

# ATTESTATION ENGAGEMENT

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Fayette County  
Pennsylvania  
26-000

Liquid Fuels Tax Fund  
Act 44 Tax Fund  
Act 89 Tax Fund  
For the Period

January 1, 2020 to December 31, 2022

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January 2024



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-991 With Adjustments for the Liquid Fuels Tax Fund and the Reports of Act 44 and Act 89 Tax Funds With Adjustments of Fayette County for the period January 1, 2020 to December 31, 2022 (Forms). The county's management is responsible for presenting the Forms 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 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 are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms. 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 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 are made by the Department of the Auditor General.

As discussed in Finding No. 1, the county deposited reimbursements of \$38,214.60 during 2021 and \$124,619.81 during 2022 for invoices paid from its Liquid Fuels Tax Fund into its Act 13 Fund.

## Independent Auditor's Report (Continued)

In our opinion, except for the matter discussed in the preceding paragraph, the Forms present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund, the Act 44 Tax Fund, and the Act 89 Tax Fund of Fayette County for the period January 1, 2020 to December 31, 2022, 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; 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. 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 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 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 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 was for the limited purpose of expressing an opinion on whether the Forms 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 are free from material misstatement, we performed tests of Fayette 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. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

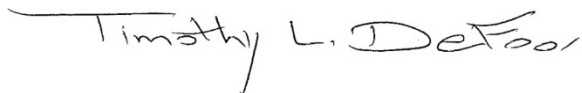
- Liquid Fuels Money Deposited Into The Act 13 Fund.
- Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs.

We also noted a matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the findings below:

- Late Receipt Of Allocation.

The purpose of this report is to determine whether the county's Liquid Fuels Tax Fund, Act 44 Tax Fund, and Act 89 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 Fayette 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  
December 4, 2023

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FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background

*The Vehicle Code* makes provisions and provides funding for the County Liquid Fuels, Act 44, and Act 89 Programs. The Pennsylvania Department of Transportation has regulatory administration and oversight of the funds supporting these county programs. Counties are required to comply with those provisions and to report annually.

*The Vehicle Code* imposes a state tax on liquid fuels and fuels used or sold and delivered by distributors within the Commonwealth (75 Pa. C.S. § 9004(a)). One-half cent of the tax collected on each gallon of liquid fuels is deposited in the Commonwealth's Liquid Fuels Tax Fund. *The Vehicle Code* further provides for the disposition and use of this tax, including the allocations to counties in June and December of each year to fund construction, reconstruction, maintenance and repair of county roads, streets and bridges. The allocation to the respective counties is made in the ratio that the average amount returned to each county during the three preceding years bears to the average amount returned to all counties during the three preceding years (75 Pa C.S. § 9010).

*The Vehicle Code*, as amended by Act 44 of 2007 (July 18, 2007, P.L.169) and Act 89 of 2013 (November 25, 2013, P.L. 169), provides the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund (75 Pa. C.S. § 8915.6(b)(2) and as of July 1, 2014 § 9301(b)). The annual distribution to counties is determined based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of county-owned bridges throughout the Commonwealth. The reporting of the square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

*The Vehicle Code*, as amended by Act 89 of 2013 (November 25, 2013, P.L. 974, No.89) provides for semi-annual allocations to all counties that own public bridges (75 Pa. C.S. § 9502(a)(2)(iv)). These allocations are made on the first business day of June and December each year. The Commonwealth allocates the funds available through Act 89 to counties based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of county-owned bridges throughout the Commonwealth. The reporting of the square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

*Criteria*

A. *The Vehicle Code* prescribes criteria for liquid fuels program funds (75 Pa C.S. § 9010). The Pennsylvania Department of Transportation's *Publication 9* provides more specific policies and procedures to counties for the administration and reporting of the liquid fuels program funds. In the event of any discrepancies between the two, the legislation governs.

(1) Funds received by the counties must be deposited in a special fund designated as the County Liquid Fuels Tax Fund and no other money may be deposited and commingled. Money should be invested to earn interest until expended.

- For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year.

(2) Payments from the special fund may be used for:

- Construction, reconstruction, maintenance and repair of roads, highways, bridges and curb ramps from a road or highway to provide for access by individuals with disabilities consistent with Federal and State law.
- Property damages and compensation of viewers for services in eminent domain proceedings involving roads, highways, and bridges.
- Construction, reconstruction, operation and maintenance of publicly owned ferryboat operations.
- Interest and principal payments on road, bridge, or publicly owned ferryboat operation bonds or sinking fund charges.
- Acquisition, maintenance, repair and operation of traffic signs and signals.
- Erection and maintenance of stop and go signal lights, blinkers and other like traffic control devices.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

- Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects, not to exceed 10 percent of the yearly allocation to the county.
  - Individual vehicle liability insurance for equipment purchased under the fund, not to exceed 10 percent of the yearly allocation to the county.
- (3) Counties may not make expenditures from the special fund for new construction on roads, bridges, curb ramps, or publicly owned ferryboat operations without the approval of the plans for construction by the Pennsylvania Department of Transportation. And counties may not allocate money from the special fund to political subdivisions within the county until the application and the contracts or plans for the proposed expenditures have been made on a form prescribed by the Pennsylvania Department of Transportation.
- (4) Counties may encumber current funds for future road and bridge construction, reconstruction, and maintenance projects including viable municipal projects. Counties must redistribute any unencumbered balance in the special fund to political subdivisions if the unencumbered balance is more than the county's receipts during the preceding twelve month period.
- (5) Counties must submit a report to the Pennsylvania Department of Transportation by January 31 for the period ending December 31 on prescribed Form MS-991, The Report of County Liquid Fuels Tax Fund, showing the receipts and expenditures of the money received by the county from the Commonwealth. Upon failure to file the report or instances of any non-compliant payments, allocations, or expenditures, the Pennsylvania Department of Transportation may withhold further funding until the delinquent report is filed, the money is allocated, or the expenditures for the prior 12 months are approved.
- B. *The Vehicle Code*, as amended by Act 44 of 2007 (July 18, 2007, P.L. 169) and Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund. The County's Act 44 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.



FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

(1) Funds received by the counties must be deposited in a special fund designated as the County Act 44 Fund and no other money may be deposited and commingled. (Note: Act 44 and Act 89 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.

- For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the Act 44 tax funds to be received during the current calendar year.

(2) Payments from the special fund may be used for:

- Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
- Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.
- County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
- Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
- Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 44 Fund.
- Inspection costs associated with bridges.
- Purchase of right-of-way for bridge construction, reconstruction, or maintenance.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
  - (4) In order to receive Act 44 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.
- C. *The Vehicle Code*, as amended by Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 89 funds distributed to the counties from the Department of Transportation. The County's Act 89 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.
- (1) Funds received by the counties must be deposited in a special fund designated as the County Act 89 Fund and no other money may be deposited and commingled. (Note: Act 89 and Act 44 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.
    - For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the Act 44 tax funds to be received during the current calendar year.
  - (2) Payments from the special fund may be used for:
    - Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
    - Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

- County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
  - Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
  - Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 89 Fund.
  - Inspection costs associated with bridges.
  - Purchase of right-of-way for bridge construction, reconstruction, or maintenance.
- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
- (4) In order to receive Act 89 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

*Basis Of Presentation*

In accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation, the Forms MS-991 With Adjustments and the Reports of Act 44 and Act 89 Tax Funds With Adjustments do not constitute complete financial presentations of the county's assets, liabilities, expenses, and fund balance but include the receipts, expenditures, and fund balances of the County Liquid Fuels Tax Fund, the County Act 44 Tax Fund, and the County Act 89 Tax Fund, respectively.

The Pennsylvania Department of Transportation prescribes that the county report the following on the Form MS-991, *Report of County Liquid Fuels Tax Fund*:

- A. The balance in the County Liquid Fuels Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Liquid Fuels Tax Fund allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Accounts receivable (to be realized within 60 days of the year end).
- D. Total Liquid Fuels Tax funds available for expenditure and encumbrances.
- E. Expenditures for county-owned roads, highways, and bridges.
- F. Accounts payable (accrued wages, accrued payroll taxes, and accounts payable vendors to be realized within 60 days of the year end).
- G. The balance in the fund at the close of the report calendar year.
- H. Encumbered and unencumbered balances on hand at the close of the report calendar year.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

Background (Continued)

The Pennsylvania Department of Transportation prescribes that the county report the following on the Reports Of Act 44 Tax Fund and Act 89 Tax Fund:

- A. The balance in the County Act 44 and Act 89 Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Act 44 and Act 89 allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Total Act 44 and Act 89 funds available for expenditure.
- D. Expenditures for county-owned bridges.
- E. The balance in the fund at the close of the report calendar year.

*Basis Of Accounting*

The accompanying Forms MS-991 With Adjustments, Report of Act 44 Tax Fund With Adjustments, and Report of Act 89 Tax Fund 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.

FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2020 FORM MS-991 WITH ADJUSTMENTS

|   | Reported      | Adjustments | Adjusted<br>Amount |
|---|---------------|-------------|--------------------|
| Actual balance in county Liquid<br>Fuels Tax Fund on January 1, 2020        | \$ 338,610.06 | \$ -        | \$ 338,610.06      |
| <u>Receipts:</u>  |               |             |                    |
| Liquid Fuels Tax Funds received<br>from Commonwealth                        | 445,945.09    | -           | 445,945.09         |
| Interest  | 1,472.56      | -           | 1,472.56           |
| Reimbursable agreements   | -             | -           | -                  |
| Miscellaneous   | 24,290.23     | -           | 24,290.23          |
|   | 471,707.88    | -           | 471,707.88         |
| Total receipts  |               |             |                    |
| Total Liquid Fuels Tax Funds available<br>for expenditures and encumbrances | 810,317.94    | -           | 810,317.94         |
| <u>Expenditures:</u>  |               |             |                    |
| Administrative  | 61,943.93     | -           | 61,943.93          |
| Minor equipment purchases   | 1,595.83      | -           | 1,595.83           |
| County aid payments   | -             | -           | -                  |
| Major equipment expenditures  | 3,205.00      | -           | 3,205.00           |
| Street cleaning and gutters   | -             | -           | -                  |
| Winter maintenance services   | 3,121.11      | -           | 3,121.11           |
| Traffic control devices   | 526.23        | -           | 526.23             |
| Street lighting   | 2,169.74      | -           | 2,169.74           |
| Storm sewers and drains   | -             | -           | -                  |
| Repairs of tools and machinery  | 13,346.89     | -           | 13,346.89          |
| Maintenance and repairs - roads and<br>bridges                              | 380,610.88    | -           | 380,610.88         |
| Highway construction and rebuilding<br>projects                             | -             | -           | -                  |
| Miscellaneous   | -             | -           | -                  |
|   | 466,519.61    | -           | 466,519.61         |
| Total expenditures  |               |             |                    |
| Remaining funds available as of<br>December 31, 2020                        | \$ 343,798.33 | \$ -        | \$ 343,798.33      |

FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2020 FORM MS-991 WITH ADJUSTMENTS

2020 Form MS-991 With Adjustments (Continued)

|  | Reported          | Adjustments | Adjusted<br>Amount |
|--|-------------------|-------------|--------------------|
| <u>Approved future year receipts and<br/>expenditures</u>                  |                   |             |                    |
| Accounts receivable  | \$ -              | \$ -        | \$ -               |
| Accounts payable   | -                 | -           | -                  |
| Unpaid encumbrances  | -                 | -           | -                  |
| Unpaid county aid grants   | -                 | -           | -                  |
|  |                   |             |                    |
| Total approved future year receipts<br>and expenditures                    | -                 | -           | -                  |
| <br>Year end balance available for future<br>years as of December 31, 2020 | <br>\$ 343,798.33 | <br>\$ -    | <br>\$ 343,798.33  |
|  |                   |             |                    |

FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2021 FORM MS-991 WITH ADJUSTMENTS

|   | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|---|----------------------|--------------------|----------------------------|
| Actual balance in county Liquid<br>Fuels Tax Fund on January 1, 2021        | \$ 343,798.33        | \$ -               | \$ 343,798.33              |
| <u>Receipts:</u>  |                      |                    |                            |
| Liquid Fuels Tax Funds received<br>from Commonwealth                        | 447,353.72           | -                  | 447,353.72                 |
| Interest  | 531.20               | -                  | 531.20                     |
| Reimbursable agreements   | -                    | -                  | -                          |
| Miscellaneous   | 23,825.66            | -                  | 23,825.66                  |
| Total receipts  | <u>471,710.58</u>    | <u>-</u>           | <u>471,710.58</u>          |
| Total Liquid Fuels Tax Funds available<br>for expenditures and encumbrances | <u>815,508.91</u>    | <u>-</u>           | <u>815,508.91</u>          |
| <u>Expenditures:</u>  |                      |                    |                            |
| Administrative  | 67,153.11            | (415.15)           | 66,737.96                  |
| Minor equipment purchases   | -                    | -                  | -                          |
| County aid payments   | -                    | -                  | -                          |
| Major equipment expenditures  | -                    | -                  | -                          |
| Street cleaning and gutters   | -                    | -                  | -                          |
| Winter maintenance services   | 2,365.80             | -                  | 2,365.80                   |
| Traffic control devices   | 1,770.50             | -                  | 1,770.50                   |
| Street lighting   | 2,099.70             | -                  | 2,099.70                   |
| Storm sewers and drains   | -                    | -                  | -                          |
| Repairs of tools and machinery  | 11,142.46            | -                  | 11,142.46                  |
| Maintenance and repairs - roads and<br>bridges                              | 333,195.10           | -                  | 333,195.10                 |
| Highway construction and rebuilding<br>projects                             | 38,214.60            | -                  | 38,214.60                  |
| Miscellaneous   | -                    | -                  | -                          |
| Total expenditures  | <u>455,941.27</u>    | <u>(415.15)</u>    | <u>455,526.12</u>          |
| Remaining funds available as of<br>December 31, 2021                        | <u>\$ 359,567.64</u> | <u>\$ 415.15</u>   | <u>\$ 359,982.79</u>       |



FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2021 FORM MS-991 WITH ADJUSTMENTS

