ATTESTATION ENGAGEMENT

Township of Donegal

Washington County, Pennsylvania 62-209

Liquid Fuels Tax Fund
For the Period
January 1, 2021 to December 31, 2022

January 2024



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 Township of Donegal, Washington County, for the period January 1, 2021 to December 31, 2022. 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. An examination involves performing procedures 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 ethical requirements relating to the engagement.

<u>Independent Auditor's Report (Continued)</u>

As discussed in Finding No. 1, the municipality did not maintain documentation, such as invoices or payroll records, to support a transfer of \$11,866.80 from its Liquid Fuels Tax Fund to its General Fund made on December 20, 2021. Additionally, as discussed in Finding No. 2, the municipality expended \$13,257.33 on March 4, 2021 for anti-skid, \$11,988.75 on March 10, 2022 for anti-skid, and \$14,209.95 during 2022 for 2A stone from the Liquid Fuels Tax Fund without maintaining documentation for price quotations.

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 Township of Donegal, Washington County, for the period January 1, 2021 to December 31, 2022, 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, 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.

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. However, as described below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

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 a 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. We consider the deficiency below to be a material weakness:

• Documentation Supporting Transfer Was Not Available For Examination.

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 Township of Donegal, 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 the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

• Documentation For Price Quotations Was Not Available For Examination.

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 Township of Donegal, 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

Timothy L. Detool

November 28, 2023

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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.

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:

2019	2020	2021	2022	
44.400.00	444 200 00	44.5 00.00	44. 000 00	
\$11,100.00	\$11,300.00	\$11,500.00	\$11,800.00	

• 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:

2019	2020	2021	2022
\$11,100.00	\$11,300.00	\$11,500.00	\$11,800.00

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

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.

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 Forms 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.

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

Expenditure Summary	Reported		Adjustments		Adjusted Amount	
Minor equipment purchases	\$	-	\$	-	\$	_
Computer/Computer related training		_		-		-
Major equipment purchases		_		-		-
Agility projects		_		-		-
Cleaning streets and gutters		620.00		-		620.00
Winter maintenance services	19,181.87			-		19,181.87
Traffic control devices		_		-		-
Street lighting		11,085.70		-		11,085.70
Storm sewers and drains		_		-		-
Repairs of tools and machinery		_		-		-
Maintenance and repair of						
roads and bridges		30,028.44		-		30,028.44
Highway construction and						
rebuilding projects		_		-		-
Miscellaneous			·			
Total (To Section 2, Line 5)	\$	60,916.01	\$		\$	60,916.01

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

Fund Balance	Reported	Adjustments	Adjusted Amount	
1. Balance, January 1, 2021	\$ 26,048.81	\$ -	\$ 26,048.81	
Receipts:				
2. State allocation	204,988.66	-	204,988.66	
2a. Turnback allocation	3,280.00	-	3,280.00	
2b. Interest on investments	20.15	-	20.15	
2c. Miscellaneous				
3. Total receipts	208,288.81		208,288.81	
4. Total funds available	234,337.62		234,337.62	
5. Expenditures (Section 1)	60,916.01		60,916.01	
6. Balance, December 31, 2021	\$ 173,421.61	\$ -	\$ 173,421.61	

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

Equipment Balance	Reported		Adjustments		Adjusted Amount	
1. Prior year equipment balance	\$	26,048.81	\$	-	\$	26,048.81
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)		41,653.73		-		41,653.73
3. PENNDOT approved adjustments						<u>-</u>
4. Total funds available for equipment acquisition		67,702.54		-		67,702.54
5. Less: Major equipment expenditures						<u>-</u>
6. Remainder		67,702.54				67,702.54
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	67,702.54	\$	<u>-</u>	\$	67,702.54

TOWNSHIP OF DONEGAL WASHINGTON COUNTY LIQUID FUELS TAX FUND 2022 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments		Adjusted Amount	
Minor equipment purchases	\$	1,290.24	\$	-	\$	1,290.24
Computer/Computer related training		-		-		-
Major equipment purchases		_		-		_
Agility projects		-		-		-
Cleaning streets and gutters		-		-		-
Winter maintenance services		58,280.75		-		58,280.75
Traffic control devices		-		-		-
Street lighting		8,771.26		-		8,771.26
Storm sewers and drains		-		-		-
Repairs of tools and machinery		5,031.60		-		5,031.60
Maintenance and repair of						
roads and bridges		308,685.93		-		308,685.93
Highway construction and						
rebuilding projects		-		-		-
Miscellaneous						
Total (To Section 2, Line 5)	\$	382,059.78	\$		\$	382,059.78

TOWNSHIP OF DONEGAL WASHINGTON COUNTY LIQUID FUELS TAX FUND 2022 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported	Adjustments	Adjusted Amount	
1. Balance, January 1, 2022	\$ 173,421.61	\$ -	\$ 173,421.61	
Receipts:				
2. State allocation	203,584.80	-	203,584.80	
2a. Turnback allocation	3,280.00	-	3,280.00	
2b. Interest on investments	883.42	-	883.42	
2c. Miscellaneous	20,147.23		20,147.23	
3. Total receipts	227,895.45		227,895.45	
4. Total funds available	401,317.06		401,317.06	
5. Expenditures (Section 1)	382,059.78		382,059.78	
6. Balance, December 31, 2022	\$ 19,257.28	\$ -	\$ 19,257.28	

