EMSWORTH VOLUNTEER FIREMENS RELIEF ASSOCIATION
OF EMSWORTH BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA

ALLEGHENY COUNTY

COMPLIANCE AUDIT REPORT

FOR THE PERIOD

JANUARY 1, 2007 TO DECEMBER 31, 2009

JACK WAGNER

AUDITOR GENERAL

CONTENTS

Background 1

Letter From the Auditor General 3

Findings and Recommendations:

Finding No. 1 – Failure to Timely Receive and Deposit State Aid 5

Finding No. 2 – Inadequate Relief Association Bylaws 6

Accompanying Expenditure Information 7

Report Distribution List 9

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BACKGROUND

Pursuant to Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code, Act of April 9, 1929, (P.L. 343, No. 176), and the Volunteer Firefighters' Relief Association Act, Act of June 11, 1968, (P.L. 149, No. 84), as amended, 53 P.S. § 8501 et seq. (commonly referred to as Act 84), the Department of the Auditor General's duty is to audit the accounts and records of every volunteer firefighters' relief association to determine that funds received under the Foreign Fire Insurance Tax Distribution Law, Act of December 18, 1984, (P.L. 1005, No. 205), as amended 53 P.S. § 895.701 et seq. (commonly referred to as Act 205), are properly expended.

The Emsworth Volunteer Firemens Relief Association of Emsworth Borough, Allegheny County, Pennsylvania, herein referred to as Emsworth Volunteer Firefighters' Relief Association, is a charitable organization that was formed primarily to afford financial protection to volunteer firefighters and to encourage individuals to participate in volunteer fire service.

Act 84 governs the overall operation of the volunteer firefighters' relief association. The relief association's bylaws define the specific operational procedures by which the volunteer firefighters' relief association conducts business. To fulfill its primary purpose, Act 84 authorizes specific types of expenditures and prescribes appropriate volunteer firefighters' relief association investment options. Within the parameters established by Act 84, it is the responsibility of the volunteer firefighters' relief association to choose investments in a proper and prudent manner.

Volunteer firefighters' relief associations receive public tax monies, and the association officers therefore have a responsibility to the public to conduct the association's financial affairs in a businesslike manner and to maintain sufficient financial records to support the propriety of all association transactions. Volunteer firefighters' relief association officers are also responsible for ensuring that the association operates in accordance with applicable state laws, contracts, bylaws and administrative procedures.

Act 205 sets forth the computation of the Foreign Fire Insurance Tax Distribution paid to each applicable municipality throughout the Commonwealth of Pennsylvania. The amount of the distribution is based upon the population of each municipality and the market value of real estate within the municipality. Upon receipt of this distribution, the municipality must allocate the funds to the volunteer firefighters' relief association of the fire service organization or fire service organizations, which is or are recognized as providing the service to the municipality.

BACKGROUND (Continued)

The Emsworth Volunteer Firefighters' Relief Association was allocated state aid from the following municipalities:

Municipality	County	2007	2008	2009
Emsworth Borough	Allegheny	$13,964	$14,217	$12,499
Glenfield Borough	Allegheny	* $ 1,335	* $ 1,358	* $ 1,234

* However, the 2007, 2008, and 2009 state aid allocations received from Glenfield Borough were not deposited until March 2010, as discussed in Finding No. 1 of this report.

The volunteer firefighters' relief association and the affiliated fire service organization are separate, legal entities. The Emsworth Volunteer Firefighters' Relief Association is affiliated with the following fire service organization:

Emsworth Volunteer Fire Company

Mr. Joseph W. Koehler, President
EMSWORTH VOLUNTEER FIREFIGHTERS'
RELIEF ASSOCIATION
Allegheny County

We have conducted a compliance audit of the Emsworth Volunteer Firefighters' Relief Association pursuant to authority derived from Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code, Act of April 9, 1929, (P.L. 343, No. 176), and mandated by the Volunteer Firefighters' Relief Association Act, Act of June 11, 1968, (P.L. 149, No. 84), as amended, 53 P.S. § 8501 et seq. (commonly referred to as Act 84), for the period January 1, 2007 to December 31, 2009.

We conducted this compliance audit in accordance with *Government Auditing Standards* applicable to performance audits, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our audit results and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our audit results and conclusions based on our audit objective to determine if the volunteer firefighters' relief association received and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures.

The objective of the audit was to determine if the volunteer firefighters' relief association received and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures.

Our audit was limited to the areas related to the objective identified above.

Volunteer firefighters' relief association officers are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the Emsworth Volunteer Firefighters' Relief Association's administration of state aid and accumulated funds complies with applicable state laws, contracts, bylaws and administrative procedures including the safeguarding of assets. In conducting our audit, we obtained an understanding of the volunteer firefighters' relief association's internal controls as they relate to the association's compliance with those requirements and that we considered to be significant within the context of the audit objective, and assessed whether those significant controls were properly designed and

implemented. Our audit procedures also included tests of documentary evidence supporting the Emsworth Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Emsworth Volunteer Firefighters' Relief Association's cash, investments, and certain other assets and liabilities as of December 31, 2009, with the custodians of the funds, debtors, creditors, and financial institutions to the extent necessary to satisfy the audit objective. Additionally, we performed procedures to provide a reasonable assurance of detecting instances of violations of legal and regulatory requirements or violations of provisions of contracts that are significant within the context of the audit objective.

