

BERKS COUNTY  
06-000

LIQUID FUELS TAX FUND  
EXAMINATION REPORT

FOR THE YEAR ENDED  
DECEMBER 31, 2007



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BERKS COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

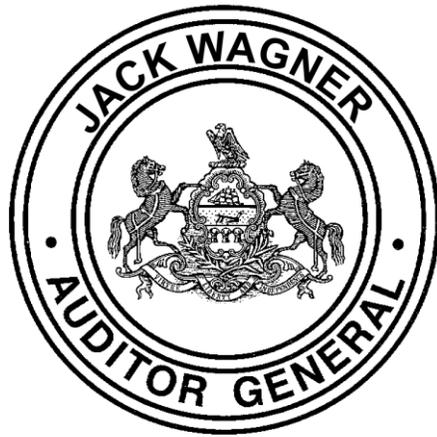
Background

The Liquid Fuels and Fuels Tax Act, Title 75 P.S. § 9010, provides counties with allocations of liquid fuels taxes from the Commonwealth of Pennsylvania's Liquid Fuels Tax Fund in June and December of each year.

The allocations are based on the ratio of a county's average gas consumption in the years 1927, 1928, and 1929 to the total statewide consumption in those years. These allocations must be deposited into a separate fund called the County Liquid Fuels Tax Fund, from which payments may be made for construction, maintenance, and repair of county roads and bridges. Additionally, the Act provides that counties may allocate money from this fund to the political subdivisions within the county for these same purposes. It also allows counties to encumber current funds for future road and bridge construction, reconstruction, and maintenance projects. Furthermore, counties are allowed to use up to ten percent of its Liquid Fuels Tax Fund allocation each year for indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects.

The Department of Transportation has been given the regulatory authority for the administration of these funds. In order to receive Liquid Fuels Tax Funds as scheduled, each county must submit an annual report showing receipts, expenditures, and encumbrances for the preceding 12 months.

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.



## Independent Auditor's Report

The Honorable Allen D. Biehler, P.E.  
Secretary  
Department of Transportation  
Harrisburg, PA 17120

We examined the accompanying Form MS-991 With Adjustments for the Liquid Fuels Tax Fund of Berks County for the year ended December 31, 2007. The county's management is responsible for the Form MS-991. Our responsibility is to express an opinion on the Form MS-991 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 Berks County's Form MS-991 for the year ended December 31, 2007 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 county'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 Form MS-991 With Adjustments are made by the Department of the Auditor General.

In our opinion, the Form MS-991 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of Berks County for the year ended December 31, 2007, in conformity with the criteria set forth in Note 1.

### Independent Auditor's Report (Continued)

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Form MS-991 and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the Form MS-991 is 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 Form MS-991 or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency 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 misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects Berks County's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of Berks County's Form MS-991 that is more than inconsequential will not be prevented or detected by Berks County's internal control.

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Form MS-991 will not be prevented or detected by Berks County's internal control.

Our consideration of internal control over reporting on the Form MS-991 was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any significant deficiencies or material weaknesses, as defined above, in internal control over reporting on the Form MS-991.

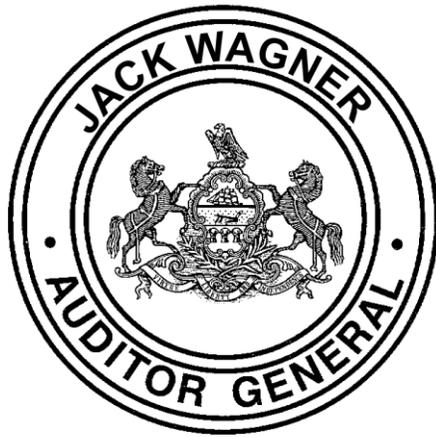
The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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 Berks County and is not intended to be and should not be used by anyone other than these specified parties.

