

ATTESTATION ENGAGEMENT

Juniata County
Pennsylvania
34-000
Liquid Fuels Tax Fund
For the Period
January 1, 2019 to December 31, 2021

July 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-991 With Adjustments for the Liquid Fuels Tax Fund of Juniata County for the period January 1, 2019 to December 31, 2021 (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. Those standards require that we plan and perform the examination 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 relevant ethical requirements relating to 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.

In our opinion, the Forms present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of Juniata County for the period January 1, 2019 to December 31, 2021, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

Independent Auditor's Report (Continued)

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; 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. 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.

As part of obtaining reasonable assurance about whether the Forms are free from material misstatement, we performed tests of Juniata 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note a matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

- Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs.

Independent Auditor's Report (Continued)

The purpose of this report is to determine whether the county'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 Juniata 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.

A handwritten signature in black ink that reads "Timothy L. DeFoor". The signature is written in a cursive style with a long horizontal line extending to the left of the first letter.

Timothy L. DeFoor
Auditor General
June 29, 2023

CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2019 Form MS-991 With Adjustments	5
2020 Form MS-991 With Adjustments	6
2021 Form MS-991 With Adjustments	7
Auditor Description Of Select Transactions.....	8
Finding And Recommendations:	
Finding - Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs	10
Summary Of Exit Conference.....	12
Report Distribution	13

JUNIATA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Background

The Vehicle Code makes provisions and provides funding for the County Liquid Fuels Program. 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).

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.
- Costs of property damages resulting from road and/or bridge construction, reconstruction, or maintenance; and compensation of viewers for services in eminent domain proceedings involving roads, highways, and bridges.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Background (Continued)

Criteria (Continued)

- Ferryboat operations, where applicable.
 - Interest and principal payments on road or bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.
 - Acquisition, maintenance, repair, electrification, and operation of traffic signs and traffic signal control systems at intersections and/or railroad crossings.
 - Erection of street name signs, traffic directing signs, and traffic control systems.
 - Administrative costs, including benefits, 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.
 - Indirect engineering and transportation planning costs, not to exceed 10 percent of the yearly allocation to the county.
 - Other items as permitted by Department of Transportation Publications.
- (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. Additionally, 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.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Background (Continued)

- (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.

Basis Of Presentation

In accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation, the Forms MS-991 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 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 unpaid county aid as of the close of the report calendar year.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

- I. Encumbered and unencumbered balances on hand at the close of the report calendar year.

Basis Of Accounting

The accompanying Forms MS-991 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.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
2019 FORM MS-991 WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2019	\$ 83,239.05	\$ -	\$ 83,239.05
<u>Receipts:</u>			
State allocations	55,660.83	-	55,660.83
Interest	394.87	-	394.87
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>56,055.70</u>	<u>-</u>	<u>56,055.70</u>
Total funds available	<u>139,294.75</u>	<u>-</u>	<u>139,294.75</u>
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	2,334.44	-	2,334.44
Administrative	-	-	-
Grants to political subdivisions	36,124.13	-	36,124.13
Miscellaneous	-	-	-
Total expenditures	<u>38,458.57</u>	<u>-</u>	<u>38,458.57</u>
Balance, December 31, 2019	100,836.18	-	100,836.18
Unpaid encumbrances	<u>79,256.32</u>	<u>-</u>	<u>79,256.32</u>
Unencumbered balance, December 31, 2019	<u><u>\$ 21,579.86</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 21,579.86</u></u>

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

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2020	\$ 100,836.18	\$ -	\$ 100,836.18
<u>Receipts:</u>			
State allocations	48,353.40	-	48,353.40
Interest	390.40	-	390.40
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>48,743.80</u>	<u>-</u>	<u>48,743.80</u>
Total funds available	<u>149,579.98</u>	<u>-</u>	<u>149,579.98</u>
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	2,238.71	-	2,238.71
Administrative	-	-	-
Grants to political subdivisions	33,526.72	-	33,526.72
Miscellaneous	-	-	-
Total expenditures	<u>35,765.43</u>	<u>-</u>	<u>35,765.43</u>
Balance, December 31, 2020	113,814.55	-	113,814.55
Unpaid encumbrances	<u>83,021.18</u>	<u>3,990.56</u>	<u>87,011.74</u>
Unencumbered balance, December 31, 2020	<u>\$ 30,793.37</u>	<u>\$ (3,990.56)</u>	<u>\$ 26,802.81</u>