2021 Form MS-991 With Adjustments (Continued)

|  | Reported          | Adjustments   | Adjusted<br>Amount |
|--|-------------------|---------------|--------------------|
| <u>Approved future year receipts and<br/>expenditures</u>                  |                   |               |                    |
| Accounts receivable  | \$ -              | \$ -          | \$ -               |
| Accounts payable   | -                 | -             | -                  |
| Unpaid encumbrances  | -                 | -             | -                  |
| Unpaid county aid grants   | -                 | -             | -                  |
|  |                   |               |                    |
| Total approved future year receipts<br>and expenditures                    | -                 | -             | -                  |
| <br>Year end balance available for future<br>years as of December 31, 2021 | <br>\$ 359,567.64 | <br>\$ 415.15 | <br>\$ 359,982.79  |
|  |                   |               |                    |

FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2022 FORM MS-991 WITH ADJUSTMENTS

|   | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|---|----------------------|--------------------|----------------------------|
| Actual balance in county Liquid<br>Fuels Tax Fund on January 1, 2022        | \$ 359,567.64        | \$ 415.15          | \$ 359,982.79              |
| <u>Receipts:</u>  |                      |                    |                            |
| Liquid Fuels Tax Funds received<br>from Commonwealth                        | 458,219.60           | -                  | 458,219.60                 |
| Interest  | 1,650.88             | -                  | 1,650.88                   |
| Reimbursable agreements   | -                    | -                  | -                          |
| Miscellaneous   | 44,246.49            | -                  | 44,246.49                  |
| Total receipts  | <u>504,116.97</u>    | <u>-</u>           | <u>504,116.97</u>          |
| Total Liquid Fuels Tax Funds available<br>for expenditures and encumbrances | <u>863,684.61</u>    | <u>415.15</u>      | <u>864,099.76</u>          |
| <u>Expenditures:</u>  |                      |                    |                            |
| Administrative  | 43,537.61            | 415.15             | 43,952.76                  |
| Minor equipment purchases   | 515.00               | -                  | 515.00                     |
| County aid payments   | -                    | -                  | -                          |
| Major equipment expenditures  | -                    | -                  | -                          |
| Street cleaning and gutters   | -                    | -                  | -                          |
| Winter maintenance services   | 3,284.51             | -                  | 3,284.51                   |
| Traffic control devices   | -                    | -                  | -                          |
| Street lighting   | 2,553.63             | -                  | 2,553.63                   |
| Storm sewers and drains   | -                    | -                  | -                          |
| Repairs of tools and machinery  | 16,003.86            | (6.06)             | 15,997.80                  |
| Maintenance and repairs - roads and<br>bridges                              | 323,094.49           | -                  | 323,094.49                 |
| Highway construction and rebuilding<br>projects                             | 67,752.08            | 47,855.36          | 115,607.44                 |
| Miscellaneous   | 47,855.36            | (47,855.36)        | -                          |
| Total expenditures  | <u>504,596.54</u>    | <u>409.09</u>      | <u>505,005.63</u>          |
| Remaining funds available as of<br>December 31, 2022                        | <u>\$ 359,088.07</u> | <u>\$ 6.06</u>     | <u>\$ 359,094.13</u>       |

FAYETTE COUNTY  
LIQUID FUELS TAX FUND  
2022 FORM MS-991 WITH ADJUSTMENTS

2022 Form MS-991 With Adjustments (Continued)

|   | Reported          | Adjustments | Adjusted<br>Amount |
|---|-------------------|-------------|--------------------|
| <u>Approved future year receipts and expenditures</u>                   |                   |             |                    |
| Accounts receivable   | \$ -              | \$ -        | \$ -               |
| Accounts payable  | -                 | -           | -                  |
| Unpaid encumbrances   | -                 | -           | -                  |
| Unpaid county aid grants  | -                 | -           | -                  |
|   | -                 | -           | -                  |
| <br>Total approved future year receipts and expenditures                | <br>-             | <br>-       | <br>-              |
| <br>Year end balance available for future years as of December 31, 2022 | <br>\$ 359,088.07 | <br>\$ 6.06 | <br>\$ 359,094.13  |
|   | \$ 359,088.07     | \$ 6.06     | \$ 359,094.13      |

