

ATTESTATION ENGAGEMENT

Montour County
Pennsylvania
47-000

Liquid Fuels Tax Fund,
Act 44 Tax Fund and
Act 89 Tax Fund

For the Period
January 1, 2019 to December 31, 2022

May 2024



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Michael Carroll
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-991 With Adjustments for the Liquid Fuels Tax Fund and the Reports of Act 44 and Act 89 Tax Funds With Adjustments of Montour County for the period January 1, 2019 to December 31, 2022 (Forms). The county's management is responsible for presenting the Forms in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*. Our responsibility is to express an opinion on the Forms 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 involves performing procedures to obtain reasonable assurance about whether the Forms are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms. 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 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 required to be independent and to meet our other ethical responsibilities in accordance with ethical requirements relating to the engagement.

As described in the Auditor Description Of Select Transactions section of this report, the adjustments included on the Forms are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the county's encumbered balance exceeded its fund balance by \$5,407.75 in 2019 and by \$9,166.57 in 2020.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund, the Act 44 Tax Fund, and the Act 89 Tax Fund of Montour County for the period January 1, 2019 to December 31, 2022, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Forms; 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. 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 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Forms 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 Forms will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over reporting on the Forms was for the limited purpose of expressing an opinion on whether the Forms are presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

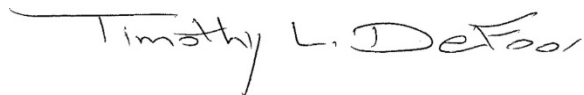
Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms are free from material misstatement, we performed tests of Montour 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. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- County Encumbered More Than Its Fund Balance.
- Failure To Obtain Project Approval.

The purpose of this report is to determine whether the county's Liquid Fuels Tax Fund, Act 44 Tax Fund, and Act 89 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 Montour County to us during the course of our examination. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.



Timothy L. DeFoor
Auditor General
March 15, 2024

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MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background

The Vehicle Code makes provisions and provides funding for the County Liquid Fuels, Act 44, and Act 89 Programs. The Pennsylvania Department of Transportation has regulatory administration and oversight of the funds supporting these county programs. Counties are required to comply with those provisions and to report annually.

The Vehicle Code imposes a state tax on liquid fuels and fuels used or sold and delivered by distributors within the Commonwealth (75 Pa. C.S. § 9004(a)). One-half cent of the tax collected on each gallon of liquid fuels is deposited in the Commonwealth's Liquid Fuels Tax Fund. *The Vehicle Code* further provides for the disposition and use of this tax, including the allocations to counties in June and December of each year to fund construction, reconstruction, maintenance and repair of county roads, streets and bridges. The allocation to the respective counties is made in the ratio that the average amount returned to each county during the three preceding years bears to the average amount returned to all counties during the three preceding years (75 Pa C.S. § 9010).

The Vehicle Code, as amended by Act 44 of 2007 (July 18, 2007, P.L.169) and Act 89 of 2013 (November 25, 2013, P.L. 169), provides the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund (75 Pa. C.S. § 8915.6(b)(2) and as of July 1, 2014 § 9301(b)). The annual distribution to counties is determined based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of county-owned bridges throughout the Commonwealth. The reporting of the square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

The Vehicle Code, as amended by Act 89 of 2013 (November 25, 2013, P.L. 974, No.89) provides for semi-annual allocations to all counties that own public bridges (75 Pa. C.S. § 9502(a)(2)(iv)). These allocations are made on the first business day of June and December each year. The Commonwealth allocates the funds available through Act 89 to counties based upon the ratio of square footage of deck area of a county's county-owned bridges to the total square footage of deck area of county-owned bridges throughout the Commonwealth. The reporting of the square footage of deck area of a county's county-owned bridges is required as part of the National Bridge Inspection Standards Program.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

Criteria

A. *The Vehicle Code* prescribes criteria for liquid fuels program funds (75 Pa C.S. § 9010). The Pennsylvania Department of Transportation's *Publication 9* provides more specific policies and procedures to counties for the administration and reporting of the liquid fuels program funds. In the event of any discrepancies between the two, the legislation governs.

(1) Funds received by the counties must be deposited in a special fund designated as the County Liquid Fuels Tax Fund and no other money may be deposited and commingled. Money should be invested to earn interest until expended.