TOWNSHIP OF DONEGAL WASHINGTON COUNTY LIQUID FUELS TAX FUND 2022 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	Reported		Reported Adjustments		Adjusted Amount	
1. Prior year equipment balance	\$	67,702.54	\$	-	\$	67,702.54
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)		41,372.96		-		41,372.96
3. PENNDOT approved adjustments						
4. Total funds available for equipment acquisition		109,075.50		-		109,075.50
5. Less: Major equipment expenditures						
6. Remainder		109,075.50				109,075.50
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	19,257.28	\$	<u>-</u>	\$	19,257.28

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

Our examination disclosed that the municipality did not maintain documentation, such as invoices or payroll records, to support a transfer of \$11,866.80 from its Liquid Fuels Tax Fund to its General Fund made on December 20, 2021.

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 expenditure was permissible according to the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations.

This condition occurred because the municipality had new employees working with transfers.

The failure to maintain documentation to support expenditures could result in the municipality having to reimburse \$11,866.80 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$11,866.80 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

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

<u>Finding No. 1 - Documentation Supporting Transfer Was Not Available For Examination</u> (Continued)

Management's Response

The municipal officials stated:

Previous secretary-treasurer did not have, and current secretary could not find many records during the audit.

Auditor's Conclusion

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

Finding No. 2 - Documentation For Price Quotations Was Not Available For Examination

Our examination disclosed that the township expended \$13,257.33 on March 4, 2021 for anti-skid, \$11,988.75 on March 10, 2022 for anti-skid, and \$14,209.95 during 2022 for 2A stone from the Liquid Fuels Tax Fund. The township was required to obtain three written or telephonic price quotations for these expenditures. However, documentation for price quotations was not available for examination. The 2A stone purchases were as follows:

Invoice <u>Number</u>	Invoice <u>Date</u>	Check <u>Number</u>	Check <u>Date</u>	Amount
190794	02/28/22	1019	03/10/22	\$ 4,803.25
191224	03/31/22	1027	04/14/22	1,179.32
Various	Various	1054	08/11/22	4,133.39
Various	Various	1056	10/17/22	2,131.62
194199	10/17/22	1057	11/17/22	1,962.37
Total				\$14,209.95

The above expenditures were not made in compliance with the contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(b), (also found at § 3102(b) of *The Second Class Township Code* as published by the Local Government Commission), which states, in part:

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts [during 2012] that exceed ten thousand dollars (\$10,000.00) but are less than the amount [in excess of \$18,500.00] requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance, or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

<u>Finding No. 2 - Documentation For Price Quotations Was Not Available For Examination</u> (Continued)

The thresholds for obtaining price quotations increased to purchases between \$11,500.00 and \$21,300.00 for 2021, \$11,800.00 and \$21,900.00 for 2022, and \$12,200.00 and \$22,500.00 for 2023.

This condition occurred because the municipality had new employees working with quotes.

The failure to comply with *The Second Class Township Code* could result in the township having to reimburse \$39,456.03 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the township reimburse \$39,456.03 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the township comply with *The Second Class Township Code* as noted in this finding.

Management's Response

The municipal officials stated:

Moving forward the township will keep a logbook in the Liquid Fuels files for all quotes.

Auditor's Conclusion

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

TOWNSHIP OF DONEGAL WASHINGTON COUNTY LIQUID FUELS TAX FUND SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2022

Summary Of Prior Examination Recommendations

In our prior report, we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$20,147.23 to its Liquid Fuels Tax Fund. This amount consists of \$19,990.39 for noncompliance with advertising and bidding requirements and \$156.84 for a vendor overcharge.

During our current examination, we reviewed a letter dated November 16, 2021, from the Department of Transportation directing the municipality to reimburse \$20,147.23 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on March 8, 2022.

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

- Comply with *The Second Class Township Code* by advertising for bids for all purchases over \$21,000.00. The threshold for advertising for bids increased to purchases over \$21,300.00 for 2021, \$21,900.00 for 2022, and \$22,500.00 for 2023.
- Compare invoice prices to contract prices prior to making payments on vendor invoices.

During our current examination, the municipality complied with our first bulleted recommendation, and we did not note any vendor overcharges.

TOWNSHIP OF DONEGAL WASHINGTON COUNTY LIQUID FUELS TAX FUND SUMMARY OF ONSITE CLOSEOUT MEETING FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2022

An onsite closeout meeting was held July 31, 2023. Those participating were:

TOWNSHIP OF DONEGAL

The Honorable James Bauer, Jr., Chairman of the Board of Supervisors

The Honorable Randy Polan, Supervisor/Roadmaster/Street Superintendent

Ms. Jamie M. Schaller, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Michele Simpson, Auditor

This report was initially distributed to:

The Honorable Michael Carroll

Secretary Department of Transportation

Township of Donegal

Washington County 34 North Liberty Street West Alexander, PA 15376

The Honorable James Bauer, Jr. Chairman of the Board of Supervisors

The Honorable Randy Polan

Supervisor/Roadmaster/Street Superintendent

Ms. Jamie M. Schaller

Secretary/Treasurer

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