

ATTESTATION ENGAGEMENT

Borough of Marianna
Washington County, Pennsylvania
62-421
Liquid Fuels Tax Fund
For the Period
January 1, 2020 to December 31, 2021

June 2023



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Michael Carroll
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Marianna, Washington County, for the period January 1, 2020 to December 31, 2021. The municipality's management is responsible for presenting the Forms MS-965 in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Forms MS-965 are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms MS-965. The nature, timing and extent of the procedures selected depend on our judgement, including an assessment of the risks of material misstatement of the Forms MS-965, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

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

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

Independent Auditor's Report (Continued)

In our opinion, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Marianna, Washington County, for the period January 1, 2020 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*.

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

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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

- Documentation Supporting Expenditures Was Not Available For Examination - Recurring.

Independent Auditor's Report (Continued)

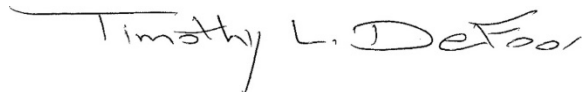
As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Marianna, Washington County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note matters that, while not required to be included in this report by *Government Auditing Standards*, have been included in the findings below:

- Failure To Withhold Payroll Taxes Or File Form 1099-NEC.

- Late Receipt Of Allocation - Recurring.

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

We appreciate the courtesy extended by the Borough of Marianna, Washington 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
April 26, 2023

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BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, see also 72 P.S. § 2615.5, et sec., provides municipalities other than counties (i.e., townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based upon: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state; and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

Title 75 Pa.C.S. § 9511 of the Pennsylvania Vehicle Code provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the allocation of Liquid Fuels Tax funds and annual maintenance payments that it receives into a special fund called either the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In such a case, the municipality may borrow money or transfer money from its General Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. Department of Transportation's *Publication 9* includes the policies and procedures for the administration of Act 655, as amended, and the Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

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

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Background (Continued)

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

Criteria

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

Section 1 of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

- Major equipment purchases are purchases of road machinery and road equipment with varying yearly costs in excess of the amounts indicated below:

2018	2019	2020	2021
\$10,900.00	\$11,100.00	\$11,300.00	\$11,500.00

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

2018	2019	2020	2021
\$10,900.00	\$11,100.00	\$11,300.00	\$11,500.00

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Background (Continued)

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

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

Section 3 of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Background (Continued)

Basis of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Form MS-965 has been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, dated 1956 and as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Form MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Form MS-965 With Adjustments is prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2020 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 14,710.66	\$ -	\$ 14,710.66
Computer/Computer related training	-	-	-
Major equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	493.75	-	493.75
Traffic control devices	-	-	-
Street lighting	1,938.74	-	1,938.74
Storm sewers and drains	-	-	-
Repairs of tools and machinery	8,397.43	-	8,397.43
Maintenance and repair of roads and bridges	6,276.77	-	6,276.77
Highway construction and rebuilding projects	-	-	-
Miscellaneous	177.00	-	177.00
 Total (To Section 2, Line 5)	 <u>\$ 31,994.35</u>	 <u>\$ -</u>	 <u>\$ 31,994.35</u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2020 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2020	\$ 22,137.94	\$ -	\$ 22,137.94
Receipts:			
2. State allocation	30,714.37	-	30,714.37
2a. Turnback allocation	-	-	-
2b. Interest on investments	26.77	-	26.77
2c. Miscellaneous	6,000.00	-	6,000.00
3. Total receipts	<u>36,741.14</u>	<u>-</u>	<u>36,741.14</u>
4. Total funds available	<u>58,879.08</u>	<u>-</u>	<u>58,879.08</u>
5. Expenditures (Section 1)	<u>31,994.35</u>	<u>-</u>	<u>31,994.35</u>
6. Balance, December 31, 2020	<u><u>\$ 26,884.73</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 26,884.73</u></u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2020 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 12,050.77	\$ -	\$ 12,050.77
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	6,142.87	-	6,142.87
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	18,193.64	-	18,193.64
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>18,193.64</u>	<u>-</u>	<u>18,193.64</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 18,193.64</u>	<u>\$ -</u>	<u>\$ 18,193.64</u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2021 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	13,652.32	-	13,652.32
Traffic control devices	730.00	-	730.00
Street lighting	7,952.71	-	7,952.71
Storm sewers and drains	-	-	-
Repairs of tools and machinery	16,296.10	(513.53)	15,782.57
Maintenance and repair of roads and bridges	12,579.94	-	12,579.94
Highway construction and rebuilding projects	-	-	-
Miscellaneous	49.70	-	49.70
 Total (To Section 2, Line 5)	 <u>\$ 51,260.77</u>	 <u>\$ (513.53)</u>	 <u>\$ 50,747.24</u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2021 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2021	\$ 26,884.73	\$ -	\$ 26,884.73
Receipts:			
2. State allocation	59,183.06	-	59,183.06
2a. Turnback allocation	-	-	-
2b. Interest on investments	24.62	-	24.62
2c. Miscellaneous	18,004.71	-	18,004.71
3. Total receipts	<u>77,212.39</u>	<u>-</u>	<u>77,212.39</u>
4. Total funds available	<u>104,097.12</u>	<u>-</u>	<u>104,097.12</u>
5. Expenditures (Section 1)	<u>51,260.77</u>	<u>(513.53)</u>	<u>50,747.24</u>
6. Balance, December 31, 2021	<u><u>\$ 52,836.35</u></u>	<u><u>\$ 513.53</u></u>	<u><u>\$ 53,349.88</u></u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
2021 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	Reported	Adjustments	Adjusted Amount
1. Prior year equipment balance	\$ 18,193.64	\$ -	\$ 18,193.64
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	11,836.61	-	11,836.61
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	30,030.25	-	30,030.25
5. Less: Major equipment expenditures	-	-	-
6. Remainder	30,030.25	-	30,030.25
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$ 30,030.25	\$ -	\$ 30,030.25

