

ATTESTATION ENGAGEMENT

Borough of Ashville
Cambria County, Pennsylvania
11-401
Liquid Fuels Tax Fund
For the Period
January 1, 2015 to December 31, 2017

September 2018



Commonwealth of Pennsylvania
Department of the Auditor General
Eugene A. DePasquale • Auditor General



Commonwealth of Pennsylvania
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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 Ashville, Cambria County, for the period January 1, 2015 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 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 Finding No. 1, the borough expended \$1,268.71 during 2016 and \$2,420.52 during 2017 from the Liquid Fuels Tax Fund in excess of the approved amount for street lighting costs.

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 Borough of Ashville, Cambria County, for the period January 1, 2015 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.

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 the internal control was for the limited purpose of expressing an opinion on whether the Form 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. We did identify a certain deficiency in internal control, described in the finding listed below, that we consider to be a material weakness in internal control:

- Authorized Check Signers Are Related.

Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Ashville, Cambria 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 the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

- Over Expenditure Of Street Lighting Costs - Recurring.

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

- Late Receipt Of Allocation.

The examination finding for over expenditure of street lighting costs contained in this report cites a condition that existed in the operation of the municipality during the previous three engagement periods 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 Borough of Ashville, Cambria 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 31, 2018

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BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2015 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 ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2015 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.

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 2015 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	1,627.31	-	1,627.31
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	641.48	-	641.48
Winter maintenance services	2,248.73	-	2,248.73
Traffic control devices	-	-	-
Street lighting	2,090.74	-	2,090.74
Storm sewers and drains	3,306.90	-	3,306.90
Repairs of tools and machinery	805.25	-	805.25
Maintenance and repair of roads and bridges	2,278.93	-	2,278.93
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 12,999.34</u>	<u>\$ -</u>	<u>\$ 12,999.34</u>

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

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 2015 FORM MS-965 – SECTION 2
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2015	\$ 2,319.65	\$ -	\$ 2,319.65
Receipts:			
2. State allocation	9,411.56	-	9,411.56
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	.54	-	.54
2c. Miscellaneous (Summary Of Prior Examination Recommendations)	<u>1,371.47</u>	<u>-</u>	<u>1,371.47</u>
3. Total receipts	<u>10,783.57</u>	<u>-</u>	<u>10,783.57</u>
4. Total funds available	<u>13,103.22</u>	<u>-</u>	<u>13,103.22</u>
5. Expenditures (Section 1)	<u>12,999.34</u>	<u>-</u>	<u>12,999.34</u>
6. Balance, December 31, 2015	<u>\$ 103.88</u>	<u>\$ -</u>	<u>\$ 103.88</u>

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

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 2015 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	\$ 2,319.65	\$ -	\$ 2,319.65
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	1,882.31	-	1,882.31
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	4,201.96	-	4,201.96
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>4,201.96</u>	<u>-</u>	<u>4,201.96</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 103.88</u>	<u>\$ -</u>	<u>\$ 103.88</u>

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

BOROUGH OF ASHVILLE
 CAMBRIA 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	433.16	-	433.16
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	1,327.27	-	1,327.27
Winter maintenance services	404.36	-	404.36
Traffic control devices	-	-	-
Street lighting	4,027.83	-	4,027.83
Storm sewers and drains	-	-	-
Repairs of tools and machinery	1,301.54	-	1,301.54
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Note 6)	1,037.00	-	1,037.00
 Total (To Section 2, Line 5)	 <u>\$ 8,531.16</u>	 <u>\$ -</u>	 <u>\$ 8,531.16</u>

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

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

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2016	\$ 103.88	\$ -	\$ 103.88
Receipts:			
2. State allocation	10,986.24	-	10,986.24
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	6.93	-	6.93
2c. Miscellaneous (Note 5)	<u>1,000.00</u>	<u>-</u>	<u>1,000.00</u>
3. Total receipts	<u>11,993.17</u>	<u>-</u>	<u>11,993.17</u>
4. Total funds available	<u>12,097.05</u>	<u>-</u>	<u>12,097.05</u>
5. Expenditures (Section 1)	<u>8,531.16</u>	<u>-</u>	<u>8,531.16</u>
6. Balance, December 31, 2016	<u><u>\$ 3,565.89</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 3,565.89</u></u>

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

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 2016 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	\$ 103.88	\$ -	\$ 103.88
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	2,197.25	-	2,197.25
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	2,301.13	-	2,301.13
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>2,301.13</u>	<u>-</u>	<u>2,301.13</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,301.13</u>	<u>\$ -</u>	<u>\$ 2,301.13</u>

