



BOROUGH OF AMBLER
MONTGOMERY COUNTY
46-401

LIQUID FUELS TAX FUND
EXAMINATION REPORT

FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

CONTENTS

	<u>Page</u>
Background.....	1
Independent Auditor’s Report.....	3
Financial Section:	
2009 Form MS-965 With Adjustments	7
2010 Form MS-965 With Adjustments	10
2011 Form MS-965 With Adjustments	13
Notes To Forms MS-965 With Adjustments.....	16
Findings And Recommendations:	
Finding No. 1 - Failure To Properly Prepare Forms MS-965	23
Finding No. 2 - Liquid Fuels Money Transferred Into The General Fund.....	26
Finding No. 3 - Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements	28
Comment.....	30
Summary Of Exit Conference.....	31
Report Distribution	33

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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 Borough of Ambler, Montgomery County, for the three years ended December 31, 2011. 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 Borough of Ambler, Montgomery County's Forms MS-965 for the three years ended December 31, 2011 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)

As discussed in Finding No. 2, the municipality transferred \$23,489.55 of Liquid Fuels Tax Fund money into the General Fund on April 3, 2009, which is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law. Additionally, as discussed in Finding No. 3, the municipality expended \$14,885.09 from its Liquid Fuels Tax Fund for the purchase of paving materials without advertising for bids.

In our opinion, except for the matters discussed in the preceding paragraph, 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 Ambler, Montgomery County, for the three years ended December 31, 2011, 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 Borough of Ambler, Montgomery 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 Borough of Ambler, Montgomery County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Borough of Ambler, Montgomery County's internal control. We consider the deficiency described in the finding below to be 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 Borough of Ambler, Montgomery County's internal control.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We consider the significant deficiency described above to be a material weakness.

The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Liquid Fuels Money Transferred Into The General Fund.
- Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements.

We are concerned in light of the municipality's failure to correct previously reported findings regarding failure to properly prepare Forms MS-965 and transferring Liquid Fuels Tax Fund money into the General Fund. During the current examination period the municipality failed to properly prepare Forms MS-965, transferred Liquid Fuels Tax Fund money to the General Fund, and made purchases over \$10,000.00 in noncompliance with advertising and bidding requirements. 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 Borough of Ambler, Montgomery County, and is not intended to be and should not be used by anyone other than these specified parties.

April 17, 2012

JACK WAGNER
Auditor General



BOROUGH OF AMBLER
MONTGOMERY 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	\$ 26,456.76	\$ -	\$ 26,456.76
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	3,594.54	-	3,594.54
Winter maintenance services	29,371.11	(5,951.77)	23,419.34
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	6,046.00	-	6,046.00
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	31,858.06	(7,824.13)	24,033.93
Highway construction and rebuilding projects	138,775.67	(104,964.02)	33,811.65
Miscellaneous (Finding No. 2)	-	23,489.55	23,489.55
	<u>-</u>	<u>23,489.55</u>	<u>23,489.55</u>
Total (To Section 2, Line 5)	<u>\$ 236,102.14</u>	<u>\$ (95,250.37)</u>	<u>\$ 140,851.77</u>

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

BOROUGH OF AMBLER
MONTGOMERY 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	\$ 496,348.00	\$ 8,547.55	\$ 504,895.55
Receipts:			
2. State allocation	116,450.32	-	116,450.32
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	20,614.63	-	20,614.63
2c. Miscellaneous (Note 6)	4,366.64	-	4,366.64
3. Total receipts	<u>141,431.59</u>	<u>-</u>	<u>141,431.59</u>
4. Total funds available	<u>637,779.59</u>	<u>8,547.55</u>	<u>646,327.14</u>
5. Expenditures (Section 1)	<u>236,102.14</u>	<u>(95,250.37)</u>	<u>140,851.77</u>
6. Balance, December 31, 2009	<u><u>\$ 401,677.45</u></u>	<u><u>\$ 103,797.92</u></u>	<u><u>\$ 505,475.37</u></u>

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2009 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	\$ 89,775.71	\$ -	\$ 89,775.71
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	23,290.06	-	23,290.06
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	113,065.77	-	113,065.77
5. Less: Major equipment expenditures	26,456.76	-	26,456.76
6. Remainder	<u>86,609.01</u>	<u>-</u>	<u>86,609.01</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 86,609.01</u>	<u>\$ -</u>	<u>\$ 86,609.01</u>

