

ATTESTATION ENGAGEMENT

Township of Upper Allen Cumberland County, Pennsylvania 21-104

Liquid Fuels Tax Fund

For the Period

January 1, 2017 to December 31, 2017

January 2019



Commonwealth of Pennsylvania
Department of the Auditor General

Eugene A. DePasquale • Auditor General



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EUGENE A. DePASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Leslie Richards
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 Upper Allen, Cumberland County, for the period January 1, 2017 to December 31, 2017. The municipality's management is responsible for presenting the Form MS-965 in accordance with the criteria set forth in Note 1. 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*.

As described in Note 4, the adjustments included on the Form MS-965 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the township expended \$16,480.83 during 2017 from the Liquid Fuels Tax Fund for traffic signal maintenance and repairs. However, documentation for price quotations was not available for examination. Additionally, as discussed in the Summary Of Prior Examination Recommendations section of this report, during our prior examination we recommended that the municipality reimburse \$50,231.63 to its Liquid Fuels Tax Fund for failing to advertise for bids. This amount was reimbursed to its Liquid Fuels Tax Fund on January 26, 2018, which was subsequent to our examination period.

In our opinion, except for the matters discussed 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 Township of Upper Allen, Cumberland County, for the period January 1, 2017 to December 31, 2017, in accordance with the criteria set forth in Note 1.

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 Township of Upper Allen, Cumberland 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 instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Documentation For Price Quotations Was Not Available For Examination - Recurring.
- Liquid Fuels Tax Fund Allocation And Turnback Allocation Deposited Into The Park & Recreation Fund.

The examination finding for documentation for price quotations not available for examination contained in this report cites a condition that existed in the operation of the municipality during the previous engagement period and was not corrected during the current examination period. The municipality should strive to comply with the recommendations noted 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 Township of Upper Allen, Cumberland County, to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.



Eugene A. DePasquale
Auditor General

December 21, 2018

CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2017 Form MS-965 With Adjustments.....	3
Notes To Form MS-965 With Adjustments.....	6
Findings And Recommendations:	
Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination - Recurring.....	11
Finding No. 2 - Liquid Fuels Tax Fund Allocation And Turnback Allocation Deposited Into The Park & Recreation Fund.....	14
Summary Of Prior Examination Recommendations.....	15
Summary Of Exit Conference.....	16
Report Distribution.....	17

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

Background

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

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

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.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2017 FORM MS-965 – SECTION 1
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	33,967.94	-	33,967.94
Traffic control devices	41,123.68	-	41,123.68
Street lighting	1,321.60	-	1,321.60
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	400,000.00	-	400,000.00
Highway construction and rebuilding projects	21,957.00	-	21,957.00
Miscellaneous (Note 6)	-	109.31	109.31
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 498,370.22</u>	<u>\$ 109.31</u>	<u>\$ 498,479.53</u>

Notes to Form MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2017 FORM MS-965 – SECTION 2
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2017	\$ 336,715.38	\$ -	\$ 336,715.38
Receipts:			
2. State allocation	562,615.51	-	562,615.51
2a. Turnback allocation	2,360.00	-	2,360.00
2b. Interest on investments (Note 3)	1,439.47	-	1,439.47
2c. Miscellaneous (Note 5)	<u>5,720.01</u>	<u>132.11</u>	<u>5,852.12</u>
3. Total receipts	<u>572,134.99</u>	<u>132.11</u>	<u>572,267.10</u>
4. Total funds available	<u>908,850.37</u>	<u>132.11</u>	<u>908,982.48</u>
5. Expenditures (Section 1)	<u>498,370.22</u>	<u>109.31</u>	<u>498,479.53</u>
6. Balance, December 31, 2017	<u><u>\$ 410,480.15</u></u>	<u><u>\$ 22.80</u></u>	<u><u>\$ 410,502.95</u></u>

Notes to Form MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2017 FORM MS-965 – SECTION 3
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 336,715.38	\$ -	\$ 336,715.38
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	112,995.10	-	112,995.10
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	449,710.48	-	449,710.48
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>449,710.48</u>	<u>-</u>	<u>449,710.48</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 410,480.15</u>	<u>\$ 22.80</u>	<u>\$ 410,502.95</u>

Notes to Form MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORM MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2017 TO DECEMBER 31, 2017

1. Criteria

Section 1

This section 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:

2013	2014	2015/2016	2017
\$10,200.00	\$10,300.00	\$10,500.00	\$10,700.00

- 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:

2013	2014	2015/2016	2017
\$10,200.00	\$10,300.00	\$10,500.00	\$10,700.00

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

Section 2

This section 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.