- For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year.

(2) Payments from the special fund may be used for:

- Construction, reconstruction, maintenance and repair of roads, highways, bridges and curb ramps from a road or highway to provide for access by individuals with disabilities consistent with Federal and State law.
- Property damages and compensation of viewers for services in eminent domain proceedings involving roads, highways, and bridges.
- Construction, reconstruction, operation and maintenance of publicly owned ferryboat operations.
- Interest and principal payments on road, bridge, or publicly owned ferryboat operation bonds or sinking fund charges.
- Acquisition, maintenance, repair and operation of traffic signs and signals.
- Erection and maintenance of stop and go signal lights, blinkers and other like traffic control devices.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

- Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects, not to exceed 10 percent of the yearly allocation to the county.
 - Individual vehicle liability insurance for equipment purchased under the fund, not to exceed 10 percent of the yearly allocation to the county.
- (3) Counties may not make expenditures from the special fund for new construction on roads, bridges, curb ramps, or publicly owned ferryboat operations without the approval of the plans for construction by the Pennsylvania Department of Transportation. And counties may not allocate money from the special fund to political subdivisions within the county until the application and the contracts or plans for the proposed expenditures have been made on a form prescribed by the Pennsylvania Department of Transportation.
- (4) Counties may encumber current funds for future road and bridge construction, reconstruction, and maintenance projects including viable municipal projects. Counties must redistribute any unencumbered balance in the special fund to political subdivisions if the unencumbered balance is more than the county's receipts during the preceding twelve month period.
- (5) Counties must submit a report to the Pennsylvania Department of Transportation by January 31 for the period ending December 31 on prescribed Form MS-991, The Report of County Liquid Fuels Tax Fund, showing the receipts and expenditures of the money received by the county from the Commonwealth. Upon failure to file the report or instances of any non-compliant payments, allocations, or expenditures, the Pennsylvania Department of Transportation may withhold further funding until the delinquent report is filed, the money is allocated, or the expenditures for the prior 12 months are approved.
- B. *The Vehicle Code*, as amended by Act 44 of 2007 (July 18, 2007, P.L. 169) and Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 44 funds distributed to the counties from the Commonwealth's Motor License Fund. The County's Act 44 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

(1) Funds received by the counties must be deposited in a special fund designated as the County Act 44 Fund and no other money may be deposited and commingled. (Note: Act 44 and Act 89 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.

- For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the Act 44 Tax Fund money to be received during the current calendar year.

(2) Payments from the special fund may be used for:

- Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
- Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.
- County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
- Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
- Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 44 Fund.
- Inspection costs associated with bridges.
- Purchase of right-of-way for bridge construction, reconstruction, or maintenance.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
 - (4) In order to receive Act 44 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.
- C. *The Vehicle Code*, as amended by Act 89 of 2013 (November 25, 2013, P.L. 169), prescribes the Pennsylvania Department of Transportation with oversight authority of the Act 89 funds distributed to the counties from the Department of Transportation. The County's Act 89 Tax Fund is used to account for the distribution made to the county from the Department of Transportation and the payments made for construction and maintenance of county-owned bridges.
- (1) Funds received by the counties must be deposited in a special fund designated as the County Act 89 Fund and no other money may be deposited and commingled. (Note: Act 89 and Act 44 Funds may be deposited in a single account. However, the county must account for these funds independently for auditing). Money should be invested to earn interest until expended.
 - For purposes of payments under (2), below, the county may borrow and place in the special fund money not in excess of the Act 89 Tax Fund money to be received during the current calendar year.
 - (2) Payments from the special fund may be used for:
 - Construction, reconstruction, maintenance, and repair of public bridges for which the county is legally responsible.
 - Interest and principal payments on bridge loans and bonds or sinking fund charges for such bonds becoming due within that current calendar year.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