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

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2021	\$ 113,814.55	\$ -	\$ 113,814.55
<u>Receipts:</u>			
State allocations	48,506.14	-	48,506.14
Interest	226.83	-	226.83
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>48,732.97</u>	<u>-</u>	<u>48,732.97</u>
Total funds available	<u>162,547.52</u>	<u>-</u>	<u>162,547.52</u>
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	-	8,465.38	8,465.38
Administrative	7,398.38	(161.38)	7,237.00
Grants to political subdivisions	47,069.94	-	47,069.94
Miscellaneous	<u>8,465.38</u>	<u>(8,304.00)</u>	<u>161.38</u>
Total expenditures	<u>62,933.70</u>	<u>-</u>	<u>62,933.70</u>
Balance, December 31, 2021	99,613.82	-	99,613.82
Unpaid encumbrances	<u>73,176.62</u>	<u>5,565.36</u>	<u>78,741.98</u>
Unencumbered balance, December 31, 2021	<u>\$ 26,437.20</u>	<u>\$ (5,565.36)</u>	<u>\$ 20,871.84</u>

JUNIATA COUNTY
LIQUID FUELS TAX FUNDS
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

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

Adjustments

2020 Form MS-991

An adjustment of \$3,990.56 was made to “Unpaid encumbrances” because the balances of the following encumbrances were not reported:

<u>Encumbrance No.</u>	<u>Actual Amount</u>	<u>Reported Amount</u>	<u>Adjustment</u>
19-34401-001	\$1,504.69	\$-	\$1,504.69
19-34209-002	2,485.87	-	2,485.87
Totals	<u>\$3,990.56</u>	<u>\$-</u>	<u>\$3,990.56</u>

2021 Form MS-991

Adjustments were made to “Maintenance and repair,” “Administrative,” and “Miscellaneous” because expenditures of \$8,465.38 were misclassified.

An adjustment of \$5,565.36 was made to “Unpaid encumbrances” because the balances of the following encumbrances were not reported:

<u>Encumbrance No.</u>	<u>Actual Amount</u>	<u>Reported Amount</u>	<u>Adjustment</u>
19-34401-001	\$1,504.69	\$-	\$1,504.69
20-34402-001	1,755.00	-	1,755.00
20-34207-001	316.97	-	316.97
20-34209-002	1,988.70	-	1,988.70
Totals	<u>\$5,565.36</u>	<u>\$-</u>	<u>\$5,565.36</u>

JUNIATA COUNTY
LIQUID FUELS TAX FUNDS
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Miscellaneous Expenditures

On November 3, 2021, the county expended \$161.38 from the Liquid Fuels Tax Fund for bank service charges.

Encumbrances

As of December 31, 2021, \$78,741.98 was encumbered for grants to political subdivisions.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Finding - Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs

Our examination disclosed that the county expended a total of \$7,237.00 from the Liquid Fuels Tax Fund in the 2021 calendar year for indirect/administrative costs, which is greater than 10 percent of the yearly Liquid Fuels Tax Fund allocation of \$48,506.14 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 are as follows:

<u>Description</u>	<u>Amount</u>
Total indirect/administrative costs	7,237.00
Less 10% permissible amount	<u>4,850.61</u>
Excess expenditures for indirect/administrative costs	<u><u>\$2,386.39</u></u>

The failure to comply with the Liquid Fuels and Fuels Tax Act could result in the county having to reimburse \$2,386.39 to its Liquid Fuels Tax Fund.

This condition occurred because the county was not aware that they could only expend 10 percent of the yearly Liquid Fuels Tax Fund allocation for indirect/administrative costs.

Recommendations

We recommend that the county reimburse \$2,386.39 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, 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.

JUNIATA COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

Finding - Expenditures In Excess Of The 10 Percent Limit On Indirect/Administrative Costs
(Continued)

Management's Response

The county officials offered no formal response at this time.

Auditor's Conclusion

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

JUNIATA COUNTY
LIQUID FUELS TAX FUNDS
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

An exit conference was held January 19, 2023. Those participating were:

JUNIATA COUNTY

Ms. Leah Strawser, Accounts Payable Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Michael Klassen, Audit Supervisor

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

JUNIATA COUNTY
LIQUID FUELS TAX FUNDS
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2021

This report was initially distributed to:

The Honorable Michael Carroll
Secretary
Department of Transportation

Juniata County
26 North Main Street
P. O. Box 68
Mifflintown, PA 17059

The Honorable Alice J. Gray
Chairperson of the Board of Commissioners

The Honorable Laurie S. Hower
Treasurer

Ms. Leah Strawser
Accounts Payable Manager

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.