September 18, 2008

JACK WAGNER  
Auditor General



BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Balance, January 1, 2007	\$ 3,612,224.16	\$ -	\$ 3,612,224.16
<u>Receipts:</u>			
State allocations	1,030,724.55	-	1,030,724.55
Interest (Note 3)	151,723.87	31,988.68	183,712.55
Reimbursable agreements (Note 5)	26,413.11	-	26,413.11
Miscellaneous (Note 6)	46,699.55	-	46,699.55
Total receipts	<u>1,255,561.08</u>	<u>31,988.68</u>	<u>1,287,549.76</u>
Total funds available	<u>4,867,785.24</u>	<u>31,988.68</u>	<u>4,899,773.92</u>
<u>Expenditures:</u>			
Construction	110,798.99	-	110,798.99
Maintenance and repair	159,472.91	-	159,472.91
Administrative	90,999.99	-	90,999.99
Grants to political subdivisions	384,375.76	-	384,375.76
Miscellaneous (Bank service charges)	-	5,391.42	5,391.42
Total expenditures	<u>745,647.65</u>	<u>5,391.42</u>	<u>751,039.07</u>
Balance, December 31, 2007	4,122,137.59	26,597.26	4,148,734.85
Unpaid encumbrances (Note 1)	<u>2,953,840.97</u>	-	<u>2,953,840.97</u>
Unencumbered balance, December 31, 2007	<u>\$ 1,168,296.62</u>	<u>\$ 26,597.26</u>	<u>\$ 1,194,893.88</u>

Notes to Form MS-991 With Adjustments are an integral part of this report.

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

1. Criteria

Form MS-991 With Adjustments provides a summary of Liquid Fuels Tax Fund receipts, expenditures, fund balance, encumbrances and unencumbered balance by category. Categories requiring explanation include:

- State allocations are generally received from the Department of Transportation during June and December of each year. The amount the county receives is based on the ratio of a county's average gas consumption in the years 1927, 1928, and 1929 to the total statewide consumption in those years.
- Reimbursable agreements are agreements with the Commonwealth of Pennsylvania or another entity to reimburse the county for money expended for construction, maintenance, and repairs of county roads and bridges.
- Encumbrances are funds reserved for future county road or bridge projects or grants to political subdivisions for these same purposes.

Basis Of Presentation

The financial activities of the county 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 financial presentation has been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the County Liquid Fuels Tax Act of 1931, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Form MS-991 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Form MS-991 With Adjustments is prepared in accordance with the reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenses are recorded when paid. In addition, counties are also permitted to encumber funds for county projects and grants to political subdivisions. As of December 31, 2007, \$2,953,840.97 was encumbered. This amount consists of \$602,316.54 for county projects and \$2,351,524.43 for grants to political subdivisions.

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

1. Criteria (Continued)

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 And Investments

*The County Code*, Title 16 P.S. § 17067, authorizes the county to deposit and invest its funds in the following:

- United States Treasury Bills.
- Short-term obligations of the United States government or its agencies or instrumentalities.
- 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.
- Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.
- Shares of an investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933, provided that the only investments of that company are in authorized investments for county funds.

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

2. Deposits And Investments (Continued)

- Certificates of deposit from institutions having their principal place of business in or outside the Commonwealth of Pennsylvania that are insured by the FDIC or other like insurance. 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's or savings bank's assets minus liabilities.
  
- Commercial paper and prime commercial paper if they meet certain requirements.

Deposits

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.

There were no deposits exposed to custodial credit risk as of December 31, 2007. 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 county's name.

Investments

The county is authorized to invest Liquid Fuels Tax Fund money in legal investments permitted by *The County Code* (see above).

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

2. Deposits And Investments (Continued)

As of December 31, 2007, the county's Liquid Fuels Tax Fund had the following investments:

<u>Investment Type</u>	<u>Maturity Date</u>	<u>Cost</u>	<u>Fair Value</u>
FNMA	02/14/08	\$ 240,615.62	\$ 248,750.00
FHLMC Note	05/23/08	300,768.00	300,420.00
FNMA	05/23/08	716,484.37	737,925.00
FHLMC	08/18/08	238,968.75	243,925.00
FHLB Note	10/18/08	399,759.60	402,320.00
FHLB Note	12/16/08	471,437.50	474,952.50
TIGR Note	05/15/09	228,730.00	239,950.00
Total		<u>\$2,596,763.84</u>	<u>\$2,648,242.50</u>

Explanations of the above Acronyms are as follows:

FNMA (Fannie Mae) – Federal National Mortgage Association securities  
 FHLMC (Freddie Mac) – Home Loan Mortgage Association  
 FHLB – Federal Home Loan Bank  
 TIGR Note – Treasury Bonds with interest coupons removed

There were no investments exposed to custodial credit risk as of December 31, 2007.

