ATTESTATION ENGAGEMENT

Borough of Rutledge

Delaware County, Pennsylvania 23-422

Liquid Fuels Tax Fund
For the Period
January 1, 2019 to December 31, 2019

May 2021



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

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

We examined the accompanying Form MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Rutledge, Delaware County, for the period January 1, 2019 to December 31, 2019. The municipality's management is responsible for presenting the Form 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 Form 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Form MS-965 is presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Form 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 Form 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 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*.

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

As discussed in Finding No. 1 of this report, the borough expended \$206.46 in excess of the amount available for the purchase of equipment in 2019 from its Liquid Fuels Tax Fund. Additionally, as discussed in the Summary Of Prior Examinations' Recommendations section of this report, during the prior examination period the borough expended \$3,716.57, but failed to maintain documentation supporting the expenditures. This amount was reimbursed to the borough's Liquid Fuels Tax Fund on July 21, 2020, which was subsequent to our examination period.

In our opinion, except for the matters described in the preceding paragraph, the Form MS-965 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Rutledge, Delaware County, for the period January 1, 2019 to December 31, 2019, 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 Form MS-965; 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 Form 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 Form MS-965 is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Form MS-965 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 Form MS-965 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 over reporting on the Form MS-965 was for the limited purpose of expressing an opinion on whether the Form MS-965 is presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. 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.

Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Form MS-965 is free from material misstatement, we performed tests of the Borough of Rutledge, Delaware 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 Form 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*:

• Over Expended Equipment Purchase Tally.

We also noted a matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

• Late Receipt Of Allocation - Recurring.

The second bulleted finding contained in this report cites conditions that existed in the operation of this municipality during the previous engagement period and was not corrected during the current examination period. The municipality should strive to comply with the recommendations in this report.

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 Borough of Rutledge, Delaware 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.

April 26, 2021

Timothy L. DeFoor Auditor General

Timothy L. Detool

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Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, (72 P.S. § 2615.5 et sec.), 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 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:

2017	2018	2019	2020
¢10.700.00	¢10,000,00	¢11 100 00	¢11 200 00
\$10,700.00	\$10,900.00	\$11,100.00	\$11,300.00

• 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:

 2017	2018	2019	2020
 \$10,700.00	\$10,900.00	\$11,100.00	\$11,300.00

• 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 Form 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.

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND 2019 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary]	Reported	Adjı	astments	Adjusted Amount
Minor equipment purchases	\$	-	\$	-	\$ -
Computer/Computer related training		-		-	-
Major equipment purchases		10,185.84		-	10,185.84
Agility projects		-		-	-
Cleaning streets and gutters		880.33		-	880.33
Winter maintenance services		775.60		-	775.60
Traffic control devices		388.00		-	388.00
Street lighting		5,540.23		-	5,540.23
Storm sewers and drains		-		-	_
Repairs of tools and machinery		179.28		-	179.28
Maintenance and repair of					
roads and bridges		12,630.32		-	12,630.32
Highway construction and					
rebuilding projects		-		-	-
Miscellaneous		1,103.60		-	 1,103.60
Total (To Section 2, Line 5)	\$	31,683.20	\$	-	\$ 31,683.20

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND 2019 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	 Reported	Adj	ustments	 Adjusted Amount
1. Balance, January 1, 2019	\$ 23,567.50	\$	-	\$ 23,567.50
Receipts: 2. State allocation	25,400.51		-	25,400.51
2a. Turnback allocation2b. Interest on investments2c. Miscellaneous	 622.71 9,406.57		- - -	622.71 9,406.57
3. Total receipts	 35,429.79			35,429.79
4. Total funds available	 58,997.29			58,997.29
5. Expenditures (Section 1)	 31,683.20			31,683.20
6. Balance, December 31, 2019	\$ 27,314.09	\$	_	\$ 27,314.09

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND 2019 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	<u>I</u>	Reported	Adjus	stments	Adjusted Amount
1. Prior year equipment balance	\$	4,899.28	\$	-	\$ 4,899.28
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)		5,080.10		-	5,080.10
3. PENNDOT approved adjustments					 <u>-</u>
4. Total funds available for equipment acquisition		9,979.38		-	9,979.38
5. Less: Major equipment expenditures		10,185.84			 10,185.84
6. Remainder		(206.46)		_	(206.46)
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	<u>-</u>	\$	-	\$ <u>-</u>

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND AUDITOR DESCRIPTION OF SELECT TRANSACTIONS FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019

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

Miscellaneous Receipts

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

Source	Description	Amount
Local Municipality Fund General Fund	Deposit in error Reimbursement of 2016-2017	\$1,103.60
General I and	examination recommendation	8,302.97
Total		\$9,406.57

Miscellaneous Expenditures

On June 28, 2019, the municipality transferred \$1,103.60 from the Liquid Fuels Tax Fund to the Local Municipality Fund to correct a deposit in error.

