### ATTESTATION ENGAGEMENT

Lycoming County
Pennsylvania
41-000
Liquid Fuels Tax Fund, Act 44 Tax Fund,
Act 89 Tax Fund, and
County Fee for Local Use Fund
For the Period
January 1, 2016 to December 31, 2020

June 2022



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 Yassmin Gramian, P.E. Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-991 With Adjustments for the Liquid Fuels Tax Fund, the Reports of Act 44 and Act 89 Tax Funds With Adjustments, and the Reports of County Fee for Local Use Funds With Adjustments of Lycoming County for the period January 1, 2016 to December 31, 2020 (Forms). The county's management is responsible for presenting the Forms 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 based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Forms are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms. 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 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.

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

As discussed in the Finding And Recommendations section of this report, the county expended \$39,511.49 of Liquid Fuels Tax Fund money in excess of the amount approved on construction project No. 19-41000-001.

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

In our opinion, except for the matter discussed in the preceding paragraph, the Forms present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund, the Act 44 Tax Fund, the Act 89 Tax Fund, and the County Fee for Local Use Fund of Lycoming County for the period January 1, 2016 to December 31, 2020, 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; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Forms. 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 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Forms or on compliance and other matters; accordingly, we express no such opinions.

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

Our consideration of internal control was for the limited purpose of expressing an opinion on whether the Forms are presented in accordance with the criteria described above and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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

As part of obtaining reasonable assurance about whether the Forms are free from material misstatement, we performed tests of Lycoming 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. 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*:

• Liquid Fuels Money Over Expended On Project.

The purpose of this report is to determine whether the county's Liquid Fuels Tax Fund, Act 44 Tax Fund, Act 89 Tax Fund, and County Fee for Local Use 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 Lycoming 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

June 2, 2022

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### **Background**

The Vehicle Code makes provisions and provides funding for the County Liquid Fuels, Act 44, Act 89, and County Fee for Local Use Programs. The Pennsylvania Department of Transportation has regulatory administration and oversight of the funds supporting these county programs. Counties are required to comply with those provisions and to report annually.

The Vehicle Code imposes a state tax on liquid fuels and fuels used or sold and delivered by distributors within the Commonwealth (75 Pa. C.S. § 9004(a)). One-half cent of the tax collected on each gallon of liquid fuels is deposited in the Commonwealth's Liquid Fuels Tax Fund. The Vehicle Code further provides for the disposition and use of this tax, including the allocations to counties in June and December of each year to fund construction, reconstruction, maintenance and repair of county roads, streets and bridges. The allocation to the respective counties is made in the ratio that the average amount returned to each county during the three preceding years bears to the average amount returned to all counties during the three preceding years (75 Pa C.S. § 9010).

The Vehicle Code, as amended by Act 44 of 2007 (July 18, 2007, P.L.169) and Act 89 of 2013 (November 25, 2013, P.L. 169), provides the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund (75 Pa. C.S. § 8915.6(b)(2) and as of July 1, 2014 § 9301(b)). The annual distribution to counties is determined based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

The Vehicle Code, as amended by Act 89 of 2013 (November 25, 2013, P.L. 974, No.89) provides for semi-annual allocations to all counties that own public bridges (75 Pa. C.S. § 9502(a)(2)(iv)). These allocations are made on the first business day of June and December each year. The Commonwealth allocates the funds available through Act 89 to counties based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of county-owned bridges throughout the Commonwealth. The reporting of the square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

The Vehicle Code, as amended by Act 89 of 2013 (November 25, 2013, P.L. 974, No.89), permits counties to impose a \$5 fee for local use on nonexempt vehicles registered to an address located in the county (75 Pa. C.S. § 1935 (b)). This fee is collected by the Department of Transportation and is distributed to counties that impose the fee on the first business day of June and December each year.

### Background (Continued)

### Criteria

- A. *The Vehicle Code* prescribes criteria for liquid fuels program funds (75 Pa C.S. § 9010). The Pennsylvania Department of Transportation's *Publication 9* provides more specific policies and procedures to counties for the administration and reporting of the liquid fuels program funds. In the event of any discrepancies between the two, the legislation governs.
  - (1) Funds received by the counties must be deposited in a special fund designated as the County Liquid Fuels Tax Fund and no other money may be deposited and commingled. Money should be invested to earn interest until expended.
    - For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year.
  - (2) Payments from the special fund may be used for:
    - Construction, reconstruction, maintenance and repair of roads, highways, bridges and curb ramps from a road or highway to provide for access by individuals with disabilities consistent with Federal and State law;
    - Property damages and compensation of viewers for services in eminent domain proceedings involving roads, highways, and bridges;
    - Construction, reconstruction, operation and maintenance of publicly owned ferryboat operations;
    - Interest and principal payments on road, bridge, or publicly owned ferryboat operation bonds or sinking fund charges;
    - Acquisition, maintenance, repair and operation of traffic signs and signals;
    - Erection and maintenance of stop and go signal lights, blinkers and other like traffic control devices;

- Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects, not to exceed 10 percent of the yearly allocation to the county; and
- Individual vehicle liability insurance for equipment purchased under the fund, not to exceed 10 percent of the yearly allocation to the county.
- (3) Counties may not make expenditures from the special fund for new construction on roads, bridges, curb ramps, or publicly owned ferryboat operations without the approval of the plans for construction by the Pennsylvania Department of Transportation. And, counties may not allocate money from the special fund to political subdivisions within the county until the application and the contracts or plans for the proposed expenditures have been made on a form prescribed by the Pennsylvania Department of Transportation.
- (4) Counties may encumber current funds for future road and bridge construction, reconstruction, and maintenance projects including viable municipal projects. Counties must redistribute any unencumbered balance in the special fund to political subdivisions if the unencumbered balance is more than the county's receipts during the preceding twelve month period.
- (5) Counties must submit a report to the Pennsylvania Department of Transportation by January 31 for the period ending December 31 on prescribed Form MS-991, The Report of County Liquid Fuels Tax Fund, showing the receipts and expenditures of the money received by the county from the Commonwealth. Upon failure to file the report or instances of any non-compliant payments, allocations, or expenditures, the Pennsylvania Department of Transportation may withhold further funding until the delinquent report is filed, the money is allocated, or the expenditures for the prior 12 months are approved.
- B. *The Vehicle Code*, as amended by Act 44 of 2007 (July 18, 2007, P.L. 169) and Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund. The County's Act 44 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.

- (1) Funds received by the counties must be deposited in a special fund designated as the County Act 44 Fund and no other money may be deposited and commingled. (Note: Act 44 and Act 89 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.
  - For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year.
- (2) Payments from the special fund may be used for:
  - Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
  - Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.
  - County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
  - Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
  - Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 44 Fund.
  - Inspection costs associated with bridges.
  - Purchase of right-of-way for bridge construction, reconstruction, or maintenance.

- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
- (4) In order to receive Act 44 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.
- C. *The Vehicle Code*, as amended by Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 89 funds distributed to the counties from the Department of Transportation. The County's Act 89 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.
  - (1) Funds received by the counties must be deposited in a special fund designated as the County Act 89 Fund and no other money may be deposited and commingled. (Note: Act 89 and Act 44 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.
    - For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year.
  - (2) Payments from the special fund may be used for:
    - Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
    - Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.

- County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
- Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
- Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 89 Fund.
- Inspection costs associated with bridges.
- Purchase of right-of-way for bridge construction, reconstruction, or maintenance.
- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
- (4) In order to receive Act 89 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.
- D. *The Vehicle Code*, as amended by Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the County Fee for Local Use funds distributed to the counties from the Department of Transportation. The County Fee for Local Use Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.
  - (1) Funds received by the counties must be deposited in a special fund. No other money may be deposited and commingled in this fund. Money should be invested to earn interest until expended.

- (2) Payments from the special fund may be used for:
  - Construction, reconstruction, maintenance, and repair of public roads/streets, or bridges for which the county is legally responsible including a roadway open to the use of the public for vehicular traffic on the grounds of a college or university, public or private school, or public or historical park.
  - Curb ramps from to provide for access by individuals with disabilities in accordance with the Americans with Disabilities Act (ADA) and Department of Transportation Standards;
  - Property damages and compensation of viewers for services in eminent domain proceedings involving roads, highways, and bridges;
  - Ferry boat operations, where applicable.
  - Acquisition, maintenance, repair and operation of traffic signs and signals;
  - Erection and maintenance of stop and go signal lights, blinkers and other like traffic control devices;
  - Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects, not to exceed 10 percent of the yearly allocation to the county; and
  - Transportation related safety studies or safety projects on public highways.
  - The construction of sounds walls if included in a highway project as a mitigation measure for environmental purposes and all warrants are met.
  - Other expenditures determined, on a case-by-case basis, to be consistent with the requirements and restrictions of Article 8, Section 11 of the Pennsylvania Constitution.

### Background (Continued)

- (3) Counties may not make expenditures from the special fund for new construction on roads, bridges, curb ramps, or publicly owned ferryboat operations without the approval of the plans for construction by the Pennsylvania Department of Transportation.
- (4) Each county that has adopted a fee for local use ordinance must submit a set of annual reports showing the receipts and expenditures of all fee for local use funds received from the Commonwealth on forms supplied by the Center for Program Development and Management.

The County did not begin receiving County Fee for Local Use Funds until 2017.

