



PHILADELPHIA COUNTY
67-000

LIQUID FUELS TAX FUND
EXAMINATION REPORT

FOR THE YEAR ENDED
DECEMBER 31, 2005

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PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE YEAR ENDED
DECEMBER 31, 2005

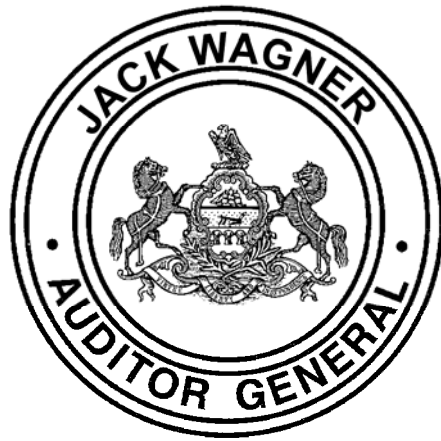
Background

The Liquid Fuels and Fuels Tax Act, Title 75 P.S. § 9010, provides counties with allocations of liquid fuels taxes from the Commonwealth of Pennsylvania's Liquid Fuels Tax Fund in June and December of each year.

The allocations are based on the ratio of a county's average gas consumption in the years 1927, 1928, and 1929 to the total statewide consumption in those years. These allocations must be deposited into a separate fund called the County Liquid Fuels Tax Fund, from which payments may be made for construction, maintenance, and repair of county roads and bridges. Additionally, the Act provides that counties may allocate money from this fund to the political subdivisions within the county for these same purposes. It also allows counties to encumber current funds for future road and bridge construction, reconstruction, and maintenance projects. Furthermore, counties are allowed to use up to ten percent of its Liquid Fuels Tax Fund allocation each year for indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects.

The Department of Transportation has been given the regulatory authority for the administration of these funds. In order to receive Liquid Fuels Tax Funds as scheduled, each county must submit an annual report showing receipts, expenditures, and encumbrances for the preceding 12 months.

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.



Independent Auditor's Report

The Honorable Allen D. Biehler, P.E.
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Form MS-991 With Adjustments for the Liquid Fuels Tax Fund of Philadelphia County for the year ended December 31, 2005. The county's management is responsible for the Form MS-991. Our responsibility is to express an opinion on the Form MS-991 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 Philadelphia County's Form MS-991 for the year ended December 31, 2005 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 county'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 Form MS-991 With adjustments are made by The Department of the Auditor General.

As discussed in the Finding and Recommendations section of this report, the county transferred \$1,245,031.21 from the Liquid Fuels Tax Fund to the General Fund for expenditures made in prior years.

Independent Auditor's Report (Continued)

In our opinion, except for the matter discussed in the preceding paragraph, the Form MS-991 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of Philadelphia County for the year ended December 31, 2005, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to Form MS-991 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 Form MS-991 is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over Form MS-991 or on compliance with other matters; accordingly, we express no such opinion. Our examination disclosed a certain finding that is required to be reported under *Government Auditing Standards* and that finding, along with the views of management, is described in the Finding and Recommendations section of this report.

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

February 22, 2007

JACK WAGNER
Auditor General

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
2005 FORM MS-991
WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Balance, January 1, 2005	\$ 2,879,365.22	\$ (1,671,550.12)	\$ 1,207,815.10
<u>Receipts:</u>			
State allocations	4,953,057.86	-	4,953,057.86
Interest (Note 3)	32,844.82	-	32,844.82
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Accounts receivable	-	-	-
Total receipts	<u>4,985,902.68</u>	<u>-</u>	<u>4,985,902.68</u>
Total funds available	<u>7,865,267.90</u>	<u>(1,671,550.12)</u>	<u>6,193,717.78</u>
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	4,513,466.38	(1,671,550.12)	2,841,916.26
Administrative	-	-	-
Grants to political subdivisions	-	-	-
Accounts payable (Note 1)	1,959,896.26	-	1,959,896.26
Miscellaneous	-	-	-
Total expenditures	<u>6,473,362.64</u>	<u>(1,671,550.12)</u>	<u>4,801,812.52</u>
Balance, December 31, 2005	1,391,905.26	-	1,391,905.26
Unpaid encumbrances (Note 1)	<u>-</u>	<u>-</u>	<u>-</u>
Unencumbered balance, December 31, 2005	<u>\$ 1,391,905.26</u>	<u>\$ -</u>	<u>\$ 1,391,905.26</u>

Notes to Form MS-991 With Adjustments are an integral part of this report.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-991 WITH ADJUSTMENTS
FOR THE YEAR ENDED
DECEMBER 31, 2005

1. Criteria

Form MS-991 With Adjustments provides a summary of Liquid Fuels Tax Fund receipts, expenditures, fund balance, encumbrances and unencumbered balance by category. Categories requiring explanation include:

- State allocations are generally received from the Department of Transportation during June and December of each year. The amount the county receives is based on the ratio of a county's average gas consumption in the years 1927, 1928, and 1929 to the total statewide consumption in those years.
- Reimbursable agreements are agreements with the Commonwealth of Pennsylvania or another entity to reimburse the county for money expended for construction, maintenance, and repairs of county roads and bridges.
- Encumbrances are funds reserved for future county road or bridge projects or grants to political subdivisions for these same purposes.