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2020 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

2021 - Section 1

An adjustment of \$(513.53) was made to “Repairs of tools and machinery” because check No. 1929 was voided but was included as an expenditure.

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>
General Fund	Reimbursement (Summary of 2014-2015 Examination Recommendations)	\$6,000.00	\$6,000.00
General Fund	Reimbursement (Summary of 2016-2019 Examination Recommendations)	-	12,004.71
Totals		<u>\$6,000.00</u>	<u>\$18,004.71</u>

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Miscellaneous Expenditures

The following miscellaneous expenditures were paid from the Liquid Fuels Tax Fund during the examination period:

<u>Payee</u>	<u>Description</u>	<u>2020</u>	<u>2021</u>
Financial Institution	Bank service charges	\$ 60.00	\$45.00
Vendor	Notary fee for truck purchase	55.00	-
PennDOT	Application fee for government plate	62.00	-
PA Turnpike	Toll	-	4.70
	Totals	<u>\$177.00</u>	<u>\$49.70</u>

Lease-Purchase Agreement

On May 4, 2017, the municipality entered into a lease-purchase agreement with Kubota Leasing to purchase a zero turn 54” mower for \$6,098.40. Principal payments of \$127.05 are due monthly. The agreement was for a term of four years. Prior years’ principal payments from the Liquid Fuels Tax Fund were \$3,045.10. Additionally, the municipality paid principal of \$889.35 from the General Fund.

During the current examination period, the municipality paid principal of \$2,163.95 and late fees of \$674.05 from the General Fund. The lease-purchase agreement was paid-in-full on March 23, 2021.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination - Recurring

Our examination disclosed that the municipality did not maintain documentation, such as invoices, to support expenditures of \$508.34 made on a charge account during 2020.

Good internal control procedures ensure that there is documentation to support all expenditures.

The Liquid Fuels Tax Municipal Allocation Law, 72 P.S. § 2615.4, provides, in part, that monies herein allocated may be used only for construction, reconstruction, maintenance and repairs of such public roads or streets, including bridges, culverts and drainage structures, for which they are legally responsible. Also permitted are expenditures involving acquisition, maintenance, repairs and operation of street signs, traffic signs, traffic signal control systems, road equipment, and snow fences.

The Department of Transportation has been statutorily authorized to promulgate regulations concerning the administration of Liquid Fuels Tax Fund money and has determined that certain items, including expenditures made without supporting documentation, are outside the scope of permissible expenditures.

Without adequate documentation, we could not determine if the expenditures were permissible according to the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations.

We were unable to determine why the municipality failed to maintain documentation for these expenditures.

The failure to maintain documentation to support expenditures could result in the municipality having to reimburse \$508.34 to its Liquid Fuels Tax Fund.

A similar finding was also written in our prior report. However, the municipality maintained supporting invoices for all 2021 disbursements tested.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination - Recurring (Continued)

Recommendations

We recommend that the municipality reimburse \$508.34 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the municipality continues to ensure good internal control over expenditures by maintaining adequate documentation to support all expenditures.

Management's Response

The president of council stated:

Additional oversight at the borough has been put in place.

Auditor's Conclusion

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Finding No. 2 - Failure To Withhold Payroll Taxes Or File Form 1099-NEC

Our examination disclosed that the gross amount paid to various individuals from the Liquid Fuels Tax Fund was \$2,413.92 during 2020 and \$5,828.75 during 2021. However, the municipality failed to withhold payroll taxes from the wages and, therefore, did not remit payroll taxes to the proper authorities nor did it issue Form 1099-NEC to the individuals if they considered them independent contractors.

Before the municipality can determine how to treat payments made for services, they must first know the business relationship that exists between the municipality and the person performing the services.