### Basis Of Presentation

In accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation, the Form MS-991 With Adjustments, the Reports of Act 44 and Act 89 Tax Funds With Adjustments, and the Report of County Fee For Local Use Funds do not constitute complete financial presentations of the county's assets, liabilities, expenses, and fund balance but include the receipts, expenditures, and fund balances of the County Liquid Fuels Tax Fund, the County Act 44 Tax Fund, the County Act 89 Tax Fund, and the County Fee For Local Use Fund, respectively.

The Pennsylvania Department of Transportation prescribes that the county report the following on the Form MS-991, *Report of County Liquid Fuels Tax Fund*:

- A. The balance in the County Liquid Fuels Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Liquid Fuels Tax Fund allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Accounts receivable (to be realized within 60 days of the year end).
- D. Total Liquid Fuels Tax funds available for expenditure and encumbrances.
- E. Expenditures for county-owned roads, highways, and bridges.

### LYCOMING COUNTY LIQUID FUELS TAX FUND, ACT 44 TAX FUND, ACT 89 TAX FUND, AND COUNTY FEE FOR LOCAL USE FUND BACKGROUND

### FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

### Background (Continued)

- F. Accounts payable (accrued wages, accrued payroll taxes, and accounts payable vendors to be realized within 60 days of the year end).
- G. The balance in the fund at the close of the report calendar year.
- H. Encumbered and unencumbered balances on hand at the close of the report calendar year.

The Pennsylvania Department of Transportation prescribes that the county report the following on the Reports Of Act 44 Tax Fund and Act 89 Tax Fund:

- A. The balance in the County Act 44 and Act 89 Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Act 44 and Act 89 allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Total Act 44 and Act 89 funds available for expenditure.
- D. Expenditures for county-owned bridges.
- E. The balance in the fund at the close of the report calendar year.

The Pennsylvania Department of Transportation prescribes that the county report the following on the Reports of County Fee for Local Use Funds:

- A. The balance in the County Fee for Local Use Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Fee for Local Use Fund allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Total County Fee for Local Use funds available for expenditure.
- D. Expenditures.
- E. The balance in the fund at the close of the report calendar year.

### Background (Continued)

Basis Of Accounting

The accompanying Form MS-991 With Adjustments, Report of Act 44 Tax Fund With Adjustments, Report of Act 89 Tax Fund With Adjustments, and Report of County Fee for Local Use Funds 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.

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2016 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjusted Amount	
Actual balance in county Liquid			
Fuels Tax Fund on January 1, 2016	\$ 565,792.11	\$ -	\$ 565,792.11
Receipts:			
Liquid Fuels Tax Funds received			
from Commonwealth	369,900.78	-	369,900.78
Interest	892.89	-	892.89
Reimbursable agreements	436,302.90	-	436,302.90
Miscellaneous			
Total receipts	807,096.57		807,096.57
Total Liquid Fuels Tax Funds available	1 252 000 60		1 272 000 60
for expenditures and encumbrances	1,372,888.68		1,372,888.68
Expenditures:			
Administrative	4,777.04	-	4,777.04
Minor equipment purchases	-	-	-
County aid payments	177,175.00	-	177,175.00
Major equipment expenditures	-	-	-
Street cleaning and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repairs - roads and			
bridges	300,784.20	-	300,784.20
Highway construction and rebuilding			
projects	290,597.96	-	290,597.96
Miscellaneous			
Total expenditures	773,334.20		773,334.20
Remaining funds available as of			
December 31, 2016	\$ 599,554.48	\$ -	\$ 599,554.48

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2016 FORM MS-991 WITH ADJUSTMENTS

### 2016 Form MS-991 With Adjustments (Continued)

	Rej	orted	Adjı	ıstments		Adjusted Amount
Approved future year receipts and expenditures						
Accounts receivable	\$	-	\$	-	\$	-
Accounts payable		-		-		-
Unpaid encumbrances	10	9,198.00		-		109,198.00
Unpaid county aid grants		-		-		
Total approved future year receipts						
and expenditures	10	9,198.00		-		109,198.00
Year end balance available for future years as of December 31, 2016	\$ 49	0,356.48	\$	_	\$	490,356.48
J - 5.1.2 5.2 5.1 D 0 0 0 1 1 1 5 1 7 2 5 1 0	ΨΤΖ	0,220.10	Ψ		Ψ	170,330.10

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2017 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Actual balance in county Liquid			
Fuels Tax Fund on January 1, 2017	\$ 599,554.48	\$ -	\$ 599,554.48
Receipts:			
Liquid Fuels Tax Funds received			
from Commonwealth	412,818.62	-	412,818.62
Interest	2,078.75	-	2,078.75
Reimbursable agreements	127,020.78	-	127,020.78
Miscellaneous	1,214.88		1,214.88
Total receipts	543,133.03		543,133.03
Total Liquid Fuels Tax Funds available			
for expenditures and encumbrances	1,142,687.51		1,142,687.51
Expenditures:			
Administrative	56,006.74	_	56,006.74
Minor equipment purchases	-	_	-
County aid payments	99,988.00	_	99,988.00
Major equipment expenditures	-	_	-
Street cleaning and gutters	_	_	_
Winter maintenance services	_	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repairs - roads and			
bridges	206,194.61	-	206,194.61
Highway construction and rebuilding			
projects	75,211.03	-	75,211.03
Miscellaneous			
Total expenditures	437,400.38		437,400.38
Remaining funds available as of			
December 31, 2017	\$ 705,287.13	\$ -	\$ 705,287.13

