropriations occurring and remaining undetected. To decrease this risk, good internal controls require that at least two authorized signatures be required to authorize checks drawn on the Liquid Fuels Tax Fund.

Recommendation

We recommend that the municipality improve internal control procedures over disbursements by requiring at least two signatures on all disbursements from the Liquid Fuels Tax Fund account.

Management's Response

The President of Council stated:

To remedy this situation secondary to frequent resignation of treasurers, we have added a third signature to assure that two are on checks at all times.

Auditor's Conclusion

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding No. 2 - Failure To File 2013 And 2014 Forms MS-965 - Recurring

We cited the municipality for failure to file Forms MS-965 in our prior report for the period January 1, 2009 to December 31, 2011. However, our current examination disclosed that the borough did not file its 2013 and 2014 Forms MS-965 with the Department of Transportation. The Department of Transportation's *Publication 9* requires municipalities to file a Form MS-965 by January 31 each year for the preceding year.

Additionally, a municipality is not eligible to receive its Liquid Fuels Tax Fund allocation until the Form MS-965 for the prior year is filed. Because the municipality did not file its 2013 and 2014 Forms MS-965, it has not yet received its 2014 allocation (see Finding No. 4).

This finding occurred because the municipality did not comply with our prior examination recommendation to ensure that its Forms MS-965 are complete and accurate and are filed by January 31 each year.

Recommendation

We recommend that the municipality ensure that its Forms MS-965 are complete and accurate and are filed by January 31 each year.

Management's Response

The President of Council stated:

We will meet with PennDOT to review instructions on completion of MS-965 Forms in an effort to assure timely completion. Due to the turnover in Treasurers, an ongoing council member will complete the reports.

Auditor's Conclusion

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
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Finding No. 3 - Nonpermissible Expenditures

Our examination disclosed that the municipality expended \$793.71 during 2014 from the Liquid Fuels Tax Fund for lighting at the borough's ballfield pavilion, which is nonpermissible.

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 lighting at the borough's ballfield pavilion, 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 \$793.71 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$793.71 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

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

BOROUGH OF ARONA
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LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 3 - Nonpermissible Expenditures (Continued)

Management's Response

The President of Council stated:

We are now aware that park lighting may not be paid from the Liquid Fuels Tax Fund. This has been reimbursed from the General Fund to the Liquid Fuels Tax Fund.

Auditor's Conclusion

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
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FINDINGS AND RECOMMENDATIONS
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Finding No. 4 - Late Receipt And Non Receipt Of Allocations - Recurring

We cited the municipality for not receiving its 2011 Liquid Fuels Tax Fund allocation of \$7,973.93 until May 1, 2013, in our prior report for the period January 1, 2009 to December 31, 2011. Our current examination disclosed that the 2012 and 2013 Liquid Fuels Tax Fund allocations of \$7,583.63 and \$7,460.77, respectively, which should have been distributed from the Department of Transportation to the municipality during the first week of April of each year, were not received until June 8, 2013. Additionally, the 2014 Liquid Fuels Tax Fund allocation of \$8,040.08, which should have been distributed from the Department of Transportation to the municipality on March 1, 2014, was not received by the borough as of the exit conference date of this report of February 19, 2016. The 2012 and 2013 allocations were received late and the 2014 allocation was not received 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, the municipality did not have use of the 2012 allocation for more than 14 months, the 2013 allocation for more than 2 months, and did not have use of the 2014 allocation. Furthermore, had the allocations 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.

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 4 - Late Receipt And Non Receipt Of Allocations - Recurring (Continued)

This finding occurred because the municipality did not comply with our prior examination recommendation to comply with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

Recommendation

We recommend that, in the future, the municipality complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

Management's Response

The President of Council stated:

Timely submission of MS-965 in the future will assure that allocations are received timely.

Auditor's Conclusion

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

BOROUGH OF ARONA
WESTMORELAND COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Summary Of 2006-2008 Examination Recommendation

In our 2006-2008 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$8,085.00 to its Liquid Fuels Tax Fund for failing to maintain documentation for price quotations.

During our 2009-2011 examination we reviewed a letter dated March 19, 2010 from the Department of Transportation informing the municipality to reimburse \$8,085.00 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed \$6,000.00 to its Liquid Fuels Tax Fund on April 11, 2012. During our current examination we reviewed another letter dated April 25, 2013 from the Department of Transportation informing the municipality that the reimbursement of the remaining \$2,085.00 would not be required.

BOROUGH OF ARONA
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LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS
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Summary Of 2009-2011 Examination Recommendations

In our 2009-2011 report we recommended that the Department of Transportation review our examination findings to determine if the municipality should reimburse \$19,352.23 to its Liquid Fuels Tax Fund. This amount consists of \$14,707.23 for failure to maintain documentation to support expenditures and \$4,645.00 for failure to maintain documentation for price quotations.

During our current examination we reviewed a letter dated February 12, 2015, from the Department of Transportation informing the municipality to reimburse \$3,000.00 to its Liquid Fuels Tax Fund. The letter further stated that reimbursement of the remaining \$16,352.23 would not be required. We noted that the municipality reimbursed \$3,000.00 to its Liquid Fuels Tax Fund on March 4, 2015, which was subsequent to our examination period.

In our prior report, we also recommended that the municipality:

- Ensure good internal control over expenditures by maintaining adequate documentation to support all expenditures.
- Complies with *The Borough Code* and the Department of Transportation's *Publication 9* by obtaining price quotations for all purchases between \$4,000.00 and \$10,000.00. The thresholds for obtaining price quotations increased to purchases between \$10,000.00 and \$18,500.00 for 2012, \$10,200.00 and \$18,900.00 for 2013, \$10,300.00 and \$19,100.00 for 2014, and \$10,500.00 and \$19,400.00 for 2015 and 2016.
- Ensure that its Forms MS-965 are complete and accurate and are filed by January 31 each year.
- Complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

During our current examination we noted that the borough complied with our first and second bulleted recommendations but did not comply with our third or fourth bulleted recommendations.

BOROUGH OF ARONA
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SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
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An exit conference was held February 19, 2016. Those participating were:

BOROUGH OF ARONA

The Honorable Kathy L. Sikora, President of Council

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Brian Delaney, Auditor

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

BOROUGH OF ARONA
WESTMORELAND 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

Borough of Arona
Westmoreland County
P. O. Box 200
Arona, PA 15617

The Honorable Kathy L. Sikora
President of Council

The Honorable David Rupert
Vice-President of Council

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.