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

BOROUGH OF AMBLER
MONTGOMERY 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	\$ 13,896.56	\$ (13,896.56)	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	2,884.83	-	2,884.83
Winter maintenance services	17,178.34	527.56	17,705.90
Traffic control devices	3,278.71	-	3,278.71
Street lighting	-	-	-
Storm sewers and drains	2,177.18	-	2,177.18
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	649.29	-	649.29
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 40,064.91</u>	<u>\$ (13,369.00)</u>	<u>\$ 26,695.91</u>

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

BOROUGH OF AMBLER
MONTGOMERY 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	\$ 401,677.45	\$ 103,797.92	\$ 505,475.37
Receipts:			
2. State allocation	111,953.67	-	111,953.67
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	16,169.07	-	16,169.07
2c. Miscellaneous (Comment)	8,221.45	-	8,221.45
3. Total receipts	<u>136,344.19</u>	<u>-</u>	<u>136,344.19</u>
4. Total funds available	<u>538,021.64</u>	<u>103,797.92</u>	<u>641,819.56</u>
5. Expenditures (Section 1)	<u>40,064.91</u>	<u>(13,369.00)</u>	<u>26,695.91</u>
6. Balance, December 31, 2010	<u><u>\$ 497,956.73</u></u>	<u><u>\$ 117,166.92</u></u>	<u><u>\$ 615,123.65</u></u>

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

BOROUGH OF AMBLER
MONTGOMERY 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	\$ 86,609.01	\$ -	\$ 86,609.01
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	22,390.73	-	22,390.73
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	108,999.74	-	108,999.74
5. Less: Major equipment expenditures	<u>13,896.56</u>	<u>(13,896.56)</u>	<u>-</u>
6. Remainder	<u>95,103.18</u>	<u>13,896.56</u>	<u>108,999.74</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 95,103.18</u>	<u>\$ 13,896.56</u>	<u>\$ 108,999.74</u>

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2011 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	8,847.92	-	8,847.92
Winter maintenance services	23,059.95	-	23,059.95
Traffic control devices	2,859.18	-	2,859.18
Street lighting	-	-	-
Storm sewers and drains	1,410.91	354.15	1,765.06
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	14,796.14	(1,047.21)	13,748.93
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Note 7)	354.15	13,290.85	13,645.00
	<u> </u>	<u> </u>	<u> </u>
Total (To Section 2, Line 5)	<u>\$ 51,328.25</u>	<u>\$ 12,597.79</u>	<u>\$ 63,926.04</u>

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2011 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, 2011	\$ 615,123.65	\$ -	\$ 615,123.65
Receipts:			
2. State allocation	114,657.10	-	114,657.10
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	15,291.81	-	15,291.81
2c. Miscellaneous (Note 5)	-	14,692.21	14,692.21
3. Total receipts	<u>129,948.91</u>	<u>14,692.21</u>	<u>144,641.12</u>
4. Total funds available	<u>745,072.56</u>	<u>14,692.21</u>	<u>759,764.77</u>
5. Expenditures (Section 1)	<u>51,328.25</u>	<u>12,597.79</u>	<u>63,926.04</u>
6. Balance, December 31, 2011	<u><u>\$ 693,744.31</u></u>	<u><u>\$ 2,094.42</u></u>	<u><u>\$ 695,838.73</u></u>

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
2011 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	\$ 108,999.74	\$ -	\$ 108,999.74
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	22,931.42	-	22,931.42
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	131,931.16	-	131,931.16
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>131,931.16</u>	<u>-</u>	<u>131,931.16</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 131,931.16</u>	<u>\$ -</u>	<u>\$ 131,931.16</u>

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

1. Criteria (Continued)

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.

2. Deposits

The Borough Code, Title 53 P.S § 46316, authorizes the borough to deposit its funds in the following:

- 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.
- Certificates of deposit purchased from institutions 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.

Deposits consist of receipts and deposits in a financial institution. 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, 2011. 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 municipality's name.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2011 consists of the following:

Cash	<u>\$695,838.73</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$20,614.63 during 2009, \$16,169.07 during 2010, and \$15,291.81 during 2011, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2009 - Section 1

An adjustment of \$(5,951.77) was made to "Winter maintenance services" because check No. 11369, which was issued in 2010, was incorrectly reported as an expenditure in 2009.

An adjustment of \$(7,824.13) was made to "Maintenance and repair of roads and bridges" because these expenditures were overstated.

An adjustment of \$(104,964.02) was made to "Highway construction and rebuilding projects" because these expenditures were overstated.

An adjustment of \$23,489.55 was made to "Miscellaneous" because a transfer to the General Fund was not reported.

2009 - Section 2

An adjustment of \$8,547.55 was made to "Balance, January 1, 2009" because of prior report adjustments that were not carried forward in the fund balance.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

4. Adjustments (Continued)

2010 - Section 1

An adjustment of \$(13,896.56) was made to “Major equipment purchases” because these expenditures were overstated.

