



CITY OF ALLENTOWN  
LEHIGH COUNTY  
39-301

LIQUID FUELS TAX FUND  
EXAMINATION REPORT

FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010



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CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (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: (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.

*The Vehicle Code*, Title 75 P.S. § 9511, 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 Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called 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 this 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. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
3. A report of elected and appointed officials by January 31 of each year.
4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.





**Department of the Auditor General  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120-0018**

**JACK WAGNER  
AUDITOR GENERAL**

Independent Auditor's Report

The Honorable Barry J. Schoch, P.E.  
Secretary  
Department of Transportation  
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the City of Allentown, Lehigh County, for the three years ended December 31, 2010. The municipality's management is responsible for the Forms MS-965. 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. An examination includes examining, on a test basis, evidence supporting the City of Allentown, Lehigh County's Forms MS-965 for the three years ended December 31, 2010 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

As described in Note 4, the adjustments included on the 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 City of Allentown, Lehigh County, for the three years ended December 31, 2010, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Forms MS-965 and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the 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 control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the City of Allentown, Lehigh County's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the City of Allentown, Lehigh County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the City of Allentown, Lehigh County's internal control. We consider the deficiency described in the finding below to be a significant deficiency in internal control over reporting on the Forms MS-965:

- Failure To Properly Prepare Forms MS-965.



Independent Auditor's Report (Continued)

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Forms MS-965 will not be prevented or detected by the City of Allentown, Lehigh County's internal control. Our consideration of the internal control over reporting on the Forms MS-965 would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

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 an other matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

- Late Receipt Of Allocations.

We are concerned in light of the municipality's failure to correct previously reported findings regarding the failure to properly prepare its Forms MS-965 and the late receipt of allocations. The municipality should strive to implement the recommendations and corrective actions noted in this report.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the City of Allentown, Lehigh County, and is not intended to be and should not be used by anyone other than these specified parties.

December 8, 2011

JACK WAGNER  
Auditor General



CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2008 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 136,320.00	\$ -	\$ 136,320.00
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	773,054.87	-	773,054.87
Winter maintenance services	593,502.46	-	593,502.46
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	487,727.68	-	487,727.68
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 1,990,605.01</u>	<u>\$ -</u>	<u>\$ 1,990,605.01</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2008 FORM MS-965 – SECTION 2  
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2008	\$ 932,094.50	\$ -	\$ 932,094.50
Receipts:			
2. State allocation	2,059,050.10	-	2,059,050.10
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments (Note 3)	20,236.47	1,404.46	21,640.93
2c. Miscellaneous (Note 5)	73,484.78	136.31	73,621.09
3. Total receipts	<u>2,157,491.35</u>	<u>1,540.77</u>	<u>2,159,032.12</u>
4. Total funds available	<u>3,089,585.85</u>	<u>1,540.77</u>	<u>3,091,126.62</u>
5. Expenditures (Section 1)	<u>1,990,605.01</u>	<u>-</u>	<u>1,990,605.01</u>
6. Balance, December 31, 2008	<u><u>\$ 1,098,980.84</u></u>	<u><u>\$ 1,540.77</u></u>	<u><u>\$ 1,100,521.61</u></u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2008 FORM MS-965 – SECTION 3  
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 776,703.84	\$ 1,494.20	\$ 778,198.04
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	412,754.02	-	412,754.02
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	1,189,457.86	1,494.20	1,190,952.06
5. Less: Major equipment expenditures	136,320.00	-	136,320.00
6. Remainder	<u>1,053,137.86</u>	<u>1,494.20</u>	<u>1,054,632.06</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 1,053,137.86</u>	<u>\$ 1,494.20</u>	<u>\$ 1,054,632.06</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2009 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 136,293.00	\$ 93,615.18	\$ 229,908.18
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	630,528.81	-	630,528.81
Winter maintenance services	807,795.11	-	807,795.11
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	401,639.80	-	401,639.80
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total (To Section 2, Line 5)	<u><u>\$ 1,976,256.72</u></u>	<u><u>\$ 93,615.18</u></u>	<u><u>\$ 2,069,871.90</u></u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2009 FORM MS-965 – SECTION 2  
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2009	\$ 1,098,980.84	\$ 1,540.77	\$ 1,100,521.61
Receipts:			
2. State allocation	1,984,826.14	-	1,984,826.14
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments (Note 3)	6,989.63	(1,035.14)	5,954.49
2c. Miscellaneous (Note 5)	73,309.34	1,035.14	74,344.48
3. Total receipts	<u>2,069,845.11</u>	<u>-</u>	<u>2,069,845.11</u>
4. Total funds available	<u>3,168,825.95</u>	<u>1,540.77</u>	<u>3,170,366.72</u>
5. Expenditures (Section 1)	<u>1,976,256.72</u>	<u>93,615.18</u>	<u>2,069,871.90</u>
6. Balance, December 31, 2009	<u><u>\$ 1,192,569.23</u></u>	<u><u>\$ (92,074.41)</u></u>	<u><u>\$ 1,100,494.82</u></u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2009 FORM MS-965 – SECTION 3  
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 1,053,137.86	\$ 1,494.20	\$ 1,054,632.06
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	397,909.23	-	397,909.23
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	1,451,047.09	1,494.20	1,452,541.29
5. Less: Major equipment expenditures	<u>136,293.00</u>	<u>93,615.18</u>	<u>229,908.18</u>
6. Remainder	<u>1,314,754.09</u>	<u>(92,120.98)</u>	<u>1,222,633.11</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 1,192,569.23</u>	<u>\$ (92,074.41)</u>	<u>\$ 1,100,494.82</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.



CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2010 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 224,418.00	\$ 46,082.41	\$ 270,500.41
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	883,500.73	-	883,500.73
Winter maintenance services	468,993.96	5,156.97	474,150.93
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	327,518.12	-	327,518.12
Highway construction and rebuilding projects	22,970.03	-	22,970.03
Miscellaneous	-	-	-
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total (To Section 2, Line 5)	<u>\$ 1,927,400.84</u>	<u>\$ 51,239.38</u>	<u>\$ 1,978,640.22</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
2010 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2010	\$ 1,192,569.23	\$ (92,074.41)	\$ 1,100,494.82
Receipts:			
2. State allocation	1,906,390.24	-	1,906,390.24
2a. Turnback allocation	4,720.00	-	4,720.00
2b. Interest on investments (Note 3)	8,737.64	1,755.09	10,492.73
2c. Miscellaneous (Note 5)	74,927.39	12,199.13	87,126.52
3. Total receipts	<u>1,994,775.27</u>	<u>13,954.22</u>	<u>2,008,729.49</u>
4. Total funds available	<u>3,187,344.50</u>	<u>(78,120.19)</u>	<u>3,109,224.31</u>
5. Expenditures (Section 1)	<u>1,927,400.84</u>	<u>51,239.38</u>	<u>1,978,640.22</u>
6. Balance, December 31, 2010	<u>\$ 1,259,943.66</u>	<u>\$ (129,359.57)</u>	<u>\$ 1,130,584.09</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 2010 FORM MS-965 – SECTION 3  
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 1,192,569.23	\$ (92,074.41)	\$ 1,100,494.82
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	382,222.05	-	382,222.05
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	1,574,791.28	(92,074.41)	1,482,716.87
5. Less: Major equipment expenditures	224,418.00	46,082.41	270,500.41
6. Remainder	<u>1,350,373.28</u>	<u>(138,156.82)</u>	<u>1,212,216.46</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 1,259,943.66</u>	<u>\$ (129,359.57)</u>	<u>\$ 1,130,584.09</u>

Notes To Forms MS-965 With Adjustments are an integral part of this report.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

1. Criteria

Section 1

This section 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 that cost in excess of \$4,000.00.
- Minor equipment purchases are purchases of road machinery and road equipment that cost \$4,000.00 or less.
- Agility projects are exchanges of services with the Department of Transportation.

Section 2

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

- The state allocation is generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.
- Expenditures include the total transferred from Section 1.

Section 3

This section 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.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

1. Criteria (Continued)

Section 3 (Continued)

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.

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 Forms MS-965 have 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 Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Forms MS-965 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.

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.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

2. Deposits And Investments

*The Third Class City Code*, Title 53 P.S. § 36804.1, authorizes the city to deposit and invest its funds in the following:

- United States Treasury Bills.
- Short-term obligations of the United States government or its agencies or instrumentalities.
- Deposits in savings accounts or time deposits, other than certificates of deposit or share accounts of institutions having their principal place of business in the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation (FDIC) or other like insurance. For any amount above the insured maximum, the depository shall pledge approved collateral.
- Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania, or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.
- Shares of an investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933, provided that the only investments of that company are in authorized investments for third class city funds.
- Certificates of deposit purchased from institutions that are insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan's or savings bank's assets minus liabilities.
- Repurchase agreements that are fully collateralized by obligations of the United States of America.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Deposits And Investments (Continued)

Deposits

Deposits consist of receipts and deposits in financial institutions. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

There were no deposits exposed to custodial credit risk as of December 31, 2010. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the city's name.