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2017 FORM MS-991 WITH ADJUSTMENTS

### 2017 Form MS-991 With Adjustments (Continued)

	Rej	ported	Adjı	ıstments		Adjusted Amount
Approved future year receipts and expenditures						
Accounts receivable	\$	-	\$	-	\$	-
Accounts payable		-		-		-
Unpaid encumbrances	17	9,846.00		-		179,846.00
Unpaid county aid grants		-				
Total approved future year receipts						
and expenditures	17	9,846.00				179,846.00
Year end balance available for future years as of December 31, 2017	¢ 50	5 441 12	¢		¢	525 441 12
years as of December 31, 2017	\$ 32	5,441.13	\$		\$	525,441.13

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2018 FORM MS-991 WITH ADJUSTMENTS

	Reported	Reported Adjustments		
Actual balance in county Liquid	Φ 705 207 12	Φ	Ф 705 207 12	
Fuels Tax Fund on January 1, 2018	\$ 705,287.13	\$ -	\$ 705,287.13	
Receipts:				
Liquid Fuels Tax Funds received				
from Commonwealth	374,558.06	_	374,558.06	
Interest	4,428.50	_	4,428.50	
Reimbursable agreements	2,354,541.98	_	2,354,541.98	
Miscellaneous	20,000.00	_	20,000.00	
Total receipts	2,753,528.54		2,753,528.54	
Total Liquid Fuels Tax Funds available				
for expenditures and encumbrances	3,458,815.67	_	3,458,815.67	
or expendicules and encombrances	3,130,013.07		3,130,013.07	
Expenditures:				
Administrative	24,402.04	-	24,402.04	
Minor equipment purchases	_ _	-	-	
County aid payments	128,535.00	-	128,535.00	
Major equipment expenditures	-	-	-	
Street cleaning and gutters	-	-	-	
Winter maintenance services	-	-	-	
Traffic control devices	-	-	-	
Street lighting	-	-	-	
Storm sewers and drains	-	-	-	
Repairs of tools and machinery	-	-	-	
Maintenance and repairs - roads and				
bridges	366,474.57	-	366,474.57	
Highway construction and rebuilding				
projects	2,301,768.01	-	2,301,768.01	
Miscellaneous			<del>-</del>	
Total expenditures	2,821,179.62		2,821,179.62	
Remaining funds available as of				
December 31, 2018	\$ 637,636.05	\$ -	\$ 637,636.05	

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2018 FORM MS-991 WITH ADJUSTMENTS

### 2018 Form MS-991 With Adjustments (Continued)

	Rej	ported	Adjı	ıstments		Adjusted Amount
Approved future year receipts and expenditures						
Accounts receivable	\$	-	\$	-	\$	-
Accounts payable		-		-		-
Unpaid encumbrances	16	9,285.00		-		169,285.00
Unpaid county aid grants		-		-		
Total approved future year receipts						
and expenditures	16	9,285.00		-		169,285.00
Year end balance available for future	Φ. 4.6		Φ.		ф	460 274 07
years as of December 31, 2018	<u>\$ 46</u>	8,351.05	\$		\$	468,351.05

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2019 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Actual balance in county Liquid			
Fuels Tax Fund on January 1, 2019	\$ 637,636.05	\$ -	\$ 637,636.05
Receipts:			
Liquid Fuels Tax Funds received			
from Commonwealth	370,974.59	_	370,974.59
Interest	5,758.92	-	5,758.92
Reimbursable agreements	242,183.87	-	242,183.87
Miscellaneous			<u> </u>
Total receipts	618,917.38		618,917.38
Total Liquid Fuels Tax Funds available			
for expenditures and encumbrances	1,256,553.43	_	1,256,553.43
or experiences and encurrences			
Expenditures:			
Administrative	6,614.82	-	6,614.82
Minor equipment purchases	-	-	-
County aid payments	142,934.00	-	142,934.00
Major equipment expenditures	-	-	-
Street cleaning and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repairs - roads and			
bridges	458,399.35	-	458,399.35
Highway construction and rebuilding			
projects	129,123.98	-	129,123.98
Miscellaneous	283.96		283.96
Total expenditures	737,356.11		737,356.11
Remaining funds available as of			
December 31, 2019	\$ 519,197.32	\$ -	\$ 519,197.32

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2019 FORM MS-991 WITH ADJUSTMENTS