An adjustment of \$527.56 was made to “Winter maintenance services” because check No. 11369 for \$5,951.77 which was issued in 2010, was erroneously reported as expenditures in 2009. Additionally, these expenditures were overstated by \$5,424.21.

2010 - Section 2

An adjustment of \$103,797.92 was made to “Balance, January 1, 2010” to reflect the adjustments made in 2009 - Sections 1 and 2.

2010 - Section 3

An adjustment of \$(13,896.56) was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2010- Section 1.

2011 - Section 1

A adjustment of \$354.15 was made to “Storm sewers and drains” because these expenditures were misclassified as miscellaneous.

An adjustment of \$(1,047.21) was made to “Maintenance and repair of roads and bridges” because these expenditures were overstated.

An adjustment of \$13,290.85 was made to “Miscellaneous” because expenditures of \$354.15 for storm and sewers and drains were misclassified and the correction of a transfer in error of \$13,645.00 was not reported.

2011 - Section 2

An adjustment of \$14,692.21 was made to “Miscellaneous” because these receipts were understated.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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>2011</u>
General Fund	Correction of transfer in error (Note 7)	\$13,645.00
General Fund	Grant	<u>1,047.21</u>
Total		<u>\$14,692.21</u>

6. Overpayment Of Invoice

On November 17, 2009 the municipality expended \$13,382.68 from the Liquid Fuels Tax Fund. However, the cost of the equipment rental was only \$9,016.04. On December 31, 2009, the municipality deposited \$4,366.64 into its Liquid Fuels Tax Fund that was received from the vendor to correct the overpayment of the invoice.

7. Transfer In Error

On December 29, 2011, the municipality transferred \$13,645.00 from its Liquid Fuels Tax Fund to its General Fund in error. On December 29, 2011 the municipality transferred this amount from its General Fund to its Liquid Fuels Tax Fund to correct the transfer in error.



BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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 2009, 2010, and 2011 Forms MS-965. These adjustments, which are disclosed in Note 4, are as follows:

2009 - Section 1

- An adjustment of \$(5,951.77) was made to "Winter maintenance services" because check No. 11369, which was issued in 2010, was incorrectly reported as an expenditure in 2009.
- An adjustment of \$(7,824.13) was made to "Maintenance and repair of roads and bridges" because these expenditures were overstated.
- An adjustment of \$(104,964.02) was made to "Highway construction and rebuilding projects" because these expenditures were overstated.
- An adjustment of \$23,489.55 was made to "Miscellaneous" because a transfer to the General Fund was not reported.

2009 - Section 2

- An adjustment of \$8,547.55 was made to "Balance, January 1, 2009" because of prior report adjustments that were not carried forward in the fund balance.

2010 - Section 1

- An adjustment of \$(13,896.56) was made to "Major equipment purchases" because these expenditures were overstated.
- An adjustment of \$527.56 was made to "Winter maintenance services" because check No. 11369 for \$5,951.77 which was issued in 2010, was erroneously reported as expenditures in 2009. Additionally, these expenditures were overstated by \$5,424.21.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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

2010 - Section 2

- An adjustment of \$103,797.92 was made to “Balance, January 1, 2010” to reflect the adjustments made in 2009 - Sections 1 and 2.

2010 - Section 3

- An adjustment of \$(13,896.56) was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2010- Section 1.

2011 - Section 1

- An adjustment of \$354.15 was made to “Storm sewers and drains” because these expenditures were misclassified as miscellaneous.
- An adjustment of \$(1,047.21) was made to “Maintenance and repair of roads and bridges” because these expenditures were overstated.
- An adjustment of \$13,290.85 was made to “Miscellaneous” because expenditures of \$354.15 for storm and sewers and drains were misclassified and the correction of a transfer in error of \$13,645.00 was not reported.

2011 - Section 2

- An adjustment of \$14,692.21 was made to “Miscellaneous” because these receipts were understated.

Good internal controls ensure that the municipality completes its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or misappropriations 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.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

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

Management's Response

The finance director stated:

Most of the adjustments that were necessary to the MS-965 were caused by items not being debited to Liquid Fuels. This problem should be solved by Ambler Borough opening a specific checking account for Liquid Fuels expenses and thus not having to re-classify items from the General Fund to Liquid Fuels.

Auditor's Conclusion

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

Finding No. 2 - Liquid Fuels Money Transferred Into The General Fund

Our examination disclosed that the municipality transferred \$23,489.55 of Liquid Fuels Tax Fund money into the General Fund on April 3, 2009, which is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law.

