

# ATTESTATION ENGAGEMENT

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Borough of West York

York County, Pennsylvania

66-430

Liquid Fuels Tax Fund

For the Period

January 1, 2016 to December 31, 2017

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August 2018



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 Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of West York, York County, for the period January 1, 2016 to December 31, 2017. The municipality's management is responsible for presenting the Forms MS-965 in accordance with the criteria set forth in Note 1. 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Forms MS-965 are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms 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 Forms 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 Finding No. 3, 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 Finding No. 1, the municipality incorrectly deposited its 2016 Liquid Fuels Tax Fund allocation of \$107,333.77 into its General Fund. The municipality transferred that amount from its General Fund to its Liquid Fuels Tax Fund on June 22, 2018, which was subsequent to our examination period. Additionally, the municipality's 2017 Liquid Fuels Tax Fund allocation check of \$112,335.64 was never cashed.

In our opinion, except for the matters 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 Borough of West York, York County, for the period January 1, 2016 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 Forms 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 Forms 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 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.

Our consideration of internal control was for the limited purpose of expressing an opinion on whether the Forms MS-965 are 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 Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. We consider the deficiencies below to be material weaknesses:

- Untimely Deposit Of 2016 Allocation, 2016 Allocation Deposited Into The General Fund, Late Receipt Of 2017 Allocation, And Failure To Cash 2017 Allocation Check - Recurring.
- One Signature On Liquid Fuels Tax Fund Checks - Recurring.
- Failure To Properly Prepare Forms MS-965.

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of West York, York 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 Forms 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

The first two bulleted examination findings listed above contained in this report cite conditions that existed in the operation of the municipality during the previous engagement period and were 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 Borough of West York, York 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

August 16, 2018

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BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2016 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.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2016 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 31<sup>st</sup> and the Survey of Financial Condition By March 15<sup>th</sup>.
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.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2016 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
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	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

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



BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2016 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 3)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2016	\$ 439,063.73	\$ -	\$ 439,063.73
Receipts:			
2. State allocation	107,300.00	(107,300.00)	-
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	1,242.03	-	1,242.03
2c. Miscellaneous	-	-	-
3. Total receipts	<u>108,542.03</u>	<u>(107,300.00)</u>	<u>1,242.03</u>
4. Total funds available	<u>547,605.76</u>	<u>(107,300.00)</u>	<u>440,305.76</u>
5. Expenditures (Section 1)	<u>-</u>	<u>-</u>	<u>-</u>
6. Balance, December 31, 2016	<u><u>\$ 547,605.76</u></u>	<u><u>\$ (107,300.00)</u></u>	<u><u>\$ 440,305.76</u></u>

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2016 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 3)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 18,454.03	\$ -	\$ 18,454.03
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	21,460.00	(21,460.00)	-
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	39,914.03	(21,460.00)	18,454.03
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>39,914.03</u>	<u>(21,460.00)</u>	<u>18,454.03</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 39,914.03</u>	<u>\$ (21,460.00)</u>	<u>\$ 18,454.03</u>

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2017 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	2,124.00	-	2,124.00
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	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 2,124.00</u>	<u>\$ -</u>	<u>\$ 2,124.00</u>

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2017 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 3)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2017	\$ 547,605.76	\$ (107,300.00)	\$ 440,305.76
Receipts:			
2. State allocation	112,335.64	(112,335.64)	-
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2,955.94	-	2,955.94
2c. Miscellaneous	-	-	-
3. Total receipts	<u>115,291.58</u>	<u>(112,335.64)</u>	<u>2,955.94</u>
4. Total funds available	<u>662,897.34</u>	<u>(219,635.64)</u>	<u>443,261.70</u>
5. Expenditures (Section 1)	<u>2,124.00</u>	<u>-</u>	<u>2,124.00</u>
6. Balance, December 31, 2017	<u><u>\$ 660,773.34</u></u>	<u><u>\$ (219,635.64)</u></u>	<u><u>\$ 441,137.70</u></u>

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
2017 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 3)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 39,914.03	\$ (21,460.00)	\$ 18,454.03
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	22,467.13	(22,467.13)	-
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	62,381.16	(43,927.13)	18,454.03
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>62,381.16</u>	<u>(43,927.13)</u>	<u>18,454.03</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 62,381.16</u>	<u>\$ (43,927.13)</u>	<u>\$ 18,454.03</u>

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

BOROUGH OF WEST YORK  
 YORK COUNTY  
 LIQUID FUELS TAX FUND  
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2016 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.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2016 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 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.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

1. Criteria (Continued)

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.

