

# ATTESTATION ENGAGEMENT

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City of Allentown  
Lehigh County, Pennsylvania  
39-301  
Liquid Fuels Tax Fund  
For the Period  
January 1, 2016 to December 31, 2020

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November 2023



Commonwealth of Pennsylvania  
Department of the Auditor General

Timothy L. DeFoor • Auditor General

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TIMOTHY L. DEFOOR  
AUDITOR GENERAL

### Independent Auditor's Report

The Honorable Michael Carroll  
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 Allentown, Lehigh County, for the period January 1, 2016 to December 31, 2020. The municipality's management is responsible for presenting the Forms MS-965 in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*. 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 involves performing procedures to obtain reasonable assurance about whether the Forms MS-965 are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms MS-965. The nature, timing and extent of the procedures selected depend on our judgement, including an assessment of the risks of material misstatement of the Forms MS-965, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with ethical requirements relating to the engagement.

As described in the Auditor Description of Select Transactions section of this report, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

## Independent Auditor's Report (Continued)

As discussed in the Finding and Recommendation section of this report, the municipality expended \$1,703,853.92 for paving in excess of one inch on various streets without obtaining the approval of the Department of Transportation.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the City of Allentown, Lehigh County, for the period January 1, 2016 to December 31, 2020, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

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.

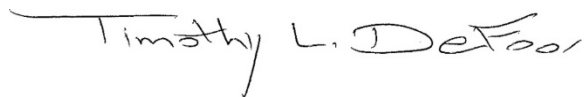
## Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the City of Allentown, Lehigh County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

- Failure To Obtain Project Approval.

The purpose of this report is to determine whether the municipality's Liquid Fuels Tax Fund money is spent in accordance with the laws and regulations identified in the Background section of this report and the Department of Transportation's *Publication 9*. This report is not suitable for any other purpose.

We appreciate the courtesy extended by the City of Allentown, Lehigh County, to us during the course of our examination. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.



Timothy L. DeFoor  
Auditor General  
October 11, 2023

# CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2016 Form MS-965 With Adjustments .....	5
2017 Form MS-965 With Adjustments .....	8
2018 Form MS-965 With Adjustments .....	11
2019 Form MS-965 With Adjustments .....	14
2020 Form MS-965 With Adjustments .....	17
Auditor Description Of Select Transactions.....	20
Finding And Recommendations:	
Finding - Failure To Obtain Project Approval .....	24
Summary Of Prior Examination Recommendation .....	26
Summary Of Onsite Closeout Meeting.....	27
Report Distribution .....	28

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, see also 72 P.S. § 2615.5, et sec., provides municipalities other than counties (i.e., 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 upon: (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.

Title 75 Pa.C.S. § 9511 of the Pennsylvania Vehicle Code 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 allocation of Liquid Fuels Tax funds and annual maintenance payments that it receives into a special fund called either 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 such a 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. Department of Transportation's *Publication 9* includes the policies and procedures for the administration of Act 655, as amended, and the Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

To qualify for the annual allocation of Liquid Fuels Tax funds, *Publication 9* indicates that each municipality shall:

1. Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
2. Make deposits and payments or expenditures in compliance with Act 655 of 1956, as amended. Failure to do so may result in not receiving allocations from PennDOT until all discrepancies are resolved. *Publication 9*, Section 2.6, includes information about investing Liquid Fuels Tax monies, using loan or bond proceeds, and types of receipts into the Liquid Fuels Tax Fund.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 BACKGROUND  
 FOR THE PERIOD  
 JANUARY 1, 2016 TO DECEMBER 31, 2020

Background (Continued)

3. Submit the Pennsylvania Department of Community and Economic Development’s (DCED) Report of Elected and Appointed Officials by January 31<sup>st</sup> and the Survey of Financial Condition By March 15<sup>th</sup>.
4. Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
5. Ensure resolution of all reimbursements required as a result of audits performed by the Department of the Auditor General or monitoring reviews performed by the Department of Transportation’s Financial Consultants.

*Criteria*

The criteria for the Form MS-965 With Adjustment are described below.

