



OHIO AUDITOR OF STATE
KEITH FABER



OHIO AUDITOR OF STATE KEITH FABER



65 East State Street
Columbus, Ohio 43215
ContactUs@ohioauditor.gov
800-282-0370

BASIC AUDIT REPORT

Liberty Township
Adams County
West Union, Ohio 45693

We have completed certain procedures in accordance with Ohio Rev. Code Section 117.01(G) to the accounting records and related documents of the Liberty Township, Adams County, (the Township) for the years ended December 31, 2023 and 2022.

Our procedures were designed solely to satisfy the audit requirements of Ohio Rev. Code Section 117.11(A). Because our procedures were not designed to opine on the Township's financial statements, we did not follow *generally accepted auditing standards*. We do not provide any assurance on the Township's financial statements, transactions or balances for the years ended December 31, 2023 and 2022.

The Township's management is responsible for preparing and maintaining its accounting records and related documents. Our responsibility under Ohio Rev. Code Section 117.11(A) is to examine, analyze and inspect these records and documents.

Based on the results of our procedures, we found the following significant compliance or accounting issues to report.

Current Year Observations

1. **Ohio Rev. Code § 149.43(E)(2)** provides that every public office must have a policy in place for responding to public records requests. Generally, a public records policy cannot: (1) limit the number of public records the office will make available to a single person; (2) limit the number of public records the office will make available during a fixed period of time; and (3) establish a fixed period of time before the office will respond to a request for inspection/copying of public records unless that period is less than eight hours. However, pursuant to **Ohio Rev. Code § 149.43(B)(7)(c)**, the policy may limit the number of public records the public office will physically deliver by U.S. Mail or other delivery service to ten per month unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. "Commercial" is narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Ohio Rev. Code § 149.43(E)(2) further requires all public offices take certain actions with regard to their public record policy. Public offices must distribute their Public Records Policy to the employee who is the records custodian/manager or otherwise has custody of the records of that office and have that employee acknowledge receipt of the Public Records Policy; create and display in a conspicuous place in all locations where the public office has branch offices a poster describing the public records policy; and, if the public office has a manual or handbook of its general policies and procedures for all employees, include the public records policy in that manual or handbook.

The Township has no formal written policy that would demonstrate compliance with the Ohio Revised Code. This could result in records requests not being fulfilled in accordance with Ohio law.

The Township shall establish a public records policy. The policy shall be distributed to the records custodian/manager and the Township should have a written acknowledgement of receipt from the records custodian/manager. In addition, a poster describing the public records policy must be conspicuously displayed in all of the Township's branch offices and the public records policy must be included in policy manuals or handbooks if any exist.

Pursuant to Ohio Rev. Code § 109.43(E)(2), the Ohio Attorney General has developed and provided to all public offices a model public records policy for responding to public records requests. The policy, which is available at <https://www.ohioattorneygeneral.gov/Files/Government-Entities/Model-Public-Records-Policy.aspx>, provides guidance to public offices in developing their own policies for responding to public records requests in compliance with the Public Records Act.

2. **Ohio Rev. Code §149.43(B)(2)** states, in part, the entity shall have available a copy of its current records retention schedule at a location readily available to the public. The Township does not have a records retention schedule in place. Failure to establish a records retention schedule could result in the Township not complying with Public Records Laws. The Township should adopt a records retention schedule and make it readily available to the public and all employees should be made aware of the schedule.
3. **Ohio Rev. Code §§ 109.43(B) and 149.43(E)(1)** require all state and local elected officials, or their designees, to attend 3 hours of training on Ohio's Public Records and Open Meetings Laws during each term of office. The training received must be certified by the Ohio Attorney General. Proof of completion of training must include documentation either from the Attorney General's Office or from another entity certified by the Attorney General to provide the training to the elected official or his/her designee. Attendees who successfully complete the training will receive a certificate to serve as proof of training.

One Trustee with a term ending December 31, 2023 or their designee did not provide documentation of completion of training or equivalent certification., due to deficiencies in internal controls over public record laws training procedures and monitoring. This could result in improper education of public offices regarding the offices' duties related to public records requests as well as improper withholding of information from stakeholders. The elected officials, or their designee(s), should, during their term of office, attend public records training and maintain proof of completion of the training.

4. The Township issued a new lease with KS State Bank in 2022 for a Compact Track Loader in the amount of \$60,623.11. The Township did not record this as debt proceeds. The Township should record debt proceeds when new debt is issued.
5. One employee was paid \$600 in overtime. The Township did not maintain or provide supporting documentation such as a timecard for this pay period in 2022. The Township should maintain all supporting documentation for overtime wages.
6. **Ohio Rev. Code §5549.21** states that the board of township trustees may purchase or lease such machinery and tools as are necessary for use in constructing, reconstructing, maintaining, and repairing roads and culverts within the township, and shall provide suitable places for housing and storing machinery and tools owned by the township. It may purchase such material and employ such labor as is necessary for carrying into effect this section, or it may authorize the purchase or employment of such material and labor by one of its number, or by the township highway superintendent, at a price to be fixed by the board. All payments on account of machinery, tools, material, and labor shall be made from the township road fund. Except as otherwise provided in sections 505.08, 505.101 and 5513.01 of the Revised Code, all purchases

of materials, machinery, and tools shall, if the amount involved exceeds fifty thousand dollars (as of calendar year 2024, this amount is seventy-five thousand dollars), be made from the lowest responsible bidder after advertisement, as provided in section 5575.01 of the Revised Code. During 2022 the Township leased a Loader for road purposes in the amount of \$60,623. The Township did not provide any documentation that the equipment was competitively bid.

Failure to follow competitive bidding procedures could allow the Township to pay more for equipment than is needed.

The Township should maintain all records in order to show compliance with the Ohio Revised Code and equipment purchases expected to exceed the \$50,000 threshold through competitive bidding procedures.

Current Status of Matters Reported in our Prior Engagement

7. The prior Agreed Upon Procedures report for the years ended December 31, 2021 and 2020, included an exception regarding the Township Fiscal Officer and a Trustee being underpaid. This was not noted in our current review.
8. It was noted in the 2021-2020 Agreed Upon Procedures report that the Township did not have an approved public records policy or a records retention schedule. It was also noted that not all of the Township's elected officials completed the required public records training. These issues were not corrected and are repeated above as Current Year Observations 1, 2, and 3.



Keith Faber
Auditor of State
Columbus, Ohio

August 28, 2024

OHIO AUDITOR OF STATE KEITH FABER



LIBERTY TOWNSHIP

ADAMS COUNTY

AUDITOR OF STATE OF OHIO CERTIFICATION

This is a true and correct copy of the report, which is required to be filed pursuant to Section 117.26, Revised Code, and which is filed in the Office of the Ohio Auditor of State in Columbus, Ohio.



Certified for Release 9/10/2024

65 East State Street, Columbus, Ohio 43215
Phone: 614-466-4514 or 800-282-0370

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