FAYETTE COUNTY  
2020 REPORT OF ACT 44 TAX FUND  
WITH ADJUSTMENTS

|   | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|---|----------------------|--------------------|----------------------------|
| Balance, January 1, 2020                        | \$ 362,132.05        | \$ -               | \$ 362,132.05              |
| <u>Receipts:</u>                                |                      |                    |                            |
| Act 44 Funds                                    | 41,753.13            | -                  | 41,753.13                  |
| Interest  | 1,712.12             | -                  | 1,712.12                   |
| Reimbursable agreements                         | -                    | -                  | -                          |
| Miscellaneous                                   | -                    | -                  | -                          |
| Total receipts                                  | <u>43,465.25</u>     | <u>-</u>           | <u>43,465.25</u>           |
| Total funds available                           | <u>405,597.30</u>    | <u>-</u>           | <u>405,597.30</u>          |
| <u>Expenditures:</u>                            |                      |                    |                            |
| Administrative                                  | -                    | -                  | -                          |
| Minor Equipment Purchases                       | -                    | -                  | -                          |
| Major Equipment Purchases                       | 130,150.00           | -                  | 130,150.00                 |
| Street Cleaning and Gutters                     | -                    | -                  | -                          |
| Traffic Control Devices                         | -                    | -                  | -                          |
| Street Lighting                                 | -                    | -                  | -                          |
| Storm Sewers and Drains                         | -                    | -                  | -                          |
| Repairs of Tools and Machinery                  | 3,261.45             | -                  | 3,261.45                   |
| Maintenance and Repairs-<br>Roads and Bridges   | 1,440.00             | -                  | 1,440.00                   |
| Highway Construction and<br>Rebuilding Projects | -                    | -                  | -                          |
| Miscellaneous                                   | -                    | -                  | -                          |
| Total expenditures                              | <u>134,851.45</u>    | <u>-</u>           | <u>134,851.45</u>          |
| Balance, December 31, 2020                      | <u>\$ 270,745.85</u> | <u>\$ -</u>        | <u>\$ 270,745.85</u>       |

FAYETTE COUNTY  
2021 REPORT OF ACT 44 TAX FUND  
WITH ADJUSTMENTS

|   | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|---|----------------------|--------------------|----------------------------|
| Balance, January 1, 2021                        | \$ 270,745.85        | \$ -               | \$ 270,745.85              |
| <u>Receipts:</u>                                |                      |                    |                            |
| Act 44 Funds                                    | 41,809.26            | -                  | 41,809.26                  |
| Interest  | 541.05               | -                  | 541.05                     |
| Reimbursable agreements                         | -                    | -                  | -                          |
| Miscellaneous                                   | -                    | -                  | -                          |
| Total receipts                                  | <u>42,350.31</u>     | <u>-</u>           | <u>42,350.31</u>           |
| Total funds available                           | <u>313,096.16</u>    | <u>-</u>           | <u>313,096.16</u>          |
| <u>Expenditures:</u>                            |                      |                    |                            |
| Administrative                                  | -                    | -                  | -                          |
| Minor Equipment Purchases                       | 4,000.00             | -                  | 4,000.00                   |
| Major Equipment Purchases                       | -                    | -                  | -                          |
| Street Cleaning and Gutters                     | -                    | -                  | -                          |
| Traffic Control Devices                         | -                    | -                  | -                          |
| Street Lighting                                 | -                    | -                  | -                          |
| Storm Sewers and Drains                         | -                    | -                  | -                          |
| Repairs of Tools and Machinery                  | 1,254.10             | -                  | 1,254.10                   |
| Maintenance and Repairs-<br>Roads and Bridges   | 3,475.00             | -                  | 3,475.00                   |
| Highway Construction and<br>Rebuilding Projects | -                    | -                  | -                          |
| Miscellaneous                                   | -                    | -                  | -                          |
| Total expenditures                              | <u>8,729.10</u>      | <u>-</u>           | <u>8,729.10</u>            |
| Balance, December 31, 2021                      | <u>\$ 304,367.06</u> | <u>\$ -</u>        | <u>\$ 304,367.06</u>       |

FAYETTE COUNTY  
2022 REPORT OF ACT 44 TAX FUND  
WITH ADJUSTMENTS

|                                | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|--------------------------------|----------------------|--------------------|----------------------------|
| Balance, January 1, 2022       | \$ 304,367.06        | \$ -               | \$ 304,367.06              |
| <u>Receipts:</u>               |                      |                    |                            |
| Act 44 Funds                   | 41,885.93            | -                  | 41,885.93                  |
| Interest                       | 1,873.40             | -                  | 1,873.40                   |
| Reimbursable agreements        | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total receipts                 | <u>43,759.33</u>     | <u>-</u>           | <u>43,759.33</u>           |
| Total funds available          | <u>348,126.39</u>    | <u>-</u>           | <u>348,126.39</u>          |
| <u>Expenditures:</u>           |                      |                    |                            |
| Administrative                 | -                    | -                  | -                          |
| Minor Equipment Purchases      | -                    | -                  | -                          |
| Major Equipment Purchases      | 57,697.47            | -                  | 57,697.47                  |
| Street Cleaning and Gutters    | -                    | -                  | -                          |
| Traffic Control Devices        | -                    | -                  | -                          |
| Street Lighting                | -                    | -                  | -                          |
| Storm Sewers and Drains        | -                    | -                  | -                          |
| Repairs of Tools and Machinery | -                    | -                  | -                          |
| Maintenance and Repairs-       |                      |                    |                            |
| Roads and Bridges              | -                    | -                  | -                          |
| Highway Construction and       |                      |                    |                            |
| Rebuilding Projects            | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total expenditures             | <u>57,697.47</u>     | <u>-</u>           | <u>57,697.47</u>           |
| Balance, December 31, 2022     | <u>\$ 290,428.92</u> | <u>\$ -</u>        | <u>\$ 290,428.92</u>       |