- County Engineer's salary and benefit costs for bridge work (that portion of the total calculated to be relevant to bridge work only).
 - Engineering fees related to bridge work (fees in excess of 10% of the total contract price must be documented and justified to the satisfaction of the District Municipal Services Office).
 - Liability insurance for bridge equipment and vehicles when the named beneficiary is the entity's Act 89 Fund.
 - Inspection costs associated with bridges.
 - Purchase of right-of-way for bridge construction, reconstruction, or maintenance.
- (3) For bridge maintenance/preservation activities, the county must confer with a District Municipal Services Representative to determine if Department of Transportation approval is required. All rehabilitations, replacements or any other work that affects the carrying capacity of the structure or the waterway areas requires the approval of the Department of Transportation.
- (4) In order to receive Act 89 funds as scheduled, each county must submit an annual report showing the receipts and expenditures for the preceding 12 months. The use of the funds must be in compliance with the Act. Failure to do so may result in the county's not receiving allocations until such deficiencies are resolved.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Basis Of Presentation

In accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation, the Form MS-991 With Adjustments and the Reports of Act 44 and Act 89 Tax Funds With Adjustments, do not constitute complete financial presentations of the county's assets, liabilities, expenses, and fund balance but include the receipts, expenditures, and fund balances of the County Liquid Fuels Tax Fund, the County Act 44 Tax Fund, and the County Act 89 Tax Fund, respectively.

The Pennsylvania Department of Transportation prescribes that the county report the following on the Form MS-991, *Report of County Liquid Fuels Tax Fund*:

- A. The balance in the County Liquid Fuels Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Liquid Fuels Tax Fund allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Accounts receivable (to be realized within 60 days of the year end).
- D. Total Liquid Fuels Tax funds available for expenditure and encumbrances.
- E. Expenditures for county-owned roads, highways, and bridges.
- F. Accounts payable (accrued wages, accrued payroll taxes, and accounts payable vendors to be realized within 60 days of the year end).
- G. The balance in the fund at the close of the report calendar year.
- H. Encumbered and unencumbered balances on hand at the close of the report calendar year.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

The Pennsylvania Department of Transportation prescribes that the county report the following on the Reports Of Act 44 Tax Fund and Act 89 Tax Fund:

- A. The balance in the County Act 44 and Act 89 Tax Fund at the beginning of the report calendar year.
- B. Receipts which must be itemized and include the County's Act 44 and Act 89 allocations, interest, reimbursable agreements, and miscellaneous items such as loans, sale of salvageable material, and damage claims to road or bridge property.
- C. Total Act 44 and Act 89 funds available for expenditure.
- D. Expenditures for county-owned bridges.
- E. The balance in the fund at the close of the report calendar year.

Basis Of Accounting

The accompanying Form MS-991 With Adjustments, Report of Act 44 Tax Fund With Adjustments, and Report of Act 89 Tax Fund 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.

MONTOUR COUNTY
 LIQUID FUELS TAX FUND
 2019 FORM MS-991 WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2019	\$ 259,005.84	\$ (90.40)	\$ 258,915.44
<u>Receipts:</u>			
State allocations	41,212.99	-	41,212.99
Interest	5,201.66	-	5,201.66
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>46,414.65</u>	<u>-</u>	<u>46,414.65</u>
Total funds available	<u>305,420.49</u>	<u>(90.40)</u>	<u>305,330.09</u>
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	115,358.60	200.00	115,558.60
Administrative	-	-	-
Grants to political subdivisions	-	-	-
Miscellaneous	379.24	(200.00)	179.24
Total expenditures	<u>115,737.84</u>	<u>-</u>	<u>115,737.84</u>
Balance, December 31, 2019	189,682.65	(90.40)	189,592.25
Unpaid encumbrances	<u>153,300.00</u>	<u>41,700.00</u>	<u>195,000.00</u>
Unencumbered balance, December 31, 2019	<u>\$ 36,382.65</u>	<u>\$ (41,790.40)</u>	<u>\$ (5,407.75)</u>

MONTOUR COUNTY
 LIQUID FUELS TAX FUND
 2020 FORM MS-991 WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2020	\$ 189,592.25	\$ -	\$ 189,592.25
<u>Receipts:</u>			
State allocations	30,748.54	-	30,748.54
Interest	1,163.50	-	1,163.50
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>31,912.04</u>	<u>-</u>	<u>31,912.04</u>
Total funds available	<u>221,504.29</u>	<u>-</u>	<u>221,504.29</u>
<u>Expenditures:</u>			
Construction	-	23,338.35	23,338.35
Maintenance and repair	35,670.86	(23,338.35)	12,332.51
Administrative	-	-	-
Grants to political subdivisions	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>35,670.86</u>	<u>-</u>	<u>35,670.86</u>
Balance, December 31, 2020	185,833.43	-	185,833.43
Unpaid encumbrances	<u>153,300.00</u>	<u>41,700.00</u>	<u>195,000.00</u>
Unencumbered balance, December 31, 2020	<u>\$ 32,533.43</u>	<u>\$ (41,700.00)</u>	<u>\$ (9,166.57)</u>