### 2019 Form MS-991 With Adjustments (Continued)

Rep	ported	Adjustments		Adjusted Amount	
\$	-	\$	-	\$	-
	-		-		-
19	3,630.00		-		193,630.00
			-		
19	3,630.00		-		193,630.00
\$ 32	5 567 32	\$	_	\$	325,567.32
	\$ 19	193,630.00	\$ - \$ 193,630.00	\$ - \$ - 193,630.00 - - 193,630.00 -	\$ - \$ - \$ 

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2020 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
			·
Actual balance in county Liquid			
Fuels Tax Fund on January 1, 2020	\$ 519,197.32	\$ -	\$ 519,197.32
December 1			
Receipts:			
Liquid Fuels Tax Funds received from Commonwealth	222 270 69		222 270 69
Interest	322,270.68 2,171.07	-	322,270.68 2,171.07
	192,629.43	-	192,629.43
Reimbursable agreements Miscellaneous	15,000.00	-	15,000.00
Miscellaneous	13,000.00		13,000.00
Total receipts	532,071.18		532,071.18
Total Liquid Fuels Tax Funds available	1 051 260 50		1.051.260.50
for expenditures and encumbrances	1,051,268.50		1,051,268.50
Expenditures:			
Administrative	28,795.80	_	28,795.80
Minor equipment purchases	-	_	-
County aid payments	112,067.00	_	112,067.00
Major equipment expenditures	,···	_	,····-
Street cleaning and gutters	_	_	_
Winter maintenance services	-	_	_
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repairs - roads and			
bridges	209,243.96	-	209,243.96
Highway construction and rebuilding			
projects	123,992.50	-	123,992.50
Miscellaneous	473.33		473.33
Total expenditures	474,572.59		474,572.59
Remaining funds available as of			
December 31, 2020	\$ 576,695.91	\$ -	\$ 576,695.91

### LYCOMING COUNTY LIQUID FUELS TAX FUND 2020 FORM MS-991 WITH ADJUSTMENTS

### 2020 Form MS-991 With Adjustments (Continued)

	Reported		Adjustments		Adjusted Amount	
Approved future year receipts and expenditures						
Accounts receivable	\$	-	\$	-	\$	-
Accounts payable		-		-		-
Unpaid encumbrances	19	0,619.00		-		190,619.00
Unpaid county aid grants		-				
Total approved future year receipts						
and expenditures	19	0,619.00				190,619.00
Year end balance available for future years as of December 31, 2020	¢ 20	6,076.91	¢		\$	386,076.91
years as or December 31, 2020	\$ 38	0,070.91	\$		<b>D</b>	300,070.91

### LYCOMING COUNTY 2016 REPORT OF ACT 44 TAX FUND WITH ADJUSTMENTS

	Reported		Reported Adjustments		Adjusted Amount		
Balance, January 1, 2016	\$	\$ 38,467.22		38,467.22 \$ -		\$	38,467.22
Receipts:							
Act 44 Funds		61,210.20		-		61,210.20	
Interest		127.18		-		127.18	
Reimbursable agreements		-		-		-	
Miscellaneous				-			
Total receipts		61,337.38		-		61,337.38	
Total funds available		99,804.60		-		99,804.60	
Expenditures:							
Construction		-		-		-	
Maintenance and repair		-		-		-	
Miscellaneous				-			
Total expenditures				-			
Balance, December 31, 2016	\$	99,804.60	\$	-	\$	99,804.60	

### LYCOMING COUNTY 2017 REPORT OF ACT 44 TAX FUND WITH ADJUSTMENTS

	Reported		Adjustments		Adjusted Amount	
Balance, January 1, 2017	\$	99,804.60	\$	_	\$	99,804.60
Receipts:		,				,
Act 44 Funds		30,390.36				30,390.36
		30,390.30		-		
Interest		340.13		-		346.15
Reimbursable agreements		-		-		-
Miscellaneous						
Total receipts		30,736.51				30,736.51
Total funds available		130,541.11				130,541.11
Expenditures:						
Construction		-		-		-
Maintenance and repair		-		-		-
Miscellaneous						
Total expenditures					· <u></u>	
Balance, December 31, 2017	\$	130,541.11	\$	-	\$	130,541.11

### LYCOMING COUNTY 2018 REPORT OF ACT 44 TAX FUND WITH ADJUSTMENTS

		Reported	Adjustments			Adjusted Amount		
Balance, January 1, 2018	\$	130,541.11	\$	-	\$	130,541.11		
Receipts:								
Act 44 Funds		30,354.14		-		30,354.14		
Interest		807.29		-		807.29		
Reimbursable agreements		-		-		-		
Miscellaneous	_							
Total receipts		31,161.43				31,161.43		
Total funds available		161,702.54				161,702.54		
Expenditures:								
Construction		30,165.26		(28,921.65)		1,243.61		
Maintenance and repair		-		28,921.65		28,921.65		
Miscellaneous		-		-		-		
		_				_		
Total expenditures		30,165.26				30,165.26		
Balance, December 31, 2018	\$	131,537.28	\$		\$	131,537.28		

