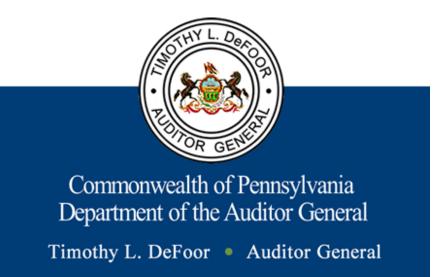
ATTESTATION ENGAGEMENT

Township of Saint Clair Westmoreland County, Pennsylvania 64-213 Liquid Fuels Tax Fund For the Period January 1, 2020 to December 31, 2020

June 2022





Commonwealth of Pennsylvania Department of the Auditor General Harrisburg, PA 17120-0018 Facebook: Pennsylvania Auditor General Twitter: @PAAuditorGen www.PaAuditor.gov

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 Form MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Saint Clair, Westmoreland County, for the period January 1, 2020 to December 31, 2020. 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.

As described in the Auditor Description Of Select Transactions section of this report, the adjustments included on the Form MS-965 With Adjustments are made by the Department of the Auditor General.

As discussed in Finding No. 1, we were unable to examine the images of the front and back of the canceled checks from the township's financial institution for the first and eight months of the year and the backs of the checks for the last four months of the year because the township failed to obtain them from its financial institution. Consequently, we were unable to perform procedures to determine whether disbursements were made in accordance with applicable laws and regulations.

Independent Auditor's Report (Continued)

As discussed in Finding No. 2, the township expended a total of \$1,453.63 from its Liquid Fuels Tax Fund to purchase fuel without maintaining dispensation records. Additionally, as discussed in Finding No. 3, the township expended \$7,743.82 for the purchase of various nonpermissible items. The municipality reimbursed \$8,237.74 to its Liquid Fuels Tax Fund, which was \$493.92 more than the amount expended for the nonpermissible items on July 16, 2021, which was subsequent to our examination period.

In our opinion, except for the matters discussed in the preceding two paragraphs, 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 Township of Saint Clair, Westmoreland County, for the period January 1, 2020 to December 31, 2020, in accordance with the criteria described in the Background section of this report and the Department of Transportation 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 the internal control over reporting on the Form 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 Form MS-965 is 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.

Independent Auditor's Report (Continued)

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 Form MS-965 will not be prevented, or detected and corrected, on a timely basis. We consider the deficiencies below to be a material weaknesses:

- Electronic Imaging Of Cancelled Checks From The Bank Did Not Include The Back Of The Checks.
- Fuel Dispensation Records Not Maintained.

As part of obtaining reasonable assurance about whether the Form MS-965 is free from material misstatement, we performed tests of the Township of Saint Clair, Westmoreland 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 Standards*:

• Nonpermissible Expenditures.

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 Saint Clair, Westmoreland 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. Detaor

Timothy L. DeFoor Auditor General May 6, 2022

CONTENTS

<u>Page</u>

Background1
Financial Section:
2020 Form MS-965 With Adjustments5
Auditor Description Of Select Transactions
Findings And Recommendations:
Finding No. 1 - Electronic Imaging Of Cancelled Checks From The Bank Did Not Include The Back Of The Checks
Finding No. 2 - Fuel Dispensation Records Not Maintained11
Finding No. 3 - Nonpermissible Expenditures Error! Bookmark not defined.
Summary Of Exit Conference15
Report Distribution

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:

2017	2018	2019	2020
\$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.

TOWNSHIP OF SAINT CLAIR WESTMORELAND COUNTY LIQUID FUELS TAX FUND 2020 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		-		-		-
Winter maintenance services		1,596.73		-		1,596.73
Traffic control devices		520.00		-		520.00
Street lighting		11,611.27		-		11,611.27
Storm sewers and drains		-		-		-
Repairs of tools and machinery		8,522.86		(106.62)		8,416.24
Maintenance and repair of						
roads and bridges		7,761.65		(1,416.70)		6,344.95
Highway construction and						
rebuilding projects		-		-		-
Miscellaneous		6,235.50		1,523.32		7,758.82
Total (To Section 2, Line 5)	\$	36,248.01	\$		\$	36,248.01