FAYETTE COUNTY  
2020 REPORT OF ACT 89 TAX FUND  
WITH ADJUSTMENTS

|                                | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|--------------------------------|----------------------|--------------------|----------------------------|
| Balance, January 1, 2020       | \$ 394,033.35        | \$ -               | \$ 394,033.35              |
| <u>Receipts:</u>               |                      |                    |                            |
| Act 89 Funds                   | 74,123.73            | -                  | 74,123.73                  |
| Interest                       | 2,119.82             | -                  | 2,119.82                   |
| Reimbursable agreements        | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total receipts                 | <u>76,243.55</u>     | <u>-</u>           | <u>76,243.55</u>           |
| Total funds available          | <u>470,276.90</u>    | <u>-</u>           | <u>470,276.90</u>          |
| <u>Expenditures:</u>           |                      |                    |                            |
| Administrative                 | -                    | -                  | -                          |
| Minor Equipment Purchases      | -                    | -                  | -                          |
| Major Equipment Purchases      | -                    | -                  | -                          |
| Street Cleaning and Gutters    | -                    | -                  | -                          |
| Traffic Control Devices        | 501.26               | -                  | 501.26                     |
| Street Lighting                | -                    | -                  | -                          |
| Storm Sewers and Drains        | -                    | -                  | -                          |
| Repairs of Tools and Machinery | -                    | -                  | -                          |
| Maintenance and Repairs-       |                      |                    |                            |
| Roads and Bridges              | -                    | -                  | -                          |
| Highway Construction and       |                      |                    |                            |
| Rebuilding Projects            | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total expenditures             | <u>501.26</u>        | <u>-</u>           | <u>501.26</u>              |
| Balance, December 31, 2020     | <u>\$ 469,775.64</u> | <u>\$ -</u>        | <u>\$ 469,775.64</u>       |

FAYETTE COUNTY  
2021 REPORT OF ACT 89 TAX FUND  
WITH ADJUSTMENTS

|                                | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|--------------------------------|----------------------|--------------------|----------------------------|
| Balance, January 1, 2021       | \$ 469,775.64        | \$ -               | \$ 469,775.64              |
| <u>Receipts:</u>               |                      |                    |                            |
| Act 89 Funds                   | 81,142.30            | -                  | 81,142.30                  |
| Interest                       | 973.47               | -                  | 973.47                     |
| Reimbursable agreements        | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total receipts                 | <u>82,115.77</u>     | <u>-</u>           | <u>82,115.77</u>           |
| Total funds available          | <u>551,891.41</u>    | <u>-</u>           | <u>551,891.41</u>          |
| <u>Expenditures:</u>           |                      |                    |                            |
| Administrative                 | -                    | -                  | -                          |
| Minor Equipment Purchases      | -                    | -                  | -                          |
| Major Equipment Purchases      | 71,642.00            | -                  | 71,642.00                  |
| Street Cleaning and Gutters    | -                    | -                  | -                          |
| Traffic Control Devices        | 2,420.20             | -                  | 2,420.20                   |
| Street Lighting                | -                    | -                  | -                          |
| Storm Sewers and Drains        | -                    | -                  | -                          |
| Repairs of Tools and Machinery | -                    | -                  | -                          |
| Maintenance and Repairs-       |                      |                    |                            |
| Roads and Bridges              | -                    | -                  | -                          |
| Highway Construction and       |                      |                    |                            |
| Rebuilding Projects            | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total expenditures             | <u>74,062.20</u>     | <u>-</u>           | <u>74,062.20</u>           |
| Balance, December 31, 2021     | <u>\$ 477,829.21</u> | <u>\$ -</u>        | <u>\$ 477,829.21</u>       |