### LYCOMING COUNTY 2019 REPORT OF ACT 44 TAX FUND WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2019	\$ 131,537.28	\$ -	\$ 131,537.28
Receipts:			
Act 44 Funds	30,354.14	-	30,354.14
Interest	1,154.63	-	1,154.63
Reimbursable agreements	-	-	-
Miscellaneous		<del>-</del> -	
Total receipts	31,508.77		31,508.77
Total funds available	163,046.05		163,046.05
Expenditures:			
Construction	-	-	-
Maintenance and repair	-	-	-
Miscellaneous		<del>-</del> -	
Total expenditures		<u> </u>	
Balance, December 31, 2019	\$ 163,046.05	\$ -	\$ 163,046.05

### LYCOMING COUNTY 2020 REPORT OF ACT 44 TAX FUND WITH ADJUSTMENTS

	Reported		Adjustments		Adjusted Amount	
Balance, January 1, 2020	\$	163,046.05	\$	-	\$	163,046.05
Receipts:						
Act 44 Funds		28,617.24		-		28,617.24
Interest		535.36		-		535.36
Reimbursable agreements		_		-		-
Miscellaneous			-			_
Total receipts		29,152.60				29,152.60
Total funds available		192,198.65				192,198.65
Expenditures:						
Construction		-		_		-
Maintenance and repair		68,640.00		-		68,640.00
Miscellaneous						
Total expenditures		68,640.00				68,640.00
Balance, December 31, 2020	\$	123,558.65	\$		\$	123,558.65

### LYCOMING COUNTY 2016 REPORT OF ACT 89 TAX FUND WITH ADJUSTMENTS

	 Reported		Adjustments		Adjusted Amount
Balance, January 1, 2016	\$ 70,878.11	\$	-	\$	70,878.11
Receipts:					
Act 89 Funds	53,297.08		-		53,297.08
Interest	143.04		-		143.04
Reimbursable agreements	-		-		-
Miscellaneous	 				
Total receipts	53,440.12				53,440.12
Total funds available	 124,318.23				124,318.23
Expenditures:					
Construction	13,582.78		-		13,582.78
Maintenance and repair	-		-		-
Miscellaneous					
Total expenditures	 13,582.78				13,582.78
Balance, December 31, 2016	\$ 110,735.45	\$	_	\$	110,735.45

### LYCOMING COUNTY 2017 REPORT OF ACT 89 TAX FUND WITH ADJUSTMENTS

	ReportedAdj		djustments		Adjusted Amount	
Balance, January 1, 2017	\$	110,735.45	\$	-	\$	110,735.45
Receipts:						
Act 89 Funds		57,510.51		-		57,510.51
Interest		440.70		-		440.70
Reimbursable agreements		-		-		-
Miscellaneous						
Total receipts		57,951.21				57,951.21
Total funds available		168,686.66				168,686.66
Expenditures:						
Construction		3,955.78		-		3,955.78
Maintenance and repair		-		_		-
Miscellaneous						
Total expenditures		3,955.78				3,955.78
Balance, December 31, 2017	\$	164,730.88	\$		\$	164,730.88

### LYCOMING COUNTY 2018 REPORT OF ACT 89 TAX FUND WITH ADJUSTMENTS

	Reported Adjustments		Adjusted Amount		
Balance, January 1, 2018	\$	164,730.88	\$ -	\$	164,730.88
Receipts:					
Act 89 Funds		61,937.32	-		61,937.32
Interest		852.24	-		852.24
Reimbursable agreements		-	-		-
Miscellaneous			 		
Total receipts		62,789.56	 		62,789.56
Total funds available		227,520.44			227,520.44
Expenditures:					
Construction		80,102.00	(76,088.35)		4,013.65
Maintenance and repair		-	76,088.35		76,088.35
Miscellaneous			 		
Total expenditures		80,102.00			80,102.00
Balance, December 31, 2018	\$	147,418.44	\$ 	\$	147,418.44

### LYCOMING COUNTY 2019 REPORT OF ACT 89 TAX FUND WITH ADJUSTMENTS

	Reported		Adjustments		Adjusted Amount		
Balance, January 1, 2019	\$	147,418.44	\$	-	\$	147,418.44	
Receipts:							
Act 89 Funds		60,565.33		-		60,565.33	
Interest		1,450.35		-		1,450.35	
Reimbursable agreements		-		-		-	
Miscellaneous				_			
Total receipts		62,015.68		-		62,015.68	
Total funds available		209,434.12		-		209,434.12	
Expenditures:							
Construction		-		-		-	
Maintenance and repair		_		-		_	
Miscellaneous				_			
Total expenditures				-			
Balance, December 31, 2019	\$	209,434.12	\$	-	\$	209,434.12	