TOWNSHIP OF SAINT CLAIR WESTMORELAND COUNTY LIQUID FUELS TAX FUND 2020 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported	Adjustments	Adjusted Amount
1. Balance, January 1, 2020	\$ 152,206.76	\$ -	\$ 152,206.76
Receipts: 2. State allocation 2a. Turnback allocation 2b. Interest on investments 2c. Miscellaneous	86,324.75 - 852.47 -	- - - -	86,324.75 - 852.47 -
3. Total receipts	87,177.22		87,177.22
4. Total funds available	239,383.98		239,383.98
5. Expenditures (Section 1)	36,248.01		36,248.01
6. Balance, December 31, 2020	\$ 203,135.97	\$ -	\$ 203,135.97

TOWNSHIP OF SAINT CLAIR WESTMORELAND COUNTY LIQUID FUELS TAX FUND 2020 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	 Reported	Adju	stments	 Adjusted Amount
1. Prior year equipment balance	\$ 85,068.13	\$	-	\$ 85,068.13
 Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2) 	17,264.95		-	17,264.95
3. PENNDOT approved adjustments	 			
4. Total funds available for equipment acquisition	102,333.08		-	102,333.08
5. Less: Major equipment expenditures	 			
6. Remainder	 102,333.08		_	 102,333.08
 Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero) 	\$ 102,333.08	\$		\$ 102,333.08

TOWNSHIP OF SAINT CLAIR WESTMORELAND COUNTY LIQUID FUELS TAX FUND AUDITOR DESCRIPTION OF SELECT TRANSACTIONS FOR THE PERIOD JANUARY 1, 2020 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:

<u>Adjustments</u>

Section 1

Adjustments were made to "Repairs of tools and machinery," "Maintenance and repair of roads and bridges," and "Miscellaneous" because expenditures of \$1,523.32 were misclassified.

Miscellaneous Expenditures

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

Payee	Description	Amount
Financial Institution	Bank service charge	\$ 15.00
Vendor	Police Department expenditures	
	(Finding No. 3)	2,094.92
Vendor	Non-road plan review	
	(Finding No. 3)	327.00
Vendor	Brass, tape, and veg-kill	
	(Finding No. 3)	100.62
Vendor	Per Capita (Finding No. 3)	422.28
Vendor	Non-road bond cancellation	
	(Finding No. 3)	58.00
Vendor	Commercial insurance	
	(Finding No. 3)	4,741.00
Total	-	\$7,758.82

<u>Finding No. 1 - Electronic Imaging Of Cancelled Checks From The Bank Did Not Include</u> <u>The Back Of The Checks</u>

Our examination disclosed that images of cancelled checks for the first eight months of 2020 from the bank for the Liquid Fuels Tax Fund account were not available for our review. We further noted that for the last four months of 2020, the bank only provided images of the front of cancelled checks. For us to properly complete our examination testing, we need to examine the front and back images of all cancelled checks. Although the municipality obtained and provided us with copies of the backs of cancelled checks for the last four months of the year, the municipality should ensure that front and back check images are reviewed timely to ensure good internal controls and reduce the potential for errors or misappropriations. Because the test of disbursements was limited, we had to qualify our opinion as stated in the Independent Auditor's Report.

Good internal controls and the Commonwealth of Pennsylvania Management Directive 210.11, dated June 16, 1997, require that imaging systems comply with the provisions of the Internal Revenue Service (IRS) procedures for record keeping with electronic imaging. To be acceptable, the documents provided by the system must meet IRS procedures governing size, content, format, and pattern. Those procedures require that all images produced by the imaging system exhibit a high degree of legibility and readability when displayed on paper. Legibility includes the ability to identify all letters and numerals positively and quickly. Readability includes the ability to recognize a group of letters or numerals as words or completed numbers. Imaged documents must include the front and back of a document in which both the front and back are used.

Further, good internal controls ensure that by having a municipal official review the front and back of the cancelled checks, any errors or misappropriations can be detected on a timely basis.

Without this control, the potential exists for errors or misappropriations to go undetected for long periods of time.

The new secretary/treasurer was unaware the municipality is required to provide images of the front and back of cancelled checks.

