

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY 09-230

LIQUID FUELS TAX FUND EXAMINATION REPORT

FOR THE TWO YEARS ENDED DECEMBER 31, 2010

CONTENTS

<u>Page</u>
Background
Independent Auditor's Report
Financial Section:
2009 Form MS-965 With Adjustments7
2010 Form MS-965 With Adjustments
Notes To Forms MS-965 With Adjustments
Finding And Recommendation:
Finding - Retroactive Expenditures
Comment
Summary Of Exit Conference
Report Distribution 23

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND BACKGROUND FOR THE TWO YEARS ENDED DECEMBER 31, 2010

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, 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 Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called 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 this 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. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

- 1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
- 2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
- 3. A report of elected and appointed officials by January 31 of each year.
- 4. A Survey of Financial Condition by March 15 of each year.

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.





Department of the Auditor General Commonwealth of Pennsylvania Harrisburg, Pennsylvania 17120-0018

JACK WAGNER AUDITOR GENERAL

Independent Auditor's Report

The Honorable Barry J. Schoch, P.E. Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Wrightstown, Bucks County, for the two years ended December 31, 2010. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms 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. An examination includes examining, on a test basis, evidence supporting the Township of Wrightstown, Bucks County's Forms MS-965 for the two years ended December 31, 2010 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 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 Forms MS-965 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in the Finding and Recommendation section of this report, the township transferred \$97,169.00 from its Liquid Fuels Tax Fund to its General Fund on July 31, 2009 for the repayment of expenditures made during 2008, which are retroactive expenditures. The township reimbursed \$36,056.00, and \$61,113.00 to its Liquid Fuels Tax Fund on June 8, 2011 and August 24, 2011, respectively, which were subsequent to our examination period.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Wrightstown, Bucks County, for the two years ended December 31, 2010 in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Forms MS-965 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 the Forms MS-965 are 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 Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency 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 misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Township of Wrightstown, Bucks County's, township's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the Township of Wrightstown, Bucks County's, Forms MS-965 that is more than inconsequential will not be prevented or detected by the Township of Wrightstown, Bucks County's internal control.

Independent Auditor's Report (Continued)

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Forms MS-965 will not be prevented or detected by the Township of Wrightstown, Bucks County's internal control.

Our consideration of the internal control over reporting on the Forms MS-965 would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. We did not identify any significant deficiencies of material weaknesses, as defined above in internal control over reporting on the Forms MS-965.

The results of our tests disclosed the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

• Retroactive Expenditures.

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

September 9, 2011

JACK WAGNER Auditor General



TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2009 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments (Note 4)		Adjusted Amount	
Major aguinment nurchasas	\$		\$		\$	
Major equipment purchases	Ф	-	Ф	-	Ф	-
Minor equipment purchases		-		-		-
Computer/Computer related training		-		-		-
Agility projects		-		-		-
Cleaning streets and gutters		-		-		-
Winter maintenance services		-		-		-
Traffic control devices		-		-		-
Street lighting		-		-		-
Storm sewers and drains		-		-		-
Repairs of tools and machinery		-		-		-
Maintenance and repair of						
roads and bridges		-		97,169.00		97,169.00
Highway construction and						
rebuilding projects		281,548.43		220,000.00		501,548.43
Miscellaneous		-				_
Total (To Section 2, Line 5)	\$	281,548.43	\$	317,169.00	\$	598,717.43

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2009 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported	A	· ·		Adjusted Amount
1. Balance, January 1, 2009	\$ 222,690.88	\$	97,169.00	\$	319,859.88
Receipts: 2. State allocation 2a. Turnback allocation 2b. Interest on investments (Note 3)	78,024.92 - 1,812.55		- - -		78,024.92 - 1,812.55
2c. Miscellaneous (Note 5)3. Total receipts	79,837.47		220,000.00		220,000.00 299,837.47
4. Total funds available	302,528.35		317,169.00		619,697.35
5. Expenditures (Section 1)	281,548.43		317,169.00		598,717.43
6. Balance, December 31, 2009	\$ 20,979.92	\$	-	\$	20,979.92

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2009 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	Reported		orted Adjustments		Adjusted Amount		
1. Prior year equipment balance	\$	62,067.21	\$	-	\$	62,067.21	
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	n	15,604.98		-		15,604.98	
3. PENNDOT approved adjustments				-			
4. Total funds available for equipment acquisition		77,672.19		-		77,672.19	
5. Less: Major equipment expenditures				-			
6. Remainder		77,672.19				77,672.19	
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	20,979.92	\$	<u>-</u>	\$	20,979.92	

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

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2010 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments		Adjusted Amount	
Major equipment purchases	\$	-	\$	-	\$	_
Minor equipment purchases		-		-		-
Computer/Computer related training		-		-		-
Agility projects		-		-		-
Cleaning streets and gutters		-		-		-
Winter maintenance services		-		-		-
Traffic control devices		-		-		-
Street lighting		-		-		-
Storm sewers and drains		-		-		-
Repairs of tools and machinery		-		-		-
Maintenance and repair of						
roads and bridges		-		-		-
Highway construction and						
rebuilding projects		4,550.00		-		4,550.00
Miscellaneous (Bank service charges)		12.00		-		12.00
Total (To Section 2, Line 5)	\$	4,562.00	\$	_	\$	4,562.00

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2010 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported		Reported Adju		ustments	Adjusted Amount	
1. Balance, January 1, 2010	\$	20,979.92	\$	-	\$	20,979.92	
Receipts: 2. State allocation 2a. Turnback allocation		74,960.86		-		74,960.86	
2b. Interest on investments (Note 3) 2c. Miscellaneous		48.57		- - -		48.57	
3. Total receipts		75,009.43				75,009.43	
4. Total funds available		95,989.35				95,989.35	
5. Expenditures (Section 1)		4,562.00				4,562.00	
6. Balance, December 31, 2010	\$	91,427.35	\$		\$	91,427.35	