### LYCOMING COUNTY 2020 REPORT OF ACT 89 TAX FUND WITH ADJUSTMENTS

	Reported	Adju	stments	Adjusted Amount
Balance, January 1, 2020	\$ 209,434.12	\$	-	\$ 209,434.12
Receipts:				
Act 89 Funds	59,677.39		-	59,677.39
Interest	695.19		-	695.19
Reimbursable agreements	-		-	-
Miscellaneous	 			 
Total receipts	 60,372.58			 60,372.58
Total funds available	 269,806.70			 269,806.70
Expenditures:				
Construction	-		_	-
Maintenance and repair	100,000.00		-	100,000.00
Miscellaneous	 -			 -
Total expenditures	100,000.00			100,000.00
Balance, December 31, 2020	\$ 169,806.70	\$		\$ 169,806.70

### LYCOMING COUNTY 2017 REPORT OF COUNTY FEE FOR LOCAL USE FUNDS WITH ADJUSTMENTS

	 Reported Adjust		<u>istments</u>	Adjusted Amount	
Balance, January 1, 2017	\$ -	\$	-	\$	-
Receipts:					
Local Use Funds	22,920.00		-		22,920.00
Interest	-		-		-
Reimbursable agreements	-		-		-
Miscellaneous	 				
Total receipts	22,920.00				22,920.00
Total funds available	 22,920.00				22,920.00
Expenditures:					
County-Owned road maintenance	-		-		-
County-Owned road construction	-		-		-
County-Owned bridge maintenance	-		-		-
County-Owned bridge construction	-		-		-
Administrative expenditures	-		-		-
Miscellaneous	-		-		-
Grants to political subdivisions					
Total expenditures	 				
Balance, December 31, 2017	\$ 22,920.00	\$		\$	22,920.00

### LYCOMING COUNTY 2018 REPORT OF COUNTY FEE FOR LOCAL USE FUNDS WITH ADJUSTMENTS

	Reported A		Adj	Adjustments		Adjusted Amount	
Balance, January 1, 2018	\$	22,920.00	\$	-	\$	22,920.00	
Receipts:							
Local Use Funds		534,140.00		-		534,140.00	
Interest		1,419.58		-		1,419.58	
Reimbursable agreements		-		-		-	
Miscellaneous						<del>-</del>	
Total receipts		535,559.58				535,559.58	
Total funds available		558,479.58				558,479.58	
Expenditures:							
County-Owned road maintenance		-		-		-	
County-Owned road construction		_		-		-	
County-Owned bridge maintenance		_		-		-	
County-Owned bridge construction		_		-		-	
Administrative expenditures		-		-		-	
Miscellaneous		-		-		-	
Grants to political subdivisions							
Total expenditures							
Balance, December 31, 2018	\$	558,479.58	\$		\$	558,479.58	

### LYCOMING COUNTY 2019 REPORT OF COUNTY FEE FOR LOCAL USE FUNDS WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2019	\$ 558,479.58	\$ -	\$ 558,479.58
Receipts:			
Local Use Funds	588,355.00	-	588,355.00
Interest	6,018.55	-	6,018.55
Reimbursable agreements	-	-	-
Miscellaneous			
Total receipts	594,373.55		594,373.55
Total funds available	1,152,853.13		1,152,853.13
Expenditures:			
County-Owned road maintenance	-	-	-
County-Owned road construction	-	_	-
County-Owned bridge maintenance	-	_	-
County-Owned bridge construction	-	_	-
Administrative expenditures	-	-	-
Miscellaneous	235,662.00	-	235,662.00
Grants to political subdivisions			
Total expenditures	235,662.00		235,662.00
Balance, December 31, 2019	\$ 917,191.13	\$ -	\$ 917,191.13

### LYCOMING COUNTY 2020 REPORT OF COUNTY FEE FOR LOCAL USE FUNDS WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2020	\$ 917,191.13	\$ -	\$ 917,191.13
Receipts:			
Local Use Funds	603,745.00	-	603,745.00
Interest	5,014.29	-	5,014.29
Reimbursable agreements	-	-	-
Miscellaneous	68,920.00		68,920.00
Total receipts	677,679.29		677,679.29
Total funds available	1,594,870.42		1,594,870.42
Expenditures:			
County-Owned road maintenance	_	_	_
County-Owned road construction	_	_	_
County-Owned bridge maintenance	82,130.68	_	82,130.68
County-Owned bridge construction	-	_	-
Administrative expenditures	_	_	_
Miscellaneous	_	_	_
Grants to political subdivisions			
Total expenditures	82,130.68		82,130.68
Balance, December 31, 2020	\$1,512,739.74	\$ -	\$ 1,512,739.74

### LYCOMING COUNTY LIQUID FUELS, ACT 44, ACT 89 TAX FUNDS, AND COUNTY FEE FOR LOCAL USE FUND AUDITOR DESCRIPTION OF SELECT TRANSACTIONS FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

The following information relates to certain types of transactions for which the Pennsylvania Department of Transportation requested that we provide additional detail.