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

BOROUGH OF ASHVILLE
 CAMBRIA 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	2,234.66	-	2,234.66
Winter maintenance services	4,964.98	119.42	5,084.40
Traffic control devices	21.85	-	21.85
Street lighting	4,012.09	-	4,012.09
Storm sewers and drains	-	-	-
Repairs of tools and machinery	461.86	-	461.86
Maintenance and repair of roads and bridges	204.33	-	204.33
Highway construction and rebuilding projects	-	-	-
Miscellaneous	119.42	(119.42)	-
 Total (To Section 2, Line 5)	 <u>\$ 12,019.19</u>	 <u>\$ -</u>	 <u>\$ 12,019.19</u>

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

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

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2017	\$ 3,565.89	\$ -	\$ 3,565.89
Receipts:			
2. State allocation	11,492.23	-	11,492.23
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	17.99	-	17.99
2c. Miscellaneous	-	-	-
3. Total receipts	<u>11,510.22</u>	<u>-</u>	<u>11,510.22</u>
4. Total funds available	<u>15,076.11</u>	<u>-</u>	<u>15,076.11</u>
5. Expenditures (Section 1)	<u>12,019.19</u>	<u>-</u>	<u>12,019.19</u>
6. Balance, December 31, 2017	<u><u>\$ 3,056.92</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 3,056.92</u></u>

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

BOROUGH OF ASHVILLE
 CAMBRIA 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	\$ 2,301.13	\$ -	\$ 2,301.13
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	2,298.45	-	2,298.45
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	4,599.58	-	4,599.58
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>4,599.58</u>	<u>-</u>	<u>4,599.58</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 3,056.92</u>	<u>\$ -</u>	<u>\$ 3,056.92</u>

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

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2015 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 ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 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 ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 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 ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 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><u>\$3,056.92</u></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 \$.54 during 2015, \$6.93 during 2016, and \$17.99 during 2017, thus providing additional funds for road maintenance and repairs.

4. Adjustment

2017 - Section 1

Adjustments were made to "Winter maintenance services" and "Miscellaneous" because expenditures of \$119.42 were misclassified.

5. Temporary Loan

On March 22, 2016, the municipality loaned \$1,000.00 from its Sewer Fund to its Liquid Fuels Tax Fund. On May 18, 2016, the municipality transferred \$1,000.00 from its Liquid Fuels Tax Fund to its Sewer Fund to repay the temporary loan.

BOROUGH OF ASHVILLE
 CAMBRIA COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2015 TO DECEMBER 31, 2017

6. Miscellaneous Expenditures

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

Payee	Description	2016
Sewer Fund	Loan repayment (Note 5)	\$1,000.00
Financial institution	Bank service charges	37.00
Total		\$1,037.00

BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2017

Finding No. 1 - Authorized Check Signers Are Related

Our examination disclosed that the signatures required to authenticate Liquid Fuels Tax Fund checks are that of the president of council and the vice-president of council, who are father and daughter, respectively.

Good internal control procedures ensure that at least two unrelated persons are authorized to sign checks drawn on the Liquid Fuels Tax Fund.

Without this control, the risk of unauthorized disbursements, errors, or irregularities occurring and remaining undetected increases significantly.

Recommendation

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

Management's Response

The Vice-President of Council stated:

I have contacted the bank. We now have documentation that related individuals cannot sign the same check.

Auditor's Conclusion

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

BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2017

Finding No. 2 - Over Expenditure Of Street Lighting Costs - Recurring

We cited the municipality for over expending Liquid Fuels Tax Fund money on street lighting costs in our prior three reports with the most recent being for the period January 1, 2013 to December 31, 2014. Our current examination disclosed that the borough expended \$1,268.71 during 2016 and \$2,420.52 during 2017 from the Liquid Fuels Tax Fund in excess of the approved amount for street lighting costs.

The Borough Code, 53 P.S. § 46302(a)(4), or § 1302 and § 1302(4) of *The Borough Code* as published by the Local Government Commission provide that:

The council of the borough shall have power, by ordinance, to levy and collect annually, a tax, not exceeding thirty mills for general borough purposes, unless the council by majority action shall, upon due cause shown by resolution, petition the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied and in addition thereto any of the following taxes:.

. .

(4) For lighting and illuminating the streets, highways and other public places with electric light, gas light or other illuminant, not exceeding eight mills;. . .

We noted that the borough had levied a real estate tax assessment of 13.75 mills, of which, 2 mills was imposed for street lighting costs for the years 2016 and 2017.

The Department of Transportation's Regulations permit only those street lighting expenditures in excess of the tax actually collected for street lighting to be expended from the Liquid Fuels Tax Fund.