The results of our audit for the period January 1, 2007 to December 31, 2009, found, in all significant respects, the Emsworth Volunteer Firefighters' Relief Association did not receive and expend funds in compliance with applicable state laws, contracts, bylaws and administrative procedures, as noted in the following findings discussed later in this report. The results of our tests indicated the Emsworth Volunteer Firefighters' Relief Association expended funds as presented in the accompanying information and as of December 31, 2009, had a cash balance of $16,760 and no investments.

Finding No. 1 – Failure to Timely Receive and Deposit State Aid

Finding No. 2 – Inadequate Relief Association Bylaws

The contents of this report were discussed with the management of the Emsworth Volunteer Firefighters' Relief Association and, where appropriate, their responses have been included in the report.

February 22, 2010

JACK WAGNER
Auditor General

EMSWORTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION
FINDINGS AND RECOMMENDATIONS

Finding No. 1 – Failure to Timely Receive and Deposit State Aid

Condition: The relief association did not timely receive the 2007, 2008, and 2009 state aid allocations from Glenfield Borough, in the amounts of $1,335, $1,358, and $1,234, respectively, and thus, the funds were not deposited during the current audit period.

Criteria: The foreign fire insurance tax allocations were distributed to the municipal treasurer, who is required to forward the state aid allocations to the volunteer firefighters' relief association treasurer within 60 days of receipt, as required by Section 706 (b)(2) of the Act of December 18, 1984, (P.L. 1005, No. 205). Pursuant to this provision of Act 205, relief association officials should monitor the distribution of state aid allocations to ensure they timely receive their respective checks.

Cause: The relief association failed to establish internal control procedures to ensure that all state aid allocation checks were timely received and deposited into a relief association account. The relief association president stated that the borough secretary is a part-time employee, and she inadvertently forgot to remit the checks to the relief association.

Effect: As a result of the state aid not being timely received and deposited, the relief association was unable to use the funds for general operating expenses or for investment purposes during the audit period.

Recommendation: We recommend the relief association establish accounting and internal control procedures to ensure that all future state aid is received in a timely manner and deposited into a relief association account. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Management's Response: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation.

Finding No. 2 – Inadequate Relief Association Bylaws

Condition: The existing bylaws of the Emsworth Volunteer Firefighters' Relief Association do not contain all of the provisions required by Act 84 at 53 P.S. § 8505(c). Specifically, the bylaws do not adequately address the requirement that one of the two signatures on all negotiable instruments be that of the disbursing officer.

Criteria: Act 84 at 53 P.S. § 8505(c) states, in part, that the relief association's bylaws shall include the following provision:

- Require the signatures of at least two officers, one of which shall be the disbursing officer, in order to bind the relief association by formal contract or to issue any negotiable instrument. (emphasis added)

Cause: Relief association officials were unaware that the association bylaws did not adequately address the Act 84 bylaw requirements.

Effect: As a result of this mandatory provision not being included in the bylaws, the relief association may have conducted its affairs without proper authorization.

Recommendation: We recommend that relief association officials review and update the bylaws governing their organization so that the bylaws meet the requirements set forth in Act 84 and properly authorize the operating procedures of the relief association. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Management's Response: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation.

EMSWORTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION
ACCOMPANYING EXPENDITURE INFORMATION
FOR THE PERIOD JANUARY 1, 2007 TO DECEMBER 31, 2009

Act 84 at 53 P.S. § 8502(1) states, in part, that:

> A volunteer firefighters' relief association is an organization formed primarily for the purpose of affording financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. Such an association may also serve other purposes, . . . provided only that adequate provisions be first made to serve its primary purpose. . . .

Act 84 at 53 P.S. § 8506, authorizes the investment of relief association funds and outlines the types of benefits and services that can be provided with volunteer firefighters' relief association funds. All expenditures must be properly authorized as prescribed in the volunteer firefighters' relief association bylaws and approved at an association meeting.

USES OF FUNDS:

Benefit Services:		
Insurance premiums	$	33,042
Death benefits		500
Total Benefit Services	$	33,542
Fire Services:		
Equipment maintenance	$	3,948
Training expenses		440
Total Fire Services	$	4,388
Administrative Services:		
Miscellaneous administrative expenses	$	6
Total Administrative Services	$	6

JACK WAGNER

AUDITOR GENERAL

EMSWORTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION
REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett
Governor
Commonwealth of Pennsylvania

Emsworth Volunteer Firefighters' Relief Association Governing Body:

Mr. Joseph W. Koehler, President

Mr. Michael H. Adams, Vice President

Ms. Heather Fisher, Secretary

Ms. Patricia A. Schmigel, Treasurer

Reports were also distributed to each municipality, which allocated foreign fire insurance tax monies to this relief association.

Ms. Cathy Jones, Secretary
Emsworth Borough

Ms. Janet Mascara, Secretary
Glenfield Borough

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. If you have any questions regarding this report or any other matter, you may contact the Department of the Auditor General by accessing our website at www.auditorgen.state.pa.us.