Section 1 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:

2016	2017	2018	2019	2020
\$10,500.00	\$10,700.00	\$10,900.00	\$11,100.00	\$11,300.00

- Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs that are less than or equal to the amounts indicated below:

2016	2017	2018	2019	2020
\$10,500.00	\$10,700.00	\$10,900.00	\$11,100.00	\$11,300.00

- Agility projects are exchanges of services with the Department of Transportation.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Background (Continued)

Section 2 of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation is available from the Department of Transportation in March of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- Municipalities that transferred roads from the Commonwealth of Pennsylvania to the municipality through the Highway Transfer Program receive annual turnback allocations in March of each year from the Department of Transportation. Turnback allocations are based on the mileage of the roads transferred.
- Expenditures include the total transferred from Section 1.

Section 3 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.



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Background (Continued)

*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 Form MS-965 has 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 Form MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

*Basis Of Accounting*

The accompanying Forms MS-965 With Adjustments is 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.



CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2016 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, 2016	\$ 1,651,272.29	\$ -	\$ 1,651,272.29
Receipts:			
2. State allocation	2,926,428.19	-	2,926,428.19
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments	-	-	-
2c. Miscellaneous	182,725.99	-	182,725.99
3. Total receipts	<u>3,113,874.18</u>	<u>-</u>	<u>3,113,874.18</u>
4. Total funds available	<u>4,765,146.47</u>	<u>-</u>	<u>4,765,146.47</u>
5. Expenditures (Section 1)	<u>3,053,468.86</u>	<u>-</u>	<u>3,053,468.86</u>
6. Balance, December 31, 2016	<u><u>\$ 1,711,677.61</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 1,711,677.61</u></u>

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2016 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	\$ 1,651,272.29	\$ -	\$ 1,651,272.29
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	586,229.64	-	586,229.64
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	2,237,501.93	-	2,237,501.93
5. Less: Major equipment expenditures	-	65,193.00	65,193.00
6. Remainder	<u>2,237,501.93</u>	<u>(65,193.00)</u>	<u>2,172,308.93</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 1,711,677.61</u>	<u>\$ -</u>	<u>\$ 1,711,677.61</u>

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2017 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 171,007.00	\$ (164,258.00)	\$ 6,749.00
Computer/Computer related training	-	-	-
Major equipment purchases	-	164,258.00	164,258.00
Agility projects	-	-	-
Cleaning streets and gutters	1,521,981.01	-	1,521,981.01
Winter maintenance services	786,334.32	-	786,334.32
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	627,968.80	(627,968.80)	-
Highway construction and rebuilding projects	-	627,968.80	627,968.80
Miscellaneous	3,851.40	-	3,851.40
	<u>3,851.40</u>	<u>-</u>	<u>3,851.40</u>
Total (To Section 2, Line 5)	<u>\$ 3,111,142.53</u>	<u>\$ -</u>	<u>\$ 3,111,142.53</u>

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2017 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, 2017	\$ 1,711,677.61	\$ -	\$ 1,711,677.61
Receipts:			
2. State allocation	3,057,431.66	-	3,057,431.66
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments	-	-	-
2c. Miscellaneous	445,274.44	-	445,274.44
3. Total receipts	<u>3,507,426.10</u>	<u>-</u>	<u>3,507,426.10</u>
4. Total funds available	<u>5,219,103.71</u>	<u>-</u>	<u>5,219,103.71</u>
5. Expenditures (Section 1)	<u>3,111,142.53</u>	<u>-</u>	<u>3,111,142.53</u>
6. Balance, December 31, 2017	<u><u>\$ 2,107,961.18</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 2,107,961.18</u></u>

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2017 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	\$ 1,711,677.61	\$ -	\$ 1,711,677.61
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	612,430.33	-	612,430.33
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	2,324,107.94	-	2,324,107.94
5. Less: Major equipment expenditures	<u>-</u>	<u>164,258.00</u>	<u>164,258.00</u>
6. Remainder	<u>2,324,107.94</u>	<u>(164,258.00)</u>	<u>2,159,849.94</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,107,961.18</u>	<u>\$ -</u>	<u>\$ 2,107,961.18</u>

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2018 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 6,536.00	\$ -	\$ 6,536.00
Computer/Computer related training	-	-	-
Major equipment purchases	201,911.40	-	201,911.40
Agility projects	-	-	-
Cleaning streets and gutters	1,589,807.90	-	1,589,807.90
Winter maintenance services	808,406.27	-	808,406.27
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	831,064.58	(831,064.58)	-
Highway construction and rebuilding projects	-	831,064.58	831,064.58
Miscellaneous	731.02	-	731.02
	<u>731.02</u>	<u>-</u>	<u>731.02</u>
 Total (To Section 2, Line 5)	 <u>\$ 3,438,457.17</u>	 <u>\$ -</u>	 <u>\$ 3,438,457.17</u>



CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2018 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, 2018	\$ 2,107,961.18	\$ -	\$ 2,107,961.18
Receipts:			
2. State allocation	3,216,209.19	-	3,216,209.19
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments	21,750.46	-	21,750.46
2c. Miscellaneous	237,476.32	-	237,476.32
3. Total receipts	<u>3,480,155.97</u>	<u>-</u>	<u>3,480,155.97</u>
4. Total funds available	<u>5,588,117.15</u>	<u>-</u>	<u>5,588,117.15</u>
5. Expenditures (Section 1)	<u>3,438,457.17</u>	<u>-</u>	<u>3,438,457.17</u>
6. Balance, December 31, 2018	<u><u>\$ 2,149,659.98</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 2,149,659.98</u></u>

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2018 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	\$ 2,107,961.18	\$ -	\$ 2,107,961.18
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	644,185.84	-	644,185.84
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	2,752,147.02	-	2,752,147.02
5. Less: Major equipment expenditures	201,911.40	-	201,911.40
6. Remainder	<u>2,550,235.62</u>	<u>-</u>	<u>2,550,235.62</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,149,659.98</u>	<u>\$ -</u>	<u>\$ 2,149,659.98</u>

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2019 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	167,310.94	-	167,310.94
Agility projects	-	-	-
Cleaning streets and gutters	878,141.48	4,519.09	882,660.57
Winter maintenance services	609,182.33	8,776.19	617,958.52
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	1,596,899.31	(1,533,623.76)	63,275.55
Highway construction and rebuilding projects	-	1,565,001.19	1,565,001.19
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 3,251,534.06</u>	 <u>\$ 44,672.71</u>	 <u>\$ 3,296,206.77</u>

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2019 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, 2019	\$ 2,149,659.98	\$ -	\$ 2,149,659.98
Receipts:			
2. State allocation	3,302,081.39	-	3,302,081.39
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments	34,897.23	-	34,897.23
2c. Miscellaneous	250,330.70	(17,055.12)	233,275.58
3. Total receipts	<u>3,592,029.32</u>	<u>(17,055.12)</u>	<u>3,574,974.20</u>
4. Total funds available	<u>5,741,689.30</u>	<u>(17,055.12)</u>	<u>5,724,634.18</u>
5. Expenditures (Section 1)	<u>3,251,534.06</u>	<u>44,672.71</u>	<u>3,296,206.77</u>
6. Balance, December 31, 2019	<u><u>\$ 2,490,155.24</u></u>	<u><u>\$ (61,727.83)</u></u>	<u><u>\$ 2,428,427.41</u></u>

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2019 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	\$ 2,149,659.98	\$ -	\$ 2,149,659.98
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	661,360.28	-	661,360.28
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	2,811,020.26	-	2,811,020.26
5. Less: Major equipment expenditures	167,310.94	-	167,310.94
6. Remainder	<u>2,643,709.32</u>	<u>-</u>	<u>2,643,709.32</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,490,155.24</u>	<u>\$ (61,727.83)</u>	<u>\$ 2,428,427.41</u>



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2020 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, 2020	\$ 2,490,155.24	\$ (61,727.83)	\$ 2,428,427.41
Receipts:			
2. State allocation	3,221,188.43	-	3,221,188.43
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments	8,552.87	-	8,552.87
2c. Miscellaneous	237,427.40	-	237,427.40
3. Total receipts	<u>3,471,888.70</u>	<u>-</u>	<u>3,471,888.70</u>
4. Total funds available	<u>5,962,043.94</u>	<u>(61,727.83)</u>	<u>5,900,316.11</u>
5. Expenditures (Section 1)	<u>2,901,809.41</u>	<u>(17,293.07)</u>	<u>2,884,516.34</u>
6. Balance, December 31, 2020	<u><u>\$ 3,060,234.53</u></u>	<u><u>\$ (44,434.76)</u></u>	<u><u>\$ 3,015,799.77</u></u>

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2020 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	\$ 2,490,155.24	\$ (61,727.83)	\$ 2,428,427.41
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	645,181.69	-	645,181.69
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	3,135,336.93	(61,727.83)	3,073,609.10
5. Less: Major equipment expenditures	251,558.11	-	251,558.11
6. Remainder	<u>2,883,778.82</u>	<u>(61,727.83)</u>	<u>2,822,050.99</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,883,778.82</u>	<u>\$ (61,727.83)</u>	<u>\$ 2,822,050.99</u>



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

The following information relates to certain types of transactions for which the Pennsylvania Department of Transportation requested that we provide additional detail:

Adjustments

2016 - Section 1

Adjustments were made to “Major equipment purchases” and “Minor equipment purchases” because expenditures of \$65,193.00 were misclassified.