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 Borough Code*, Title 53 P.S. § 46316, authorizes the borough 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 a financial institution. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.



BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2016 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>\$441,137.70</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$1,242.03 during 2016, and \$2,955.94 during 2017, thus providing additional funds for road maintenance and repairs.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 1 - Untimely Deposit Of 2016 Allocation, 2016 Allocation Deposited Into The General Fund, Late Receipt Of 2017 Allocation, And Failure To Cash 2017 Allocation Check - Recurring**

We cited the municipality for untimely deposit of allocation in our prior report for the period January 1, 2014 to December 31, 2015. Our current examination disclosed that the 2016 allocation of \$107,333.77 was issued by the Department of Transportation to the municipality on March 1, 2016. However, the municipality did not deposit the check until April 15, 2016 and incorrectly deposited it into the General Fund. This amount was not transferred to the municipality's Liquid Fuels Tax Fund until June 22, 2018, which was subsequent to our examination period.

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 . . .

Additionally, good internal control procedures require that all funds received be deposited immediately upon receipt. The failure to do so increases the risk that errors and misappropriations may occur and remain undetected. Furthermore, the risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

The 2017 Liquid Fuels Tax Fund allocation of \$112,335.64, which should have been distributed from the Department of Transportation to the municipality during the first week of March of each year, was not mailed to the municipality until December 21, 2017, 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).

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 1 - Untimely Deposit Of 2016 Allocation, 2016 Allocation Deposited Into The General Fund, Late Receipt Of 2017 Allocation, And Failure To Cash 2017 Allocation Check - Recurring (Continued)**

- 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 31<sup>st</sup> and the Survey of Financial Condition by March 15<sup>th</sup>.
- 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.

We were also informed by the Department of Transportation that the 2017 Liquid Fuels Tax Fund allocation check was never cashed.

Because the municipality failed to file documents and information timely as noted above and did not cash its 2017 liquid fuels allocation check, the municipality did not have use of the 2017 allocation. Furthermore, had the allocation been received and deposited timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

The Department of Transportation informed us that the municipality filed paperwork to receive its future Liquid Fuels Tax Fund allocations via direct deposit.

**Recommendations**

We again recommend that the municipality deposit all allocations into the Liquid Fuels Tax Fund immediately upon receipt.

We further recommend that 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.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 1 - Untimely Deposit Of 2016 Allocation, 2016 Allocation Deposited Into The General Fund, Late Receipt Of 2017 Allocation, And Failure To Cash 2017 Allocation Check - Recurring (Continued)**

Management's Response

The borough manager/secretary/treasurer stated:

In 2016, prior management received the 2016 allocation of liquid fuels and deposited the funds into the General Fund account without documenting the transaction or transferring the amount to the Highway Aid Fund as required. In 2018, I became aware that the 2016 allocation had been received. Upon verification of the original deposit, an immediate transfer of the allocation was made to the correct account. The 2017 allocation was not received. In 2018, a stop payment for the 2017 allocation was requested along with a request for reissuance of the check. Electronic transfer of the allocation has been implemented for all future allocations.

Auditor's Conclusion

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 2 - One Signature On Liquid Fuels Tax Fund Checks - Recurring**

We cited the municipality for inadequate internal control over the facsimile signature stamp in our prior three reports with the most recent being for the period January 1, 2014 to December 31, 2015. Although the municipality discontinued the practice of using a signature stamp, part of our recommendation in that finding was to ensure that there were at least two authorized signatures on checks. However, our current examination disclosed that only one signature was required to authorize checks drawn on the Liquid Fuels Tax Fund. When only one signature is required, there is a significant risk of unauthorized disbursements, errors, or misappropriations occurring and remaining undetected. To decrease this risk, good internal controls require that at least two authorized signatures be required to authorize checks drawn on the Liquid Fuels Tax Fund.

Recommendation

We again recommend that the municipality improve internal control procedures over disbursements by requiring at least two signatures on all disbursements from the Liquid Fuels Tax Fund account.