MONTOUR COUNTY
 LIQUID FUELS TAX FUND
 2021 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2021	\$ 185,833.43	\$ -	\$ 185,833.43
<u>Receipts:</u>			
State allocations	34,580.83	-	34,580.83
Interest	58.82	-	58.82
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	34,639.65	-	34,639.65
Total funds available	220,473.08	-	220,473.08
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	4,841.24	-	4,841.24
Administrative	-	-	-
Grants to political subdivisions	-	-	-
Miscellaneous	-	-	-
Total expenditures	4,841.24	-	4,841.24
Balance, December 31, 2021	215,631.84	-	215,631.84
Unpaid encumbrances	135,000.00	60,000.00	195,000.00
Unencumbered balance, December 31, 2021	\$ 80,631.84	\$ (60,000.00)	\$ 20,631.84

MONTOUR COUNTY
 LIQUID FUELS TAX FUND
 2022 FORM MS-991 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2022	\$ 215,631.84	\$ -	\$ 215,631.84
<u>Receipts:</u>			
State allocations	28,863.59	-	28,863.59
Interest	202.69	-	202.69
Reimbursable agreements	66,003.21	-	66,003.21
Miscellaneous	-	-	-
	95,069.49	-	95,069.49
Total receipts	95,069.49	-	95,069.49
Total funds available	310,701.33	-	310,701.33
<u>Expenditures:</u>			
Construction	-	-	-
Maintenance and repair	67,742.67	-	67,742.67
Administrative	-	-	-
Grants to political subdivisions	-	-	-
Miscellaneous	-	-	-
	67,742.67	-	67,742.67
Total expenditures	67,742.67	-	67,742.67
Balance, December 31, 2022	242,958.66	-	242,958.66
Unpaid encumbrances	75,000.00	116,942.45	191,942.45
Unencumbered balance, December 31, 2022	\$ 167,958.66	\$ (116,942.45)	\$ 51,016.21

MONTOUR COUNTY
 2019 REPORT OF ACT 44 TAX FUND
 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2019	\$ 90,978.60	\$ -	\$ 90,978.60
<u>Receipts:</u>			
Act 44 Funds	12,583.56	-	12,583.56
Interest	1,981.84	-	1,981.84
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>14,565.40</u>	<u>-</u>	<u>14,565.40</u>
Total funds available	<u>105,544.00</u>	<u>-</u>	<u>105,544.00</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Balance, December 31, 2019	<u><u>\$ 105,544.00</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 105,544.00</u></u>

MONTOUR COUNTY
2020 REPORT OF ACT 44 TAX FUND
WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2020	\$ 105,544.00	\$ -	\$ 105,544.00
<u>Receipts:</u>			
Act 44 Funds	12,531.90	-	12,531.90
Interest	634.96	-	634.96
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>13,166.86</u>	<u>-</u>	<u>13,166.86</u>
Total funds available	<u>118,710.86</u>	<u>-</u>	<u>118,710.86</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	40,000.00	-	40,000.00
Miscellaneous	-	-	-
Total expenditures	<u>40,000.00</u>	<u>-</u>	<u>40,000.00</u>
Balance, December 31, 2020	<u>\$ 78,710.86</u>	<u>\$ -</u>	<u>\$ 78,710.86</u>

MONTOUR COUNTY
 2021 REPORT OF ACT 44 TAX FUND
 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2021	\$ 78,710.86	\$ -	\$ 78,710.86
<u>Receipts:</u>			
Act 44 Funds	12,980.82	-	12,980.82
Interest	32.59	-	32.59
Reimbursable agreements	-	-	-
Miscellaneous	38,721.04	-	38,721.04
	51,734.45	-	51,734.45
Total receipts	51,734.45	-	51,734.45
Total funds available	130,445.31	-	130,445.31
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
	-	-	-
Total expenditures	-	-	-
Balance, December 31, 2021	\$ 130,445.31	\$ -	\$ 130,445.31