Deposit In Error

On May 21, 2019, the municipality deposited \$1,103.60 into its Liquid Fuels Tax Fund in error. On June 28, 2019, the municipality transferred this amount from its Liquid Fuels Tax Fund to its Local Municipality Fund to correct the deposit in error.

Lease-Purchase Agreement

On September 20, 2016, the municipality entered into a lease-purchase agreement with Fulton Bank to purchase a 2016 Ford F350 dump truck for \$55,571.00. The agreement was for a term of six years at an interest rate of 3.97 percent. Principal and interest payments of \$10,185.95 are due annually. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$12,919.09 and \$1,173.68, respectively. Additionally, the municipality paid principal of \$14,368.03 and interest of \$2,097.05 from the General Fund.

During the current examination period, the municipality paid principal of \$9,063.08 and interest of \$1,122.76 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2019 Form MS-965 - Section 1. The outstanding balance of the lease-purchase agreement as of December 31, 2019, was \$19,220.80, plus interest.

Finding No. 1 - Over Expended Equipment Purchase Tally

Our examination disclosed that the municipality expended \$206.46 in excess of the amount available for the purchase of equipment for the 2019, as follows:

<u>2019</u>		Actual
1.	Prior year equipment balance	\$ 4,899.28
2.	Current year equipment allocation (20% of Lines 2 + 2A, Section 2)	5,080.10
3.	PENNDOT approved adjustments	
4.	Total funds available for equipment acquisition	9,979.38
5.	Less: Major equipment purchases	10,185.84
6.	Amount Over Expended for equipment - 2019	\$ 206.46

The Department of Transportation's, *Publication 9*, Appendix D, Section 449.11, 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, 20 percent of the current year's Liquid Fuels Tax Fund allocations, and any approved adjustments.

The failure to follow *Publication 9* could result in the municipality having to reimburse \$206.46 to its Liquid Fuels Tax Fund.

The failure of the municipality to properly monitor the total of the eligible equipment purchase tally resulted in the over expending of the available total in 2019.

Recommendations

We recommend that the municipality reimburse \$206.46 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the municipality only expend up to the approved amount on equipment expenditures in accordance with the Department of Transportation's *Publication 9*.

Finding No. 1 - Over Expended Equipment Purchase Tally (Continued)

Management's Response

The Secretary/Treasurer stated:

We overestimated the allocation for equipment for the year to be allocated.

Auditor's Conclusion

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

Finding No. 2 - Late Receipt Of Allocation - Recurring

We cited the municipality for late receipt of allocation in our prior two examination periods, with the most recent being for the period of January 1, 2018 to December 31, 2018. Our current examination disclosed that the 2019 Liquid Fuels Tax Fund allocation of \$25,400.51, which should have been distributed from the Department of Transportation to the municipality during the first week of March of that year, was not received until July 22, 2019, because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition by March 15th.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
- 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.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2019 allocation for more than four months. Furthermore, had the allocation been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

The municipality failed to timely file the required documents.

Finding No. 2 - Late Receipt Of Allocation - Recurring (Continued)

Recommendation

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

Management's Response

The Secretary/Treasurer stated:

We have implemented policies for timely filing of application for funds.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendation.

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019

Summary Of 2016-2017 Examination Recommendations

In our January 1, 2016 to December 31, 2017 report, we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$8,302.97 to its Liquid Fuels Tax Fund for failure to maintain adequate documentation to support all expenditures.

During our prior examination, we reviewed a letter dated July 11, 2019, from the Department of Transportation noting that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on June 14, 2019.

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 \$3,716.57 to its Liquid Fuels Tax Fund for failure to maintain documentation to support expenditures.

During our current examination, we reviewed a letter dated July 21, 2020, from the Department of Transportation that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on July 21, 2020, which was subsequent to the audit period.

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

- Ensure good internal control over payroll by maintaining daily time sheets that identify the nature of work performed and the location of work assignments and maintain adequate documentation to support all other expenditures.
- Complies with the Department of Transportation's *Publication 9* to ensure that allocations are received during the first week of March.

During our current examination, we noted that the municipality complied with our first bulleted recommendation, but did not comply with our second bulleted recommendation (see Finding No. 2).

BOROUGH OF RUTLEDGE DELAWARE COUNTY LIQUID FUELS TAX FUND SUMMARY OF EXIT CONFERENCE FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019

An exit conference was held March 25, 2021. Those participating were:

BOROUGH OF RUTLEDGE

Ms. Lisa Seal, Borough Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. John C. Socket, Auditor

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

This report was initially distributed to:

Yassmin Gramian, P.E.

Acting Secretary
Department of Transportation

Borough of Rutledge

Delaware County 212 Unity Terrace Rutledge, PA 19070

The Honorable Heidi Sentivan

President of Council

Ms. Lisa Seal

Borough 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.