The county is required to provide information about the concentration of credit risk. There were no investments exposed to concentration of credit risk.

Fund Balance

The fund balance consists of the following:

Cash	\$1,500,492.35
Investments	<u>2,648,242.50</u>
Total	<u><u>\$4,148,734.85</u></u>

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

3. Interest Earnings

Our examination disclosed that the county deposited idle liquid fuels tax money in interest-bearing accounts and approved investments which earned \$183,712.55 during 2007, thus providing additional funds for road maintenance and repairs.

4. Adjustments

An adjustment of \$31,988.68 was made to "Interest" because interest earnings were understated.

An adjustment of \$5,391.42 was made to "Miscellaneous" because bank service charges were not reported.

5. Reimbursable Agreements

We noted that the county entered into reimbursement agreements with the Department of Transportation for bridge construction. During our current examination period the county received \$26,413.11 as a result of these agreements. As of December 31, 2007, \$3,331.12 is due the Liquid Fuels Tax Fund.

BERKS COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-991 WITH ADJUSTMENTS  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

6. Miscellaneous Receipts

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

<u>Source</u>	<u>Description</u>	<u>Amount</u>
Private concern	Reimbursement for accident	\$ 1,025.00
Insurance company	Reimbursement for accident	13,931.00
Vendor	Refund for street lighting	<u>31,743.55</u>
Total		<u><u>\$46,699.55</u></u>

BERKS COUNTY  
LIQUID FUELS TAX FUND  
COMMENT  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

Comment – Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the county should reimburse \$8,199.95 to its Liquid Fuels Tax Fund for expenditures in excess of the 10 percent limit on indirect/administrative costs.

During our current examination we reviewed a letter dated February 29, 2008, from the Department of Transportation informing the county to reimburse \$8,199.95 to its Liquid Fuels Tax Fund. We noted that the county reimbursed that amount to its Liquid Fuels Tax Fund on March 14, 2008, which was subsequent to our examination period.

In our prior report we also recommended that the county limit all indirect/administrative costs charged to the Liquid Fuels Tax Fund to the 10 percent maximum permitted by the Liquid Fuels and Fuels Tax Act.

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

BERKS COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

An exit conference was held September 18, 2008. Those participating were:

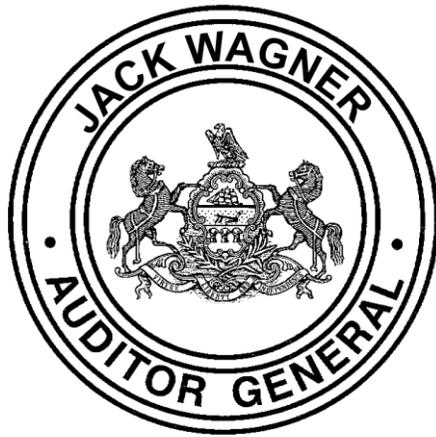
BERKS COUNTY

The Honorable Sandra M. Graffius, Controller  
Mr. Ronald M. Rutkowski, Senior Government Accountant  
William Z. Westcott, P.E., Engineer

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Sandra Gichiengo, Auditor

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



BERKS COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE YEAR ENDED  
DECEMBER 31, 2007

This report was initially distributed to:

The Honorable Allen D. Biehler, P.E.  
Secretary  
Department of Transportation

Berks County  
633 Court Street  
Reading, PA 19601

The Honorable Mark C. Scott	Chairman of the Board of Supervisors
The Honorable Sandra M. Graffius	Controller
The Honorable Nelson H. Long	Treasurer
Mr. Ronald M. Rutkowski	Senior Government Accountant

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. To view this report online or to contact the Department of the Auditor General, please access our web site at [www.auditorgen.state.pa.us](http://www.auditorgen.state.pa.us).