MONTOUR COUNTY
 2022 REPORT OF ACT 44 TAX FUND
 WITH ADJUSTMENTS

	Reported	Adjustments	Adjusted Amount
Balance, January 1, 2022	\$ 130,445.31	\$ -	\$ 130,445.31
<u>Receipts:</u>			
Act 44 Funds	12,995.80	-	12,995.80
Interest	53.39	-	53.39
Reimbursable agreements	-	-	-
Miscellaneous	1,278.96	-	1,278.96
	14,328.15	-	14,328.15
Total receipts	14,328.15	-	14,328.15
Total funds available	144,773.46	-	144,773.46
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	45,491.50	-	45,491.50
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
	45,491.50	-	45,491.50
Total expenditures	45,491.50	-	45,491.50
Balance, December 31, 2022	\$ 99,281.96	\$ -	\$ 99,281.96

MONTOUR COUNTY
 2019 REPORT OF ACT 89 TAX FUND
 WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2019	\$ 97,697.40	\$ -	\$ 97,697.40
<u>Receipts:</u>			
Act 89 Funds	23,876.92	(20.00)	23,856.92
Interest	2,225.66	-	2,225.66
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>26,102.58</u>	<u>(20.00)</u>	<u>26,082.58</u>
Total funds available	<u>123,799.98</u>	<u>(20.00)</u>	<u>123,779.98</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Balance, December 31, 2019	<u>\$ 123,799.98</u>	<u>\$ (20.00)</u>	<u>\$ 123,779.98</u>

MONTOUR COUNTY
 2020 REPORT OF ACT 89 TAX FUND
 WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2020	\$ 123,779.98	\$ -	\$ 123,779.98
<u>Receipts:</u>			
Act 89 Funds	22,247.70	-	22,247.70
Interest	703.87	-	703.87
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>22,951.57</u>	<u>-</u>	<u>22,951.57</u>
Total funds available	<u>146,731.55</u>	<u>-</u>	<u>146,731.55</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Balance, December 31, 2020	<u>\$ 146,731.55</u>	<u>\$ -</u>	<u>\$ 146,731.55</u>

MONTOUR COUNTY
2021 REPORT OF ACT 89 TAX FUND
WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2021	\$ 146,731.55	\$ -	\$ 146,731.55
<u>Receipts:</u>			
Act 89 Funds	25,192.83	-	25,192.83
Interest	72.42	-	72.42
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>25,265.25</u>	<u>-</u>	<u>25,265.25</u>
Total funds available	<u>171,996.80</u>	<u>-</u>	<u>171,996.80</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Balance, December 31, 2021	<u><u>\$ 171,996.80</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 171,996.80</u></u>

MONTOUR COUNTY
2022 REPORT OF ACT 89 TAX FUND
WITH ADJUSTMENTS

	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Balance, January 1, 2022	\$ 171,996.80	\$ -	\$ 171,996.80
<u>Receipts:</u>			
Act 89 Funds	24,532.64	-	24,532.64
Interest	738.88	-	738.88
Reimbursable agreements	-	-	-
Miscellaneous	-	-	-
Total receipts	<u>25,271.52</u>	<u>-</u>	<u>25,271.52</u>
Total funds available	<u>197,268.32</u>	<u>-</u>	<u>197,268.32</u>
<u>Expenditures:</u>			
Administrative	-	-	-
Minor Equipment Purchases	-	-	-
Major Equipment Purchases	-	-	-
Street Cleaning and Gutters	-	-	-
Traffic Control Devices	-	-	-
Street Lighting	-	-	-
Storm Sewers and Drains	-	-	-
Repairs of Tools and Machinery	-	-	-
Maintenance and Repairs-			
Roads and Bridges	-	-	-
Highway Construction and			
Rebuilding Projects	-	-	-
Miscellaneous	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Balance, December 31, 2022	<u>\$ 197,268.32</u>	<u>\$ -</u>	<u>\$ 197,268.32</u>

MONTOUR COUNTY
 LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
 AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
 FOR THE PERIOD
 JANUARY 1, 2019 TO DECEMBER 31, 2022

The following information relates to certain types of transactions for which the Pennsylvania Department of Transportation requested that we provide additional detail.