BOROUGH OF ASHVILLE
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 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
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Finding No. 2 - Over Expenditure Of Street Lighting Costs - Recurring (Continued)

Our calculations are as follows:

Total Real Estate Taxes Collected for 2016	\$17,991.00
Divide by Total Mills	<u>13.75</u>
Equals: One Mill	1,308.44
Multiply by Total Mills for Street Lights	<u>2.0</u>
Total Tax Collected for Street Lights in 2016	<u>2,616.88</u>
Total 2016 Street Lighting Costs - ALL FUNDS	5,376.00
Less: 2016 Tax Collected for Street Lights	<u>(2,616.88)</u>
Equals: Permissible Amount Paid by LF	2,759.12
Less: Amount Paid From LFTF in 2016	<u>(4,027.83)</u>
Equals: Amount Over Expended by LF in 2016	<u>\$(1,268.71)</u>

BOROUGH OF ASHVILLE
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 FOR THE PERIOD
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Finding No. 2 - Over Expenditure Of Street Lighting Costs - Recurring (Continued)

Total Real Estate Taxes Collected for 2017	\$16,641.00
Divide by Total Mills	<u>13.75</u>
Equals: One Mill	1,210.26
Multiply by Total Mills for Street Lights	<u>2.0</u>
Total Tax Collected for Street Lights in 2017	<u><u>2,420.52</u></u>
Total 2017 Street Lighting Costs - ALL FUNDS	4,012.00
Less: 2017 Tax Collected for Street Lights	<u>(2,420.52)</u>
Equals: Permissible Amount Paid by LF	1,591.48
Less: Amount Paid from LFTF in 2017	<u>4,012.00</u>
Equals: Amount Over Expended from LF in 2017	<u><u>\$ (2,420.52)</u></u>

The failure to follow *The Borough Code* and the Department of Transportation’s Regulations as noted above could result in the borough having to reimburse \$3,689.23 to its Liquid Fuels Tax Fund.

This condition occurred because the borough failed to comply with our prior examination recommendation to follow the Department of Transportation’s Regulations by limiting their street lighting expenditures from the Liquid Fuels Tax Fund to only lighting costs which exceed the tax amount collected for street lighting.

Recommendations

We recommend that the borough reimburse \$3,689.21 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again recommend that, in the future, the borough follow the Department of Transportation’s Regulations by limiting their street lighting expenditures from the Liquid Fuels Tax Fund only to lighting costs which exceed the tax amount collected for street lighting.

BOROUGH OF ASHVILLE
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FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
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Finding No. 2 - Over Expenditure Of Street Lighting Costs - Recurring (Continued)

Management's Response

The Vice-President of Council stated:

The prior secretary is no longer associated with the borough. This is being monitored more closely by the new secretary.

Auditor's Conclusion

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

BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
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Finding No. 3 - Late Receipt Of Allocation

Our examination disclosed that the 2016 Liquid Fuels Tax Fund allocation of \$10,986.24, which should have been distributed from the Department of Transportation to the municipality during the first week of March of that year, was not received until April 13, 2016 because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

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

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

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2016 allocation for more than one month. Furthermore, had the allocation been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs

We noted that the 2017 allocation was received on time.

BOROUGH OF ASHVILLE
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LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
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Finding No. 3 - Late Receipt Of Allocation (Continued)

Recommendation

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

Management's Response

The Vice-President of Council stated:

We were not aware that the prior secretary did not file all paperwork on time. We have since addressed and resolved this issue.

Auditor's Conclusion

During our next examination, we will determine if the municipality continued to comply with our recommendation.

BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS
FOR THE PERIOD
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Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$1,371.47 to its Liquid Fuels Tax Fund for an over expenditure of street lighting costs.

During our current examination we reviewed a letter dated October 6, 2015, from the Department of Transportation informing the municipality to reimburse \$1,371.47 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed \$1,371.47 to its Liquid Fuels Tax Fund on July 29, 2015.

In our prior report we also recommended that the borough follow the Department of Transportation's Regulations by limiting their street lighting expenditures from the Liquid Fuels Tax Fund only to lighting costs which exceed the tax amount collected for street lighting.

During our current examination we noted that the municipality did not comply with our recommendation (see Finding No. 2).

BOROUGH OF ASHVILLE
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LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
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An exit conference was held July 19, 2018. Those participating were:

BOROUGH OF ASHVILLE

The Honorable Nicole De Angelis, Vice-President of Council

DEPARTMENT OF THE AUDITOR GENERAL

Michele Garman, CFE, Auditor

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

BOROUGH OF ASHVILLE
CAMBRIA COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2017

This report was initially distributed to:

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Secretary
Department of Transportation

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The Honorable Lewis De Angelis
President of Council

Ms. Alaina J. McMullen
Secretary/Treasurer

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