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

1. Criteria (Continued)

Section 2 (Continued)

- Expenditures include the total transferred from Section 1.

Section 3

This section 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.

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.

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

1. Criteria (Continued)

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.

2. Deposits

The First Class Township Code, Title 53 P.S. § 56705.1, authorizes the township 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 purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. 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 or savings bank's assets minus liabilities.

Deposits consist of receipts and deposits in financial institutions. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORM MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2017. Custodial credit risk, as defined by GASB No. 40, as amended, 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 municipality's name.

Fund Balance

The fund balance as of December 31, 2017, consists of the following:

Cash	<u>\$410,502.95</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts which earned \$1,439.47 during 2017, thus providing additional funds for road maintenance and repairs.

4. Adjustments

Section 1

An adjustment of \$109.31 was made to "Miscellaneous" because a transfer in error was not reported (see Note 6).

Section 2

An adjustment of \$132.11 was made to "Miscellaneous" because a reimbursement for materials for \$22.80 and a correction for a transfer in error for \$109.31 were not reported.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORM MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2017 TO DECEMBER 31, 2017

5. Miscellaneous Receipts

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

<u>Source</u>	<u>Description</u>	<u>Amount</u>
Insurance company	Reimbursement for damages	\$4,210.85
Mechanicsburg School District	Share of traffic signal cost	776.81
Commonwealth of Pennsylvania	Share of traffic signal cost	732.35
Operating Fund	Reimbursement for transfer in error (Note 6)	109.31
Operating Fund	Reimbursement for materials	22.80
Total		<u>\$5,852.12</u>

6. Transfer In Error

On November 15, 2017, the municipality transferred \$109.31 from its Liquid Fuels Tax Fund to its Operating Fund in error. On December 21, 2017, the municipality transferred this amount from its Operating Fund to its Liquid Fuels Tax Fund to correct the transfer in error.

TOWNSHIP OF UPPER ALLEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE PERIOD
 JANUARY 1, 2017 TO DECEMBER 31, 2017

**Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination -
 Recurring**

We cited the municipality for failure to maintain documentation for price quotations in our prior examination report for the period January 1, 2015, to December 31, 2016. Our examination disclosed that the township expended \$16,480.83 during 2017 from the Liquid Fuels Tax Fund for traffic signal maintenance and repair. The township was required to obtain three written or telephonic quotations for these expenditures. However, documentation for price quotations was not available for examination. These expenditures were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
29451	01/04/17	21752	02/15/17	746.69
29459	01/04/17	21752	02/15/17	3,309.95
29460	01/04/17	21752	02/15/17	1,393.51
29461	01/04/17	21752	02/15/17	194.40
29797	04/10/17	22167	05/17/17	80.00
29912	05/15/17	22319	06/21/17	1,400.00
30045	06/19/17	22461	07/19/17	50.00
30159	07/17/17	22584	08/16/17	80.00
30286	08/21/17	22702	09/20/17	50.00
30274	08/07/17	22702	09/20/17	139.00
30353	09/05/17	22702	09/20/17	80.00
30267	08/07/17	22702	09/20/17	540.00
30528	10/04/17	22864	10/18/17	162.68
30287	08/22/17	22864	10/18/17	267.50
30391	09/15/17	22864	10/18/17	120.00
30527	10/04/17	22864	10/18/17	1,486.80
30664	11/08/17	23639	12/20/17	1,400.00
30665	11/08/17	23639	12/20/17	156.25
30759	12/04/17	23150	12/29/17	400.00
30708	11/22/17	23150	12/29/17	240.00
30735	11/30/17	23150	12/29/17	4,184.05
Total				<u>\$16,480.83</u>

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

**Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination -
Recurring (Continued)**

The above expenditures were not made in compliance with the contract requirements of *The First Class Township Code*, 53 P.S. § 56802(a.1), (also found at § 1802(a.1) of *The First Class Township Code* as published by the Local Government Commission), which states, in part:

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

The thresholds for obtaining price quotations increased to purchases between \$10,700.00 and \$19,700.00 for 2017, and \$10,900.00 and \$20,100.00 for 2018.