FAYETTE COUNTY  
2022 REPORT OF ACT 89 TAX FUND  
WITH ADJUSTMENTS

|                                | <u>Reported</u>      | <u>Adjustments</u> | <u>Adjusted<br/>Amount</u> |
|--------------------------------|----------------------|--------------------|----------------------------|
| Balance, January 1, 2022       | \$ 477,829.21        | \$ -               | \$ 477,829.21              |
| <u>Receipts:</u>               |                      |                    |                            |
| Act 89 Funds                   | 79,047.05            | -                  | 79,047.05                  |
| Interest                       | 3,751.55             | -                  | 3,751.55                   |
| Reimbursable agreements        | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total receipts                 | <u>82,798.60</u>     | <u>-</u>           | <u>82,798.60</u>           |
| Total funds available          | <u>560,627.81</u>    | <u>-</u>           | <u>560,627.81</u>          |
| <u>Expenditures:</u>           |                      |                    |                            |
| Administrative                 | -                    | -                  | -                          |
| Minor Equipment Purchases      | -                    | -                  | -                          |
| Major Equipment Purchases      | -                    | -                  | -                          |
| Street Cleaning and Gutters    | -                    | -                  | -                          |
| Traffic Control Devices        | 4,499.15             | -                  | 4,499.15                   |
| Street Lighting                | -                    | -                  | -                          |
| Storm Sewers and Drains        | -                    | -                  | -                          |
| Repairs of Tools and Machinery | -                    | -                  | -                          |
| Maintenance and Repairs-       |                      |                    |                            |
| Roads and Bridges              | -                    | -                  | -                          |
| Highway Construction and       |                      |                    |                            |
| Rebuilding Projects            | -                    | -                  | -                          |
| Miscellaneous                  | -                    | -                  | -                          |
| Total expenditures             | <u>4,499.15</u>      | <u>-</u>           | <u>4,499.15</u>            |
| Balance, December 31, 2022     | <u>\$ 556,128.66</u> | <u>\$ -</u>        | <u>\$ 556,128.66</u>       |

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

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

Adjustments

2021 Form MS-991

An adjustment of \$(415.15) was made to “Administrative” because expenditures that were paid during 2022 were erroneously reported as paid during 2021.

2022 Form MS-991

An adjustment of \$415.15 was made to “Balance, January 1, 2022” to reflect the adjustment made to the fund balance in 2021.

An adjustment of \$415.15 was made to “Administrative” because expenditures that were paid during 2022 were erroneously reported as paid during 2021.

An adjustment of \$(6.06) was made to “Repairs of tools and machinery” because check No. 14330 was voided but was included as an expenditure.

Adjustments were made to “Highway construction and rebuilding projects” and “Miscellaneous” because expenditures of \$47,855.36 were misclassified.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

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>2020</u>        | <u>2021</u>        | <u>2022</u>        |
|----------------------------------|--|--------------------|--------------------|--------------------|
| Act 13 Fund                      | Grant                                  | \$ 3,940.23        | \$ -               | \$ -               |
| General Fund                     | Reimbursement for administrative costs | 20,350.00          | 20,660.00          | 37,646.49          |
| Vendor                           | Returned items                         | -                  | 25.66              | -                  |
| Fayette County Behavioral Health | Reimbursement for snow removal         | -                  | 1,740.00           | 1,475.00           |
| Fayette County CYS               | Reimbursement for snow removal         | -                  | 1,400.00           | 1,475.00           |
| Fayette County Recycling Center  | Reimbursement for snow removal         | -                  | -                  | 650.00             |
| General Fund                     | Reimbursement (Finding No. 2)          | -                  | -                  | 3,000.00           |
| Totals                           |  | <u>\$24,290.23</u> | <u>\$23,825.66</u> | <u>\$44,246.49</u> |

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 1 - Liquid Fuels Money Deposited Into The Act 13 Fund**

Our examination disclosed that the county deposited \$38,214.60 during 2021 and \$124,619.81 during 2022 into its Act 13 Fund for reimbursements from the Commonwealth of Pennsylvania for invoices paid from the county's Liquid Fuels Tax Fund for bridge project No. 18-26000-002. Because the invoices were paid from the county's Liquid Fuels Tax Fund, the reimbursements should have been deposited into its Liquid Fuels Tax Fund.

The practice of depositing liquid fuels money into any account other than the Liquid Fuels Tax Fund account is contrary to the Liquid Fuels and Fuels Tax Act, 75 Pa. C.S.A. § 9010(b)(2), which states, in part:

All money received by the counties...shall be deposited and maintained in a special fund designated as the County Liquid Fuels Tax Fund. No other money shall be deposited and commingled into the County Liquid Fuels Tax Fund, except in a county which does not have sufficient money in such special fund to provide for payments designated in the current annual budget.

When Liquid Fuels Tax Fund money is commingled with the Act 13 Fund or other funds, the potential for Liquid Fuels Tax Fund money to be used for unauthorized purposes increases significantly.

The failure to comply with the Liquid Fuels and Fuels Tax Act could result in the county having to reimburse \$162,834.41 to its Liquid Fuels Tax Fund.

The county officials stated that this condition occurred because the consulting engineer who was handling this project did not communicate with the accounting staff in the county to determine the correct fund to deposit the reimbursements.

**Recommendations**

We recommend that the county reimburse \$162,834.41 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the county deposit all reimbursements received for invoices paid from the county's Liquid Fuels Tax Fund promptly into the Liquid Fuels Tax Fund.