The practice of depositing liquid fuels money into any account other than the Liquid Fuels Tax Fund account is contrary to the Act of June 1, 1956, P.L. (1955) 1944, 72 P.S. § 2615.5, known as the Liquid Fuels Tax Municipal Allocation Law, which states:

. . . each city, borough, town and township, shall . . . Establish and maintain a special fund into which the moneys [liquid fuels tax funds] . . . shall be deposited and into which no other moneys may be deposited or commingled . . .

The risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

The failure to follow the Liquid Fuels Tax Municipal Allocation Law as noted above could result in the municipality having to reimburse \$23,489.55 to its Liquid Fuels Tax Fund.

A similar finding was also written in our prior report.

Recommendations

We recommend that the municipality reimburse \$23,489.55 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

Also we again recommend that, in the future, the municipality deposit all liquid fuels tax money promptly into the Liquid Fuels Tax Fund.

Management's Response

The finance director stated:

The \$23,489.55 of Liquid Fuels Funds was transferred in error to the General Fund. It is sitting in a holding account and will be transferred into the Liquid Fuels account.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

Finding No. 2 - Liquid Fuels Money Transferred Into The General Fund (Continued)

Auditor's Conclusion

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

Finding No. 3 - Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements

Our examination disclosed that in 2009, the borough expended \$14,885.09 from the Liquid Fuels Tax Fund for the purchase of paving materials without advertising for bids. These expenditures were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
Various	Various	11074	11/17/09	\$ 5,831.23
Various	Various	11074	11/17/09	2,642.38
Various	Various	11074	11/17/09	3,049.12
Various	Various	11074	11/17/09	<u>3,362.36</u>
Total				<u>\$14,885.09</u>

The above purchases were not made in compliance with the advertising, bidding, and contract requirements of *The Borough Code*, 53 P.S. § 46402(a), (also found at § 1402(a) of *The Borough Code* as published by the Local Government Commission), which requires that purchases made after September 8, 1990, over \$10,000.00 must be advertised, bid, and awarded by contract. *The Borough Code*, 53 P.S. § 46403(a), (also found at § 1403(a) of *The Borough Code* as published by the Local Government Commission) further states that advertising, bidding and contract requirements should not be evaded through piecemeal purchases.

In addition, the above purchases were not made in compliance with the Department of Transportation's *Publication 9*, Appendix D, Section 449.7(d), which states, in part:

Each municipality shall make an annual estimate of its requirements of road construction and maintenance materials, and shall advertise for bids on all items and groups of like items ordinarily supplied by a single supplier . . . which are estimated to exceed \$10,000 for the year If the cost during the year of an unadvertised item or group of like items ordinarily supplied by a single supplier exceeds \$10,000 . . . the entire cost shall be ineligible for payment from the Liquid Fuels Tax Fund unless it can be shown to the satisfaction of the Secretary [of the Department of Transportation] that it was reasonably believed that the cost of the year's requirements of that item or group of like items would not exceed \$10,000 . . .

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

Finding No. 3 - Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements (Continued)

The failure to comply with *The Borough Code* and the Department of Transportation's *Publication 9* could result in the borough having to reimburse \$14,885.09 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$14,885.09 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the borough comply with *The Borough Code* and the Department of Transportation's *Publication 9* as noted in this finding.

Management's Response

The finance director stated:

Ambler Borough paved some alleys and did all the work by renting equipment and purchasing material on our own. It was not anticipated to spend over the \$10,000.00 threshold, so no bids or advertising were done. We are aware of the 2012 threshold of \$17,500.00 and will insure that we comply with any bidding and advertising requirements.

Auditor's Conclusion

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

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
COMMENT
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

Comment – Summary Of Prior Audit Recommendation

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$8,221.45 to its Liquid Fuels Tax Fund for depositing Liquid Fuels Tax Fund money into the General Fund. A similar finding was also written in our current report (see Finding No. 2).

During our current examination we reviewed a letter dated November 5, 2010, from the Department of Transportation informing the municipality to reimburse \$8,221.45 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on December 31, 2009.

BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

An exit conference was held April 17, 2012. Those participating were:

BOROUGH OF AMBLER

Mr. Bernard Wojciechowski, Finance Director
Mrs. Mary Aversa, Borough Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Auditor
Mr. Jeffrey Merlet, Auditor

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



BOROUGH OF AMBLER
MONTGOMERY COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE THREE YEARS ENDED
DECEMBER 31, 2011

This report was initially distributed to:

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

Borough of Ambler
Montgomery County
122 East Butler Avenue
Ambler, PA 19002

The Honorable Antonio Isabella

President of Council

Mr. Bernard Wojciechowski

Finance Director

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.