### Adjustments

### 2018 Report of Act 44 Tax Fund

Adjustments were made to "Construction" and "Maintenance and repair" because expenditures of \$28,921.65 were misclassified.

### 2018 Report of Act 89 Tax Fund

Adjustments were made to "Construction" and "Maintenance and repair" because expenditures of \$76,088.35 were misclassified.

### Reimbursable Agreements

During our examination, we noted that the county entered into reimbursable agreements with the Commonwealth of Pennsylvania for bridge inspections and construction. During our current examination period, the county received \$436,302.90 during 2016, \$127,020.78 during 2017, \$2,354,541.98 during 2018, \$242,183.87 during 2019, and \$192,629.43 during 2020 as a result of these agreements and deposited the money into its Liquid Fuels Tax Fund.

### Miscellaneous Receipts

The following miscellaneous receipts were deposited into the Liquid Fuels Tax Fund during the examination period:

Source	Description	2017	2018	2020
General Fund Local Business	Reimbursement for paint Bridge donation	\$1,214.88	\$ - 20,000.00	\$15,000.00
Totals		\$1,214.88	\$20,000.00	\$15,000.00

Additionally, during 2020 the county deposited a total of \$68,920.00 into its County Fee for Local Use Fund which was received from various municipalities for bridge engineering.

## LYCOMING COUNTY LIQUID FUELS, ACT 44, ACT 89 TAX FUNDS, AND COUNTY FEE FOR LOCAL USE FUND AUDITOR DESCRIPTION OF SELECT TRANSACTIONS FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

### Miscellaneous Expenditures

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

Source	Description	2019	2020
Vendor Lycoming County	Advertising Work crew	\$283.96	\$334.94 138.39
Totals		\$283.96	\$473.33

### **Encumbrances**

As of December 31, 2020, \$190,619.00 was encumbered for grants to political subdivisions.

# LYCOMING COUNTY LIQUID FUELS, ACT 44, ACT 89 TAX FUNDS, AND COUNTY FEE FOR LOCAL USE FUND FINDINGS AND RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

### Finding - Liquid Fuels Money Over Expended On Project

Our examination disclosed that the county expended \$323,309.19 of Liquid Fuels Tax Fund money on construction project No. 19-41000-001. However, the amount of Liquid Fuels Tax Fund money approved by the Department of Transportation to be expended from the Liquid Fuels Tax Fund for this project was \$283,797.70. The difference of \$39,511.49 should have been paid directly from the General Fund.

The Department of Transportation's Regulations do not permit a county to expend Liquid Fuels Tax Fund money in excess of the amount approved on Municipal Services Completion Report Form MS-999.

The failure to comply with the Department of Transportation's Regulations could result in the county having to reimburse \$39,511.49 to its Liquid Fuels Tax Fund.

We were unable to determine why the county expended \$39,511.49 in excess of the approved amount from its Liquid Fuels Tax Fund for the project.

### Recommendations

We recommend that the county reimburse \$39,511.49 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the county expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

### Management's Response

The county officials offered no formal response at this time.

### **Auditor's Conclusion**

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

## LYCOMING COUNTY LIQUID FUELS, ACT 44, ACT 89 TAX FUNDS, AND COUNTY FEE FOR LOCAL USE FUND SUMMARY OF EXIT CONFERENCE FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

An exit conference was held March 23, 2022. Those participating were:

### LYCOMING COUNTY

The Honorable Scott L. Metzger, Chairman of the Board of Commissioners

Ms. Brandy R. Clemens, Director of Budget and Finance

### DEPARTMENT OF THE AUDITOR GENERAL

Mr. Kyle A. Coleman, Auditor

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

### LYCOMING COUNTY LIQUID FUELS, ACT 44, ACT 89 TAX FUNDS, AND COUNTY FEE FOR LOCAL USE FUND REPORT DISTRIBUTION FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2020

This report was initially distributed to:

The Honorable Yassmin Gramian, P.E.

Secretary
Department of Transportation

Lycoming County 330 Pine Street Williamsport, PA 17701

The Honorable Scott L. Metzger Chairman of the Board of Commissioners

The Honorable Krista B. Rogers
Controller

The Honorable Cindy S. Newcomer
Treasurer

**Ms. Brandy R. Clemens**Director of Budget and Finance

This report is a matter of public record and is available online at <a href="www.PaAuditor.gov">www.PaAuditor.gov</a>. 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: <a href="mailto:news@PaAuditor.gov">news@PaAuditor.gov</a>.