If the municipality considers the person an employee, then federal, state, local and unemployment wage taxes should be withheld at the rates prescribed by law at the time wages were paid. The municipality should refer to the following publications and websites for these rates and other payroll withholding requirements:

- IRS Publication 15 (Circular E) Employers Tax Guide - Employer Responsibilities For Withholding Federal Income Tax and Employees Share of Social Security and Medicare Taxes.
www.irs.gov
- Pennsylvania Department of Revenue Rev - 415 (SU) 11-19 - General Information For Withholding Pennsylvania Personal Income Tax.
www.revenue.pa.gov
- Pennsylvania Act 32 of 2008 - Policy and Procedure Manual For The Withholding and Remitting of PA Local Payroll Taxes.
<https://dced.pa.gov>
- Pennsylvania Department Of Labor & Industry Office Of Unemployment Compensation Tax Services - UCP - 36 Rev 05-19.
www.uc.pa.gov

If the municipality considers the person an independent contractor, then the IRS requires the municipality to report nonemployee compensation of \$600.00 or more on Form 1099-NEC.

If it is unclear whether a worker is an employee or an independent contractor then the municipality can file Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding with the IRS.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Finding - Failure To Withhold Payroll Taxes Or File Form 1099-NEC (Continued)

We were unable to determine the cause of this condition.

The failure to withhold payroll taxes could result in the municipality having to pay interest and penalties on uncollected taxes.

Recommendations

We recommend that, in the future, the municipality withhold payroll taxes as prescribed by law for all employees or file Form 1099-NEC if the person is an independent contractor.

We further recommend that if the municipality cannot determine if the person is an employee or independent contractor they file Form SS-8 with the IRS to ask for a determination.

Management's Response

The president of council stated:

The municipality will ensure that payroll tax is paid to the proper authorities.

Auditor's Conclusion

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Finding No. 3 - Late Receipt Of Allocation - Recurring

Our examination disclosed that the 2020 Liquid Fuels Tax Fund allocation of \$31,737.52, which should have been distributed from the Department of Transportation to the municipality during the first week of March of each year, was not received until April 5, 2021, because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition by March 15th.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
- Ensure resolution of all reimbursements required as a result of audits performed by the Department of the Auditor General or monitoring reviews performed by the Department of Transportation's Financial Consultants.

This condition occurred because the secretary/treasurer was new and was unaware that a reimbursement to the Liquid Fuels Tax Fund was required before the municipality could receive its allocation.

Because the municipality failed to make a required reimbursement to its Liquid Fuels Tax Fund, the municipality did not have use of the 2020 allocation for thirteen 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.

A similar finding was written in our prior report. However, the municipality received its 2021 Liquid Fuels Tax Fund allocation on time.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

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

Recommendation

We recommend that, in the future, the municipality complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received during the first week in March as outlined above.

Management's Response

The president of council stated:

Additional oversight at the borough has been put in place and reimbursements were made.

Auditor's Conclusion

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Summary Of 2014-2015 Examination Recommendation

In our 2014-2015 report, we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$12,000.00 to its Liquid Fuels Tax Fund for the purchase of a backhoe without advertising and bidding.

During our current examination, we reviewed a letter dated November 8, 2018, from the Department of Transportation directing the municipality to reimburse \$12,000.00 to its Liquid Fuels Tax Fund. A payment plan was approved for the municipality by the Department of Transportation as follows:

Date Due	Amount	Date Paid
12/31/18	\$ 6,000.00	01/30/2020
12/31/19	6,000.00	03/15/2021
Total	\$12,000.00	

Summary Of 2016-2019 Examination Recommendations

In our 2016-2019 report, we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$12,004.71 to its Liquid Fuels Tax Fund. This amount consists of \$7,007.85 for failing to maintain documentation to support expenditures and \$4,996.86 for an over expended equipment purchase tally.

During our current examination, we reviewed a letter dated June 24, 2021, from the Department of Transportation directing the municipality to reimburse \$12,004.71 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on December 20, 2021.

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

- Ensure good internal controls over expenditures by maintaining adequate documentation to support all expenditures.
- Only expend up to the approved amount on equipment in accordance with the Department of Transportation's *Publication 9*.
- Comply with the Department of Transportation's *Publication 9* to ensure the allocations are received during the first week of March.

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

Summary Of 2016-2019 Examination Recommendations (Continued)

During our current examination, we noted that the municipality complied with our second bulleted recommendation but did not comply with our first and third bulleted recommendations until 2021 (See Finding Nos. 1 and 3).

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

An exit conference was held January 13, 2023. Those participating were:

BOROUGH OF MARIANNA

The Honorable Jeremy Berardinelli, President of Council

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Michele Simpson, Auditor

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

BOROUGH OF MARIANNA
WASHINGTON COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2020 TO DECEMBER 31, 2021

This report was initially distributed to:

The Honorable Michael Carroll
Secretary
Department of Transportation

Borough of Marianna
Washington County
1 Procasky Road
P.O. Box 368
Marianna, PA 15345

The Honorable Anita Kadlecek
Mayor

The Honorable Jeremy Berardinelli
President of Council

The Honorable Scott Jones
Vice-President of Council

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