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$763,263.65 were misclassified.

2016 - Section 3

An adjustment of \$65,193.00 was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2016 - Section 1.

2017 - Section 1

Adjustments were made to “Major equipment purchases” and “Minor equipment purchases” because expenditures of \$164,258.00 were misclassified.

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$627,968.80 were misclassified.

2017 - Section 3

An adjustment of \$164,258.00 was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2017 - Section 1.

2018 - Section 1

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$831,064.58 were misclassified.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Adjustments (Continued)

2019 - Section 1

An adjustment of \$4,519.09 was made to “Cleaning streets and gutters” because these expenditures were understated.

An adjustment of \$8,776.19 was made to “Winter maintenance services” because these expenditures were understated.

An adjustment was made to “Maintenance and repair of roads and bridges” because expenditures for highway construction and rebuilding projects of \$1,533,623.76 were misclassified.

An adjustment of \$1,565,001.19 was made to “Highway construction and rebuilding projects” because expenditures of \$1,533,623.76 were misclassified as maintenance and repair of roads and bridges and these expenditures were understated by \$31,377.43.

2019 - Section 2

An adjustment of \$(17,055.12) was made to “Miscellaneous” because these receipts were overstated.

2020 - Section 1

An adjustment of \$(7,249.76) was made to “Cleaning streets and gutters” because these expenditures were overstated.

An adjustment of \$(1,100.01) was made to “Winter maintenance services” because these expenditures were overstated.

An adjustment was made to “Maintenance and repair of roads and bridges” because expenditures for highway construction and rebuilding projects of \$1,326,625.74 were misclassified.

An adjustment of \$1,317,682.44 was made to “Highway construction and rebuilding projects” because expenditures of \$1,326,625.74 were misclassified as maintenance and repair of roads and bridges and these expenditures were overstated by \$8,943.30.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Adjustments (Continued)

2020 - Section 2

An adjustment of \$(61,727.83) was made to “Balance, January 1, 2020” to reflect the adjustment made to the fund balance in 2019 - Section 2.

2020 - Section 3

An adjustment of \$(61,727.83) was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2019 - Section 3.

Miscellaneous Receipts

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

Source	Description	2016	2017	2018	2019	2020
Commonwealth of Pennsylvania	State Aid Pension	\$113,740.80	\$119,294.59	\$135,847.27	\$153,614.97	\$128,019.67
Commonwealth of Pennsylvania	Winter maintenance agreement	68,985.19	71,054.80	89,908.37	79,660.61	109,407.73
Commonwealth of Pennsylvania	Severe weather assistance	-	213,252.62	-	-	-
Commonwealth of Pennsylvania	CDBG reimbursement	-	41,672.43	-	-	-
Equipment fund	Grant	-	-	11,720.68	-	-
Totals		\$182,725.99	\$445,274.44	\$237,476.32	\$233,275.58	\$237,427.40

Allocated Pension Contribution

As part of the benefits paid on behalf of the city’s Street Department employees, the city paid retirement benefits from the Liquid Fuels Tax Fund. During our examination period, the City of Allentown received \$650,517.30 from the Municipal Pension System for the Liquid Fuels Tax Fund portion of the payments to this pension fund. The purpose of this state aid is to defray the city’s pension costs.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
 FOR THE PERIOD  
 JANUARY 1, 2016 TO DECEMBER 31, 2020

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>2016</u>	<u>2017</u>	<u>2018</u>
Financial institution	Bank service charges	<u>\$2,238.09</u>	<u>\$3,851.40</u>	<u>\$731.02</u>

General Obligation Bond

On August 17, 2015, the municipality issued general obligation bonds of \$15,000,000.00 through the Bank of New York Mellon to pay for various city projects. The Liquid Fuels Tax Fund was allocated \$1,000,000.00 from the issued bonds to purchase seven pieces of Liquid Fuels Tax Fund eligible public works equipment. The term of the bond was for 30 years at a variable interest rate and the total debt service to be repaid by the Liquid Fuels Tax Fund is \$1,794,211.00. Principal and interest payments are due annually.