The failure to comply with *The First Class Township Code* could result in the township having to reimburse \$16,480.83 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the township reimburse \$16,480.83 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again recommend that, in the future, the township complies with *The First Class Township Code* as noted in this finding.

Management's Response

The township officials offered no formal response at this time.

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

**Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination -
Recurring (Continued)**

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendations. During our next examination we will determine if the municipality complied with our recommendations.

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

**Finding No. 2 - Liquid Fuels Tax Fund Allocation And Turnback Allocation Deposited Into
The Park & Recreation Fund**

Our examination disclosed that the municipality deposited the 2017 Liquid Fuels Tax Fund allocation and Turnback allocation of \$562,615.51 and \$2,360.00, respectively, into the Park & Recreation Fund on March 6, 2017, which is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law. The municipality transferred \$564,975.51 from its Park & Recreation Fund to its Liquid Fuels Tax Fund on April 11, 2017.

The practice of depositing liquid fuels money into any account other than the Liquid Fuels Tax Fund account is contrary to the Act of June 1, 1956, P.L. (1955) 1944, 72 P.S. § 2615.5, known as the Liquid Fuels Tax Municipal Allocation Law, which states:

. . .each city, borough, town and township, shall . . . Establish and maintain a special fund into which the moneys [liquid fuels tax funds] . . . shall be deposited and into which no other moneys may be deposited or commingled . . .

The risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

Recommendation

We recommend that, in the future, the municipality deposit all liquid fuels tax money promptly into the Liquid Fuels Tax Fund.

Management's Response

The accounting manager stated:

The liquid fuels money was properly transferred to Fund 35.

Auditor's Conclusion

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

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination findings to determine if the municipality should reimburse \$67,231.63 to its Liquid Fuels Tax Fund. This amount consists of \$50,231.63 for failing to advertise for bids and \$17,000.00 for a failure to maintain documentation for price quotations.

During our current examination we reviewed a letter dated January 17, 2018, from the Department of Transportation informing the municipality that the reimbursement of \$17,000.00 would not be required. We noted that the municipality reimbursed the remaining \$50,231.63 to its Liquid Fuels Tax Fund on January 26, 2018, which was subsequent to our examination period.

In our prior report we also recommended that the municipality:

- Comply with *The First Class Township Code* by advertising for bids for all purchases over \$19,400.00. The thresholds for advertising for bids was increased to \$19,700.00 for 2017 and \$20,100.00 for 2018.
- Comply with *The First Class Township Code* by obtaining price quotations for all purchases between \$10,500.00 and \$19,400.00. The thresholds for obtaining price quotations increased to purchases between \$10,700.00 and 19,700.00 for 2017 and \$10,900.00 and \$20,100.00 for 2018.

During our current examination we noted that the municipality complied with our first bulleted recommendation but did not comply with the second bulleted recommendation (see Finding No. 1).

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

An exit conference was held October 19, 2018. Those participating were:

TOWNSHIP OF UPPER ALLEN

Mr. Louis Fazekas, Township Manager

Ms. Laurel Yohe, Accounting Manager

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Tammy Fleisher, Audit Supervisor

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

TOWNSHIP OF UPPER ALLEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2017

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Upper Allen
Cumberland County
100 Gettysburg Pike
Mechanicsburg, PA 17055

The Honorable Kenneth M. Martin, PhD
President of the Board of Commissioners

Mr. Louis Fazekas
Township Manager

Ms. Laurel Yohe
Accounting Manager

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