Basis Of Presentation

The financial activities of the county 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 financial presentation has been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the County Liquid Fuels Tax Act of 1931, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Form MS-991 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Form MS-991 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 expenses are recorded when paid except for accounts receivable and accounts payable. In addition, counties are also permitted to encumber funds for county projects and grants to political subdivisions.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-991 WITH ADJUSTMENTS
FOR THE YEAR ENDED
DECEMBER 31, 2005

1. Criteria (Continued)

Basis Of Accounting (Continued)

Accounts payable are costs incurred during the current audit period, but paid subsequent to the end of the current audit period. The \$1,959,896.26 is for maintenance and repair expenditures.

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 County Code, Title 16 P.S § 17067, authorizes the county 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 from institutions having their principal place of business in or outside the Commonwealth of Pennsylvania that are insured by the FDIC or other like insurance. 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.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-991 WITH ADJUSTMENTS
FOR THE YEAR ENDED
DECEMBER 31, 2005

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2005. 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 county's name.

Fund Balance

The fund balance consists of the following:

Cash	<u>\$1,391,905.26</u>
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3. Interest Earnings

Our examination disclosed that the county deposited idle liquid fuels tax money in an interest-bearing account which earned \$32,844.82 during 2005, thus providing additional funds for road maintenance and repairs.

4. Adjustments

An adjustment of \$(1,671,550.12) was made to "Balance, January 1, 2005" because an incorrect fund balance was reported.

An adjustment of \$(1,671,550.12) was made to "Maintenance and repair" because these expenditures were reported as payables in 2004 and incorrectly reported again as expenditures in 2005.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE YEAR ENDED
DECEMBER 31, 2005

Finding - Retroactive Expenditures

Our examination disclosed that the county transferred \$1,245,031.21 from the Liquid Fuels Tax Fund to the General Fund for expenditures made in prior years as follows:

<u>Description</u>	<u>Amount</u>
Payroll from August and September 2004	\$1,228,593.09
Rock Salt from June of 2004	<u>16,438.12</u>
	<u>\$1,245,031.21</u>

Department of Transportation, *Publication 9*, contains the policies and procedures for the administration of the Liquid Fuels Tax Fund. *Publication 9*, Chapter Two, Section 2.7.2, states, in relevant part:

Examples of what Liquid Fuels Tax Fund monies may not be expended for are:

- 8. Repayments of prior year's expenditures.
- 17. Retroactive expenditures or repayment of other funds for prior period expenditures.

Because these expenditures were paid in 2004 and were not reimbursed from the Liquid Fuels Tax Fund until January, 2005, the expenditures incurred were not paid in a reasonable period of time. Therefore, the county did not comply with Department of Transportation Regulations.

The failure to follow Department of Transportation Regulations could result in the county having to reimburse \$1,245,031.21 to its Liquid Fuels Tax Fund.

Similar findings were written in our 2003 and 2004 audits.

Recommendations

We recommend that the county reimburse \$1,245,031.21 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further again recommend that, in the future, the county comply with Department of Transportation Regulations as noted above.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE YEAR ENDED
DECEMBER 31, 2005

Finding - Retroactive Expenditures (Continued)

Management's Response

The county officials stated:

We are currently in collaborations with the appropriate agencies to ensure that there will no longer be any recurrence of the retroactive payments indicated in the findings.

Auditor's Conclusion

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

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
COMMENT
FOR THE YEAR ENDED
DECEMBER 31, 2005

Comment - Summary Of 2003 And 2004 Audit Recommendation

In our 2003 and 2004 reports, we recommended that the Department of Transportation review our audit findings to determine if the county should reimburse \$1,844,505.13 and \$514,741.28, respectively, to its Liquid Fuels Tax Fund for retroactive expenditures.

During our current examination, we reviewed a letter dated July 12, 2005, from the Department of Transportation informing the county to look into the cash flow issue to determine a solution to these retroactive expenditures, and that the reimbursement of \$2,359,246.41 will be waived pending the submission of a written, corrective action plan. During our next examination, we will determine if the county complied with the Department of Transportation's request.

A similar finding was also written in our current audit.

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE YEAR ENDED
DECEMBER 31, 2005

An exit conference was held February 22, 2007. Those participating were:

PHILADELPHIA COUNTY

Michael A. Zaccagni, SPHR, Deputy Streets Commissioner
Mr. Harris Popolow, Fiscal Officer
Ms. Karen Robinson, Budget Officer

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Karen M. Naughton, Auditor

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

PHILADELPHIA COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE YEAR ENDED
DECEMBER 31, 2005

This report was initially distributed to:

The Honorable Allen D. Biehler, P.E.
Secretary
Department of Transportation

Philadelphia County
Municipal Services Building - Room 700
1401 J.F.K. Boulevard
Philadelphia, PA 19102

The Honorable John F. Street	Mayor
The Honorable John P. Nacchio	Treasurer
The Honorable Alan Butkovitz	Controller
Ms. Clarena I.W. Tolson	Streets Commissioner
Michael A. Zaccagni, SPHR	Deputy Streets Commissioner
Mr. Harris Popolow	Fiscal Officer

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.