During the current examination period, the municipality paid principal and interest of \$296,774.00 from its Liquid Fuels Tax Fund. These amounts are reflected in the major equipment purchases on the 2016 to 2020 Forms MS-965 - Section 1. The outstanding balance of the loan as of December 31, 2020, was \$1,497,437.00.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDING AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

**Finding - Failure To Obtain Project Approval**

Our examination disclosed that the municipality expended \$553,335.05 in 2016, \$403,301.34 in 2017, \$490,758.50 in 2018, and \$256,459.03 in 2019, for a total of \$1,703,853.92 for paving in excess of one inch on various streets without obtaining the approval of the Department of Transportation. Before paving of one inch in thickness or greater is done the municipality must obtain the approval of the Department of Transportation. However, the municipality did not file an application with the Department of Transportation for the project and also failed to submit specifications for approval.

The Department of Transportation's *Publication 9* contains the policies and procedures for the administration of the Liquid Fuels Tax Fund. *Publication 9*, Chapter Two, Section 2.7.2, states that nonpermissible expenditures include "Construction and reconstruction projects without prior PENNDOT approval."

Additionally, *Publication 9*, Chapter Two, Section 2.8, states, in part:

The following criteria is used to determine when a project is required for work on local roads utilizing Liquid Fuels Tax Funds, when construction, reconstruction and/or resurfacing work exceeds one inch or more in depth as well as other activities.

Bituminous Surface:                    One inch thickness or greater

The city officials stated that this condition occurred because the city was unaware of the project requirements.

The failure to comply with the Department of Transportation's *Publication 9* could result in the municipality having to reimburse \$1,703,853.92 to its Liquid Fuels Tax Fund.

**Recommendations**

We recommend that the municipality reimburse \$1,703,853.92 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that before the municipality expends money on a project, it applies for and obtains prior approval for the project, and when the project is completed, it obtains approval of the completed work.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDING AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

**Finding - Failure To Obtain Project Approval (Continued)**

Management's Response

The municipal officials stated:

The city does not agree with Finding, following prior years' (2015 and prior) audit, the city had no findings. During the exit interview, there was no communication regarding prior approval or allocation of expenditure to incorrect category. Furthermore, audits previous to 2016 did not indicate that procedures were not being followed pursuant to PennDOT guidelines. Previous audits have been approved and at no point in time was it brought to the City's attention that we were doing things incorrectly. Once notified, the city has taken the necessary steps to ensure compliance of Liquid Fuels allowable expenditures. Due to not being notified prior, the city does not feel it is fair to be penalized when these findings were never brought to our attention during previous audits.

Auditor's Conclusion

The city buys the paving materials and city employees do the paving work. During prior examinations, when we asked city officials the nature of work completed with such costs, city officials stated the work was for road maintenance rather than paving in excess of one inch. The documentation available during the prior examinations did not contain enough information to determine the depth of the paving. During the current examination, upon inquiry, city officials stated the work was for paving in excess of one inch. The city's statement that there was no communication regarding prior approval or allocation of expenditures during the exit interview refers to communication during the exit conference for the prior examination. This issue was discussed during the exit conference for the current examination. The Department of Transportation will determine whether the city will be required to reimburse the Liquid Fuels Tax Fund. During our next examination, we will determine if the municipality complied with our recommendations.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATION RECOMMENDATION  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

Summary Of Prior Examination Recommendation

In our prior report, we recommended that the municipality comply with the Department of Transportation's *Publication 9* to ensure that allocations are received during the first week in March.

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

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF ONSITE CLOSEOUT MEETING  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

An onsite closeout meeting was held September 28, 2023. Those participating were:

CITY OF ALLENTOWN

Ms. Bina Patel, Treasury & Accounting Manager

Mr. Mark Shahda, Public Works Director

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Audit Supervisor



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2020

This report was initially distributed to:

**The Honorable Michael Carroll**  
Secretary  
Department of Transportation

**City of Allentown**  
Lehigh County  
435 Hamilton Street  
Allentown, PA 18101

**The Honorable Daryl Hendricks**  
President of Council

**Ms. Bina Patel**  
Treasury & Accounting Manager

**Mr. Mark Shahda**  
Public Works Director

This report is a matter of public record and is available online at [www.PaAuditor.gov](http://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](mailto:news@PaAuditor.gov).