<u>Finding No. 1 - Electronic Imaging Of Cancelled Checks From The Bank Did Not Include</u> <u>The Back Of The Checks (Continued)</u>

Recommendations

We recommend that the municipal officials obtain images of the front and back of cancelled checks in accordance with Directive 210.11. Additionally, municipal officials should review the front and back of each cancelled check for any errors or misappropriations.

Management's Response

The supervisor/secretary/treasurer stated:

As of August of 2020, the township began paying for check images.

Auditor's Conclusion

We reiterate that the municipality should obtain images of both the front and back of cancelled checks. If the municipality's financial institution offers on-line banking, the municipality may be able to view and possibly print them without assistance from its financial institution. During our next examination, we will determine if the municipality complied with our recommendations.

Finding No. 2 - Fuel Dispensation Records Not Maintained

Our examination disclosed that the municipality expended \$1,453.63 during 2020 from the Liquid Fuels Tax Fund account to purchase fuel in bulk quantities. However, records for the dispensation of these fuel purchases were not maintained.

To ensure good internal control of fuel purchases and usage, the municipality should maintain records listing the following information:

- Date.
- Number of gallons pumped.
- License number or identity of the vehicle.
- Intended use.
- Signature of the operator.

Without fuel dispensation records, there is no record that fuel was used for purposes permitted by the Liquid Fuels Tax Municipal Allocation Law. As a result, we could not determine if the expenditures made from the Liquid Fuels Tax Fund to purchase the fuel were permissible.

The failure to maintain records of fuel dispensation as noted above could result in the municipality having to reimburse \$1,453.63 to its Liquid Fuels Tax Fund.

This finding occurred because the new secretary/treasurer was unaware the municipality is required to maintain fuel dispensation records

Recommendations

We recommend that the municipality reimburse \$1,453.63 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the municipality prepare detailed fuel usage reports to ensure good internal controls over fuel purchases and usage.

Finding No. 2 - Fuel Dispensation Records Not Maintained (Continued)

Management's Response

The supervisor/secretary/treasurer stated:

As of February 2022, the municipality began maintaining a fuel log.

Auditor's Conclusion

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

Finding No. 3 - Nonpermissible Expenditures

Our examination disclosed that the municipality expended \$7,743.82 during 2020 from the Liquid Fuels Tax Fund for the following nonpermissible items:

Description	Amount
	#2.004.02
Police Department expenditures	\$2,094.92
Non-road plan review	327.00
Brass, tape, and veg-kill	100.62
Per capita	422.28
Non-road bond cancellation	58.00
Commercial insurance	4,741.00
Total	\$7 712 82
10181	\$7,743.82

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 the expenditures described in the chart above, are outside the scope of permissible expenditures.

The municipal officials stated that the new secretary/treasurer was not aware that these were nonpermissible expenditures.

The municipality reimbursed \$8,237.74 to its Liquid Fuels Tax Fund, which was \$493.92 more than the amount expended on July 16, 2021, which was subsequent to our examination period.

Finding No. 3 - Nonpermissible Expenditures (Continued)

Recommendation

We recommend that, in the future, the municipality complies with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations regarding permissible expenditures.

Management's Response

The supervisor/secretary/treasurer stated:

Secretary/Treasurer will be working with a PennDot Representative in the future.

Auditor's Conclusion

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

TOWNSHIP OF SAINT CLAIR WESTMORELAND COUNTY LIQUID FUELS TAX FUND SUMMARY OF EXIT CONFERENCE FOR THE PERIOD JANUARY 1, 2020 TO DECEMBER 31, 2020

An exit conference was held February 11, 2022. Those participating were:

TOWNSHIP OF SAINT CLAIR

Ms. Cheryl Uadiski, Supervisor/Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Michele Simpson, Auditor

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

This report was initially distributed to:

The Honorable Yassmin Gramian, P.E.

Secretary Department of Transportation

Township of Saint Clair

Westmoreland County P.O. Box 506 550 Seward Street Seward, PA 15954

The Honorable Dennis Rudnik

Chairman of the Board of Supervisors

The Honorable Carl Fabrizio Supervisor

Ms. Cheryl Uadiski Secretary/Treasurer

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