Investments

The city is authorized to invest Liquid Fuels Tax Fund money in legal investments permitted by *The Third Class City Code* (see above). Liquid Fuels Tax Fund monies were deposited in the city's concentration account for investment purposes. Because the Liquid Fuels Tax Fund Monies were deposited in the city's concentration account, a portion of all deposits and investments maintained by the county contained Liquid Fuels tax Fund money. Because the Liquid Fuels Tax Fund is such a small component of the overall concentration account balance, the total balance of each deposit and investment is not listed in this report.

The city is required to provide information about the concentration of credit risk.

There were no investments exposed to custodial credit risk as of December 31, 2010.

Fund Balance

The fund balance consists of the following:

Cash and Investments	\$1,130,584.09
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts and approved investments which earned \$21,640.93 during 2008, \$5,954.49 during 2009, and \$10,492.73 during 2010, thus providing additional funds for road maintenance and repairs.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

4. Adjustments

2008 - Section 2

An adjustment of \$1,404.46 was made to “Interest on investments” because interest earnings were understated.

An adjustment of \$136.31 was made to “Miscellaneous” because these receipts were understated by gains on investments.

2008 - Section 3

An adjustment of \$1,494.20 was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

2009 - Section 1

An adjustment of \$93,615.18 was made to “Major equipment purchases” because these expenditures were understated.

2009 - Section 2

An adjustment of \$1,540.77 was made to “Balance, January 1, 2009” to reflect the adjustment made to the fund balance in 2008 - Section 2.

Adjustments were made to “Interest on investments” and “Miscellaneous” because gains on investments of \$1,035.14 were misclassified.

2009 - Section 3

An adjustment of \$1,494.20 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2008 - Section 3.

An adjustment of \$93,615.18 was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2009 - Section 1.



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

4. Adjustments (Continued)

2010 - Section 1

An adjustment of \$46,082.41 was made to “Major equipment purchases” because expenditures relating to check No. 112772 for the liquid fuels portion of a truck were not reported.

An adjustment of \$5,156.97 was made to “Winter maintenance services” because check No. 112316 was not reported.

2010 - Section 2

An adjustment of \$(92,074.41) was made to “Balance, January 1, 2010” to reflect the adjustments made in 2009 - Section 1 and 2009 - Section 2.

An adjustment of \$1,755.09 was made to “Interest on investments” because interest earnings were understated.

An adjustment of \$12,199.13 was made to “Miscellaneous” because gains on investments were misclassified.

2010 - Section 3

An adjustment of \$(92,074.41) was made to “Prior year equipment balance” to reflect the adjustments made in 2009 - Section 1 and 2009 - Section 2.

An adjustment of \$46,082.41 was made to “Major equipment expenditures” to reflect the adjustments made to major equipment purchases in 2010 - Section 1.

CITY OF ALLENTOWN  
 LEHIGH COUNTY  
 LIQUID FUELS TAX FUND  
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
 FOR THE THREE YEARS ENDED  
 DECEMBER 31, 2010

5. 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>2008</u>	<u>2009</u>	<u>2010</u>
Commonwealth of Pennsylvania	State Aid Pension refund (see Note 6)	\$14,264.00	\$13,319.00	\$13,437.00
Department of Transportation	Reimbursement for salting roads	59,220.78	59,990.34	61,490.39
Financial institution	Gains on investments	136.31	1,035.14	12,199.13
Totals		<u>\$73,621.09</u>	<u>\$74,344.48</u>	<u>\$87,126.52</u>

6. Allocated Pension Contribution

As part of the benefits paid on behalf of the city's Street Department employees, the city paid retirement benefits from its Liquid Fuels Tax Fund. On September 24, 2008, September 21, 2009, and September 24, 2010 the City of Allentown received \$14,264.00, \$13,319.00 and \$13,437.00, respectively, from the Municipal Pension System for the Liquid Fuels Tax Fund portion of the payments to this pension fund. The purpose of this state aid is to defray the city's pension costs.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
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Finding No. 1 – Failure To Properly Prepare Forms MS-965

Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2008, 2009, and 2010 Forms MS-965. These adjustments, which are disclosed in Note 4, are as follows:

2008 - Section 2

- An adjustment of \$1,404.46 was made to "Interest on investments" because interest earnings were understated.
- An adjustment of \$136.31 was made to "Miscellaneous" because these receipts were understated by gains on investments.

2008 - Section 3

- An adjustment of \$1,494.20 was made to "Prior year equipment balance" because an incorrect equipment balance was carried forward.

2009 - Section 1

- An adjustment of \$93,615.18 was made to "Major equipment purchases" because these expenditures were understated.