Management's Response

The borough manager/secretary/treasurer stated:

I was employed by West York Borough on February of 2017 and made a signer on the PLGIT Highway Aid Account in March of 2017. I learned previous management had either a stamp with signatures or only had the manager sign. In June of 2017, I implemented two signatures needed on all checks as a form of internal control.

Auditor's Conclusion

The only check written from the Liquid Fuels Tax Fund during the examination period was dated May 27, 2017. Therefore, we could not determine if the requirement of two signatures to authorize Liquid Fuels Tax Fund checks was implemented. During our next examination, we will determine if the municipality complied with our recommendation.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 3 - Failure To Properly Prepare Forms MS-965**

Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2016 and 2017 Forms MS-965. These errors resulted in the following:

2016 - Section 2

- An adjustment of \$(107,300.00) was made to "State allocation" because the allocation (actual amount was \$107,333.77) was deposited into the General Fund (see Finding No. 1).

2016 - Section 3

- An adjustment of \$(21,460.00) was made to "Current year equipment allocation" because the state allocation from 2016 - Section 2, which is used to calculate this figure, was misstated and deposited into the General Fund.

2017 - Section 2

- An adjustment of \$(107,300.00) was made to "Balance, January 1, 2017" to reflect the adjustment made to the fund balance in 2016 - Section 2.
- An adjustment of \$(112,335.64) was made to "State allocation" because the allocation check was never cashed (see Finding No. 1).

2017 - Section 3

- An adjustment of \$(21,460.00) was made to "Prior year equipment balance" to reflect the adjustment made to the equipment balance in 2016 – Section 3.
- An adjustment of \$(22,467.13) was made to "Current year equipment allocation" because the state allocation check for \$112,335.64 from 2017 - Section 2, which is used to calculate this figure, was not cashed.

Good internal controls ensure that the municipality complete its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or misappropriations may occur and remain undetected.

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

**Finding No. 3 - Failure To Properly Prepare Forms MS-965 (Continued)**

Recommendation

We recommend that the municipality ensure that its Forms MS-965 are complete and accurate.

Management's Response

The borough manager/secretary/treasurer stated:

Although I did not prepare the 2016 MS-965, I did prepare the 2017 MS-965. I incorrectly included the 2017 allocation of Liquid Fuels in the form although it had not been received. In the future, the Liquid Fuels allocations will only be included once received and deposited into the account.

Auditor's Conclusion

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

Summary Of Prior Examination Recommendations

In our prior report, we recommended that the municipality:

- Establish and implement an adequate system of internal controls over disbursements. This includes ensuring that there are at least two authorized signatures on checks and that if the facsimile signature of the municipal officials is used, each municipal official have their own stamp and the stamp should be maintained and applied by the official whose name is represented on the stamp.
- Deposit all allocations immediately upon receipt.
- Should consider using the electronic transfer of funds offered by the Department of Transportation.

During our current examination, we noted that the municipality discontinued the use of facsimile signature stamps but did not require two signatures on Liquid Fuels Tax Fund checks. The borough manager/secretary/treasurer stated that two signatures were required as of June 2017 (see Finding No. 2). Additionally, the municipality did not deposit its 2016 allocation timely and never cashed its 2017 allocation check (see Finding No. 1). However, the Department of Transportation did inform us that the municipality filed paperwork to have future allocations deposited directly into its Liquid Fuels Tax Fund.



BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

An exit conference was held July 26, 2018. Those participating were:

BOROUGH OF WEST YORK

Ms. Linda I. Diaz, Borough Manager/Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Michael D. Thomas, Auditor

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

BOROUGH OF WEST YORK  
YORK COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2016 TO DECEMBER 31, 2017

This report was initially distributed to:

**The Honorable Leslie Richards**  
Secretary  
Department of Transportation

**Borough of West York**  
York County  
1381 West Poplar Street  
York, PA 17404

**The Honorable Shawn Mauck**  
Mayor

**The Honorable Mary Wagner**  
President of Council

**Ms. Linda I. Diaz**  
Borough Manager/Secretary/Treasurer

This report is a matter of public record and is available online at [www.PaAuditor.gov](http://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](mailto:news@PaAuditor.gov).