Adjustments

2019 Form MS-991

An adjustment of \$(90.40) was made to “Balance, January 1, 2019” because an incorrect fund balance was reported.

Adjustments were made to “Maintenance and repair” and “Miscellaneous” because expenditures of \$200.00 were misclassified.

An adjustment of \$41,700.00 was made to “Unpaid encumbrances” because the balances of the following encumbrances were reported incorrectly:

<u>Encumbrance No.</u>	<u>Actual Amount</u>	<u>Reported Amount</u>	<u>Adjustment</u>
17-47000-001	\$ -	\$18,300.00	\$(18,300.00)
14-47000-003	60,000.00	-	60,000.00
Totals	<u>\$60,000.00</u>	<u>\$18,300.00</u>	<u>\$ 41,700.00</u>

2020 Form MS-991

Adjustments were made to “Construction” and “Maintenance and repair” because expenditures of \$23,338.35 were misclassified.

An adjustment of \$41,700.00 was made to “Unpaid encumbrances” because the balances of the following encumbrances were reported incorrectly:

<u>Encumbrance No.</u>	<u>Actual Amount</u>	<u>Reported Amount</u>	<u>Adjustment</u>
17-47000-001	\$ -	\$18,300.00	\$(18,300.00)
14-47000-003	60,000.00	-	60,000.00
Totals	<u>\$60,000.00</u>	<u>\$18,300.00</u>	<u>\$ 41,700.00</u>

MONTOUR COUNTY
 LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
 AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
 FOR THE PERIOD
 JANUARY 1, 2019 TO DECEMBER 31, 2022

Adjustments (Continued)

2021 Form MS-991

An adjustment of \$60,000.00 was made to “Unpaid encumbrances” because encumbrance 14-47000-003 was reported as \$0.00 but should have been \$60,000.00.

2022 Form MS-991

An adjustment of \$116,942.45 was made to “Unpaid encumbrances” because the balances of the following encumbrances were reported incorrectly:

<u>Encumbrance No.</u>	<u>Actual Amount</u>	<u>Reported Amount</u>	<u>Adjustment</u>
14-47000-002	\$ 56,942.45	\$-	\$ 56,942.45
14-47000-003	60,000.00	-	60,000.00
Totals	<u>\$116,942.45</u>	<u>\$-</u>	<u>\$116,942.45</u>

2019 Report of Act 89 Tax Funds

An adjustment of \$(20.00) was made to Act 89 Funds because the June 2019 allocation was overstated.

Reimbursable Agreements

During our examination, we noted that the county entered into a reimbursable agreement with the Commonwealth of Pennsylvania for bridge design. During our current examination period, the county received \$66,003.21 during 2022 as a result of this agreement and deposited this money into its Liquid Fuels Tax Fund.

Miscellaneous Receipts

The following miscellaneous receipts were deposited into the Act 44 Fund during the examination period:

<u>Source</u>	<u>Description</u>	<u>2021</u>	<u>2022</u>
Act 13 Fund	Reimbursement (see Finding No. 2)	<u>\$38,721.04</u>	<u>\$1,278.96</u>

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Miscellaneous Expenditures

On May 14, 2019, the county expended \$179.24 from the Liquid Fuels Tax Fund for the purchase of checks.

Encumbrances

As of December 31, 2022, \$191,942.45 was encumbered for county projects.

MONTOUR COUNTY
 LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
 FINDINGS AND RECOMMENDATIONS
 FOR THE PERIOD
 JANUARY 1, 2019 TO DECEMBER 31, 2022

Finding No. 1 - County Encumbered More Than Its Fund Balance

Our examination disclosed that county's encumbered balance exceeded its fund balance by \$5,407.75 in 2019 and by \$9,166.57 in 2020. The only time this condition should occur is with the prior approval of the Department of Transportation. The encumbered balances exceeded the fund balances as follows:

	Actual 2019
Fund balance	\$189,592.25
Add: Amount due from the Department of Transportation	-
Total money available	189,592.25
Less: Unpaid encumbrances	195,000.00
Excess amount encumbered	\$ (5,407.75)
	Actual 2020
Fund balance	\$185,833.43
Add: Amount due from the Department of Transportation	-
Total money available	185,833.43
Less: Unpaid encumbrances	195,000.00
Excess amount encumbered	\$ (9,166.57)

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Finding No. 1 - County Encumbered More Than Its Fund Balance (Continued)

The Department of Transportation's *Publication 9*, Chapter One, Section 1.10, states:

. . . that a county's handling of its County Liquid Fuels Tax Fund is normally on a year-to-year basis. However, in an emergency, and with the prior approval of the Municipal Services district office, a county may obligate itself for the expenditure of estimated receipts from the State Liquid Fuels Tax Fund for a period of two years. The county will then receive a credit for such expenditures against such subsequent receipts. Except for this, no county may carryover a credit balance against future receipts from the state from one year to the next.

The failure to comply with the Department of Transportation's *Publication 9* could result in the county having to transfer \$14,574.32 from its General Fund to its Liquid Fuels Tax Fund to pay for future Liquid Fuels Tax Fund obligations.

We were unable to determine the cause of this condition.

Recommendations

We recommend that the county transfer \$14,574.32 from its General Fund to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the county comply with the policies and procedures outlined in the Department of Transportation's *Publication 9*.

Management's Response

The county officials stated:

We will wait for official notification from PennDOT before proceeding.

Auditor's Conclusion

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

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Finding No. 2 - Failure To Obtain Project Approval

Our examination disclosed that the county expended \$40,000.00 from its Act 44 Tax Fund during 2020 for construction on Bridge No. 15 without obtaining the approval of the Department of Transportation. We further noted that the county did not file an application with the Department of Transportation for the project and also failed to submit specifications for approval.

The Department of Transportation's *Publication 9* contains the policies and procedures for the administration of the Act 44 Fund. *Publication 9*, Chapter Four, Section 4.6.6.1, states:

County Act 44 Fund monies may not be allocated or expended for construction or reconstruction projects by the county or any of its political subdivisions, without the prior approval of the application, contract or plans for the proposed expenditure by the Department of Transportation.

Furthermore, *Publication 9*, Chapter Four, Section 4.6.6.2, states:

Completed work by the county or one of its political subdivisions must be approved by the Municipal Services district office before payment can be made.

Additionally, *Publication 9*, Chapter Four, Section 4.7 establishes the criteria used to determine when Project Approval is required for work on County owned bridges utilizing Act 44 funds.

Bridges:	For bridge maintenance/preservation activities, confer with Municipal Services to determine if project approval is required. All rehabilitations, replacements, or any other work that affects the carrying capacity of the structure or waterway areas require project approval.
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On January 21, 2021, and April 14, 2022, the county's Act 13 Fund reimbursed \$38,721.04 and \$1,278.96, respectively, to its Act 44 Tax Fund.

We were unable to determine why Act 44 Tax Fund money was used for this project without approval.

Recommendation

We recommend that before the county expends money on a project, it applies for and obtains prior approval for the project, and when the project is completed, it obtains approval of the completed work.

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Finding No. 2 - Failure To Obtain Project Approval (Continued)

Management's Response

The county officials stated:

The county transferred funds in anticipation of receipt of federal funds to pay invoicing for a project. Once those federal funds were received, the funds were restored to that account.

Auditor's Conclusion

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

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

An exit conference was held January 30, 2024. Those participating were:

MONTOUR COUNTY

Ms. Holly A. Brandon, Chief Clerk

Ms. Michelle Getkin, Assistant Chief Clerk

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Kyle A. Coleman, Auditor

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

MONTOUR COUNTY
LIQUID FUELS, ACT 44, AND ACT 89 TAX FUNDS
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

This report was initially distributed to:

The Honorable Michael Carroll
Secretary
Department of Transportation

Montour County
435 East Front Street
Danville, PA 17821

The Honorable Kenneth A. Holdren
Chairman of the Board of Commissioners

The Honorable Norma Bird
Treasurer

Ms. Holly A. Brandon
Chief Clerk

Ms. Michelle Getkin
Assistant Chief Clerk

This report is a matter of public record and is available online at 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.