2009 - Section 2

- An adjustment of \$1,540.77 was made to "Balance, January 1, 2009" to reflect the adjustment made to the fund balance in 2008 - Section 2.
- Adjustments were made to "Interest on investments" and "Miscellaneous" because gains on investments of \$1,035.14 were misclassified.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
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Finding No. 1 – Failure To Properly Prepare Forms MS-965 (Continued)

2009 - Section 3

- An adjustment of \$1,494.20 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2008 - Section 3.
- An adjustment of \$93,615.18 was made to “Major equipment expenditures” to reflect the adjustments made to major equipment purchases in 2009 - Section 1.

2010 - Section 1

- An adjustment of \$46,082.41 was made to “Major equipment purchases” because expenditures relating to check No. 112772 for the liquid fuels portion of a truck were not reported.
- An adjustment of \$5,156.97 was made to “Winter maintenance services” because check No. 112316 was not reported.

2010 - Section 2

- An adjustment of \$(92,074.41) was made to “Balance, January 1, 2010” to reflect the adjustments made in 2009 - Section 1 and 2009 - Section 2.
- An adjustment of \$1,755.09 was made to “Interest on investments” because interest earnings were understated.
- An adjustment of \$12,199.13 was made to “Miscellaneous” because gains on investments were misclassified.

2010 - Section 3

- An adjustment of \$(92,074.41) was made to “Prior year equipment balance” to reflect the adjustments made in 2009 - Section 1 and 2009 - Section 2.
- An adjustment of \$46,082.41 was made to “Major equipment expenditures” to reflect the adjustments made to major equipment purchases in 2010 - Section 1.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Finding No. 1 – Failure To Properly Prepare Forms MS-965 (Continued)

Good internal controls ensure that the municipality complete its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or irregularities may occur and remain undetected.

A similar finding was also written in our prior report.

Recommendation

We again recommend that the municipality ensure that its Forms MS-965 are complete and accurate.

Management's Response

The municipal officials stated:

We have discussed the issue and identified procedures to correct.

Auditor's Conclusion

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

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Finding No. 2 - Late Receipt Of Allocations

Our examination disclosed that the 2008 and 2009 Liquid Fuels Tax Fund allocations of \$2,059,050.10 and \$1,984,826.14, respectively, which should have been distributed during the first week of April of each year, were not received until July 1, 2008, and November 9, 2009, respectively, 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 31<sup>st</sup> and the Survey of Financial Condition by March 15<sup>th</sup>.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2008 allocation for three months and the 2009 allocation for more than seven months. Furthermore, had the allocations 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.

Due to severe winter weather, on March 1, 2010, the governor released Liquid Fuels Tax Fund allocations to all municipalities except those with blocks imposed by the Department of Revenue or the Department of Labor and Industry. We will determine if the municipality complied with the requirements of the Department of Transportation's *Publication 9* during our next examination.

A similar finding was also written in our prior report.

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Finding No. 2 - Late Receipt Of Allocations (Continued)

Recommendation

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

Management's Response

The municipal officials stated:

We have discussed the issue and identified procedures to correct.

Auditor's Conclusion

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

CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
COMMENT  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

Comment – Summary Of 2005 Examination Recommendation

In our 2005 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$354,654.48 to its Liquid Fuels Tax Fund. This amount consists of \$229,600.37 for a failure to obtain project approval and \$125,054.11 for failing to maintain documentation for payroll.

During our current examination we reviewed a letter dated April 7, 2009, from the Department of Transportation informing the municipality that reimbursement of \$229,600.37 would not be required. We also reviewed a letter dated October 8, 2009, from the Department of Transportation informing the municipality that reimbursement of \$125,054.11 would not be required.



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

An exit conference was held December 8, 2011. Those participating were:

CITY OF ALLENTOWN

Mrs. Beth A. Mohylsky, Manager, Treasury and Accounting

Mr. Richard Young, Director of Public Works

Mrs. Jennifer McKenna, Executive Secretary for Director of Public Works

Mr. Craig Messinger, Street Superintendent

Mrs. Cassandra Magliane, Street Department Office Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Sandra Gichiengo, Auditor

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



CITY OF ALLENTOWN  
LEHIGH COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2010

This report was initially distributed to:

The Honorable Barry J. Schoch, P.E.  
Secretary  
Department of Transportation

City of Allentown  
Lehigh County  
435 Hamilton Street  
Allentown, PA 18101

The Honorable Peter G. Schweyer	President of Council
The Honorable Mary Ellen Koval	City Controller
Mrs. Beth A. Mohylsky	Manager, Treasury and Accounting
Mrs. Cassandra Magliane	Street Department Office Manager

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