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 1 - Liquid Fuels Money Deposited Into The Act 13 Fund (Continued)**

Management's Response

The Chief Financial Consultant and Chief Accountant stated:

I am fully in agreement with this finding. The problem why this occurred was the consulting engineer who was handling this did not communicate with the accounting staff in the county. There will be internal controls procedures on this matter so this will not happen again on any major liquid fuels project.

Auditor's Conclusion

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

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 2 - Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs**

Our examination disclosed that the county expended a total of \$66,737.96 from the Liquid Fuels Tax Fund in the 2021 calendar year for indirect/administrative costs, which was greater than 10 percent of the yearly Liquid Fuels Tax Fund allocation of \$447,353.72 to the county.

The Liquid Fuels and Fuels Tax Act of 75 Pa. C.S.A. § 9010(b)(2)(i)(G) permits the use of county liquid fuels tax funds for “Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects. . .” However, the use of liquid fuels tax funds for indirect costs “. . . may not exceed 10% of the yearly allocation to the county.” By way of correspondence to county liquid fuels tax fund administrators dated October 28, 1994, and other correspondence, the Department of Transportation explained the use of county Liquid Fuels Tax Fund money for documented, permissible indirect costs.

The indirect/administrative costs charged to the Liquid Fuels Tax Fund by the county during 2021 were as follows:

| Description   | Amount             |
|---|--------------------|
| Utilities   | \$ 6,346.71        |
| Security systems                                      | 475.82             |
| Office supplies                                       | 296.42             |
| Wages   | 56,732.27          |
| Cell phone/landline phone                             | 1,534.28           |
| Trash services  | 1,101.77           |
| Life insurance  | 250.69             |
|   | <hr/>              |
| Total indirect/administrative costs                   | 66,737.96          |
|   | <hr/>              |
| Less 10% permissible amount                           | 44,735.37          |
|   | <hr/>              |
| Excess expenditures for indirect/administrative costs | <u>\$22,002.59</u> |

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 2 - Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs (Continued)**

On September 24, 2021, and March 8, 2022, the county reimbursed 20,660.00 and \$3,000.00 to its Liquid Fuels Tax Fund, which exceeded the over expenditure by \$1,657.41.

The county officials stated that this condition occurred because the county expended liquid fuels money on invoices that were meant to be paid from the General Fund.

Recommendation

We recommend 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.

Management's Response

The Chief Financial Consultant and Chief Accountant stated:

Agree with the ten percent limit on indirect/administrative cost finding. There is a procedure in place on the 10 percent administrative cost review. The Controller paid invoices in Liquid Fuels instead of General Fund which caused the overage.

Auditor's Conclusion

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

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 3 - Late Receipt Of Allocation**

Our examination disclosed that the June 2022 Liquid Fuels Tax Fund allocation of \$224,207.32, which should have been distributed from the Department of Transportation to the county during the first week of June of that year, was not received until September 12, 2022.

The county failed to comply with the Department of Transportation's *Publication 9*, Chapter One, Section 1.4, which states:

To qualify for the semiannual liquid fuels tax allocation, a county shall:

- Submit annual report showing the receipts, expenditures, and encumbrances for the preceding 12 months (See MS-991 Report of County Liquid Fuels Tax Fund in Section 1.8, Reporting Requirements.)
- Make deposits and payments or expenditures in accordance with the Act (See Section 1.6, Appropriate Use of Funds.) Failure to do so may result in the county not receiving allocations until such deficiencies are resolved.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
- 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's Financial Consultants.

Because the county failed to file documents and information timely as noted above, the county did not have use of the 2022 allocation for more than three months. Furthermore, had the allocation been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

The county officials stated that this condition occurred due to the county's municipal services representative requesting additional documentation from the county to support the 2022 MS-991 before approving the release of the allocation.



FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

**Finding No. 3 - Late Receipt Of Allocation (Continued)**

Recommendation

We recommend that the county comply with the Department of Transportation's *Publication 9* to ensure that the allocations are received during the first week in June as outlined above.

Managements Response

The Chief Financial Consultant and Chief Accountant stated:

Agree with Finding No. 3. The report was compiled and submitted by the due date. The municipal services representative that was reviewing it delayed acceptance until some of the expenditure items were reclassified.

Auditor's Conclusion:

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

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
SUMMARY OF ONSITE CLOSEOUT MEETING  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

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

FAYETTE COUNTY

Ms. Rebecca M. Medlock, Chief Accountant

Mr. Samuel J. Lynch, Jr., Chief Financial Consultant

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Brian Delaney, CFE, Audit Supervisor

FAYETTE COUNTY  
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2020 TO DECEMBER 31, 2022

This report was initially distributed to:

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

**Fayette County**  
61 East Main Street  
Uniontown, PA 15401

**The Honorable Dave Lohr**  
Chairman of the Board of Commissioners

**The Honorable Melissa Tzan**  
Treasurer

**The Honorable Scott T. Abraham**  
Controller

**Ms. Rebecca M. Medlock**  
Chief Accountant

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).