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND 2010 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	Reported		Reported Adjustme		stments	 Adjusted Amount	
1. Prior year equipment balance	\$	20,979.92	\$	-	\$ 20,979.92		
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	n	14,992.17		-	14,992.17		
3. PENNDOT approved adjustments				-	 		
4. Total funds available for equipment acquisition		35,972.09		-	35,972.09		
5. Less: Major equipment expenditures				-	 		
6. Remainder		35,972.09			 35,972.09		
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	35,972.09	\$	-	\$ 35,972.09		

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

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 that cost in excess of \$4,000.00.
- Minor equipment purchases are purchases of road machinery and road equipment that cost \$4,000.00 or less.
- 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 generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.
- 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.

1. Criteria (Continued)

Section 3 (Continued)

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 Forms MS-965 have 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 Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments are prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

1. Criteria (Continued)

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. <u>Deposits</u>

The Second Class Township Code, Title 53 P.S. § 68204, 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's 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.

There were no deposits exposed to custodial credit risk as of December 31, 2010. 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 municipality's name.

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND NOTES TO FORMS MS-965 WITH ADJUSTMENTS

FOR THE TWO YEARS ENDED DECEMBER 31, 2010

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2010 consists of the following:

Cash \$91,427.35

3. <u>Interest On Investments</u>

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts which earned \$1,812.55 during 2009, and \$48.57 during 2010, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2009 - Section 1

An adjustment of \$97,169.00 was made to "Maintenance and repair of roads and bridges" because a transfer to the General Fund was not reported.

An adjustment of \$220,000.00 was made to "Highway construction and rebuilding projects" because expenditures relating to check Nos. 1002 for \$3,900.00, 1003 for \$600.00, 1007 for \$540.00, 1008 for \$90,295.09, and 1009 for \$70.00 were not reported. In addition check No. 106 was reported as \$253,000.00 but was issued for \$377,180.34 and check No. 1005 was reported as \$7,355.43 but was issued for \$7,770.00.

2009 - Section 2

An adjustment of \$97,169.00 was made to "Balance, January 1, 2009" because of a prior report adjustment that was not carried forward in the fund balance.

An adjustment of \$220,000.00 was made to "Miscellaneous" because a reimbursement from the General Fund was not reported.

5. <u>Miscellaneous Receipts</u>

On November 30, 2009, and December 31, 2009, the municipality transferred \$130,000.00 and \$90,000.00, respectively, from its General Fund to its Liquid Fuels Tax Fund for the reimbursement for a road paving project.



TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND FINDING AND RECOMMENDATION FOR THE TWO YEARS ENDED DECEMBER 31, 2010

Finding - Retroactive Expenditures

Our examination disclosed that on July 31, 2009 the township transferred \$97,169.00 from the Liquid Fuels Tax Fund to the General Fund for the repayment of expenditures made during 2008, which are retroactive expenditures. A detail of the 2008 expenditures are listed below.

Invoice Number	Invoice <u>Date</u>	G/F Check Number	Check <u>Date</u>	Amount
726	04/21/2008	27324	05/02/2008	\$ 9,952.50
61108WT	06/11/2008	27431	06/13/2008	7,786.00
19726	08/07/2008	27617	08/18/2008	55,611.45
816	09/05/2008	27682	09/15/2008	17,640.00
19726	08/13/2008	27785	10/20/2008	6,179.05
Total				<u>\$97,169.00</u>

The Department of Transportation's, *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 from the General Fund from May 2, 2008 through October 20, 2008, and were not reimbursed with Liquid Fuels Tax Fund money until July 31, 2009, the expenditures incurred were not reimbursed in a reasonable period of time. Therefore, the municipality did not comply with the Department of Transportation's *Publication 9*.

The township reimbursed \$36,056.00 and \$61,113.00 to its Liquid Fuels Tax Fund on June 8, 2011 and August 24, 2011, respectively, which were subsequent to our examination period.

Recommendation

We recommend that, in the future, the township comply with the Department of Transportation's *Publication 9* as noted above.

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND FINDING AND RECOMMENDATION FOR THE TWO YEARS ENDED DECEMBER 31, 2010

Finding - Retroactive Expenditures (Continued)

Management's Response

The township manager stated:

The \$97,169.00 has been identified and repaid to the Liquid Fuels Fund in August 2011.

Auditor' Conclusion

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

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND COMMENT FOR THE TWO YEARS ENDED DECEMBER 31, 2010

Comment – Summary Of Prior Examination Recommendation

In our prior report we recommended that the municipality file all required documents and information timely to receive its allocation during the first week in April.

During our current examination we noted that the municipality complied with our recommendation.

TOWNSHIP OF WRIGHTSTOWN BUCKS COUNTY LIQUID FUELS TAX FUND SUMMARY OF EXIT CONFERENCE FOR THE TWO YEARS ENDED DECEMBER 31, 2010

An exit conference was held September 9, 2011. Those participating were:

TOWNSHIP OF WRIGHTSTOWN

Mr. Joseph F. Pantano, Township Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Auditor

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

TOWNSHIP OF WRIGHTSTOWN
BUCKS COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE TWO YEARS ENDED
DECEMBER 31, 2010

This report was initially distributed to:

The Honorable Barry J. Schoch, P.E. Secretary
Department of Transportation

Township of Wrightstown Bucks County 2203 Second Street Pike Wrightstown, PA 18940

The Honorable Chester S. Pogonowski

Chairman of the Board of Supervisors

Mr. Joseph F. Pantano Township Manager

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.