



OHIO AUDITOR OF STATE KEITH FABER



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INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Israel Township
Preble County
10893 State Route 177
College Corner, Ohio 45003

We have performed the procedures enumerated below, which were agreed to by the Board of Trustees and the management of Israel Township (the Township) on the receipts, disbursements and balances recorded in the Townships cash basis accounting records for the years ended December 31, 2018 and 2017 and certain compliance requirements related to those transactions and balances, included in the information provided to us by the management of the Township. The Township is responsible for the receipts, disbursements and balances recorded in the cash basis accounting records for the years ended December 31, 2018 and 2017 and certain compliance requirements related to these transactions and balances included in the information provided to us by the Township. The sufficiency of the procedures is solely the responsibility of the parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

This report only describes exceptions exceeding \$10.

Cash and Investments

1. We recalculated the December 31, 2018 and December 31, 2017 bank reconciliations. We found no exceptions.
2. We agreed the January 1, 2017 beginning fund balances recorded in the Fund Ledger Report to the December 31, 2016 balances in the prior year documentation in the prior year Agreed-Upon Procedures working papers. We found no exceptions. We also agreed the January 1, 2018 beginning fund balances recorded in the Fund Ledger Report to the December 31, 2017 balances in the Fund Ledger Report. We found no exceptions.
3. We agreed the totals per the bank reconciliations to the total of the December 31, 2018 and 2017 fund cash balances reported in the Fund Status Report. The amounts agreed.
4. We confirmed the December 31, 2018 bank account balances with the Township's financial institutions. We found no exceptions. We also agreed the confirmed balances to the amounts appearing in the December 31, 2018 bank reconciliation without exception.
5. We selected a sample (agreed upon) of five reconciling debits (such as outstanding checks) from the December 31, 2018 bank reconciliation:
 - a. We traced each debit to the subsequent January, February, and March bank statements. We found no exceptions.
 - b. We traced the amounts and dates to the check register, to determine the debits were dated prior to December 31. There were no exceptions.
6. We inspected investments held at December 31, 2018 and December 31, 2017 to determine that they:

- a. Were of a type authorized by Ohio Rev. Code Sections 135.13, 135.14 or 135.144. We found no exceptions
- b. Mature within the prescribed time limits noted in Ohio Rev. Code Section 135.13 or 135.14. We noted no exceptions.

Property Taxes, Intergovernmental and Other Confirmable Cash Receipts

1. We selected a property tax receipt from one *Statement of Semiannual Apportionment of Taxes* (the Statement) for 2018 and one from 2017:
 - a. We traced the gross receipts from the *Statement* to the amount recorded in the Receipt Register Report. The amounts agreed.
 - b. We inspected the Receipt Register Report to confirm the receipt was allocated to the proper funds as required by Ohio Rev. Code Sections 5705.05-.06 and 5705.10. We found no exceptions.
 - c. We inspected the Receipt Register Report to confirm whether the receipt was recorded in the proper year. The receipt was recorded in the proper year.
2. We inspected the Receipt Register Report to determine whether it included two real estate tax receipts for 2018 and 2017. The Receipt Register Report included the proper number of tax receipts for each year.
3. We selected all (agreed upon) receipts from the State Distribution Transaction Lists (DTL) from 2018 and 2017. We also selected a sample (agreed upon) of five receipts from the County Auditor's Detail Expense Reports from 2018 and five from 2017.
 - a. We compared the amount from the above reports to the amount recorded in the Receipt Register Report. The amounts agreed, except one receipt of \$3,666 for 2017 first half homestead and rollback receipts recorded in the General and Road & Bridge Funds at net of state administrative fees that should have been recorded at gross. General Fund revenues and expenditures were both understated by \$5 and Road & Bridge Fund revenues and expenditures were both understated by \$16. However, because we did not inspect all receipts, our report provides no assurance regarding whether or not other similar errors occurred.
 - b. We inspected the Receipt Register Report to determine that these receipts were allocated to the proper fund(s). We found no exceptions.
 - c. We inspected the Receipt Register Report to determine whether the receipts were recorded in the proper year. We found no exceptions.
4. We confirmed the amounts paid from the Hueston Woods Lodge and Conference Center to the Township during 2018 and 2017 with the Center. We found no exceptions.
 - a. We inspected the Receipt Register Report to determine whether these receipts were allocated to the proper fund(s). We found no exceptions.
 - b. We inspected the Receipt Register Report to determine whether the receipts were recorded in the proper year. We found no exceptions.

Debt

1. The prior agreed-upon procedures documentation disclosed no debt outstanding as of December 31, 2016.
2. We inquired of management, and inspected the Receipt Register Report and Payment Register Detail Report for evidence of debt issued during 2018 or 2017 or debt payment activity during 2018 or 2017. There were no new debt issuances, nor any debt payment activity during 2018 or 2017.

Payroll Cash Disbursements

1. We selected one payroll check for five employees from 2018 and one payroll check for five employees from 2017 from the Wage Detail Report and:
 - a. We compared the hours and pay rate, or salary recorded in the Wage Detail Report to supporting documentation (timecard, legislatively or statutorily-approved rate or salary.

We found that the Fiscal Officer was overpaid during 2017 and 2018 by \$995.20 based on being compensated for work paid in excess of the Township Compensation Chart statutorily set salary.

Per Ohio Rev. Code Section 507.09 township fiscal officer salaries are based on the annual budget of the township. In addition, per Ohio Rev. Code Section 511.13 township fiscal officers may not have an interest in a contract entered into by the Board. As such, the Township Fiscal Officer should not have been paid this additional \$995.20 above his properly paid monthly salary. The Township should implement procedures to ensure that all elected officials are paid in accordance with the appropriate Township Compensation Chart in accordance with their term dates only, excluding any additional compensation. Failure to do so could result in future Findings for Recovery for subsequent overpayments of salaries.

Under Ohio law, any public official who either authorizes an illegal expenditure of public funds or supervises the accounts of a public office from which such illegal expenditure is made is strictly liable for the amount of the expenditure. *Seward v. National Surety Corp.*, 120 Ohio St. 47 (1929); 1980 Op. Att'y Gen. No. 80-074; Ohio Rev. Code Section 9.39; *State ex. rel. Village of Linndale v. Masten*, 18 Ohio St. 3d 228 (1985). Public officials controlling public funds or property are liable for the loss incurred should such funds or property be fraudulently obtained by another, converted, misappropriated, lost or stolen. Public Officials will be liable if and to the extent that recovery or restitution is not obtained from the persons who unlawfully obtained such funds or property, 1980 Op. Att'y Gen. No. 80-074.

In accordance with the forgoing facts, and pursuant to Ohio Rev. Code Section 117.28, a Finding for Recovery for public money illegally expended is hereby issued against the Township Fiscal Officer John Wright, and jointly and severally issued against Trustee Matt Nixon and Trustee Franklin Keeler, in the amount of \$995.20 and in favor of the Township's General Fund in the amount of \$995.20. Trustee Chris Johnston was only in office through December 31, 2017, and therefore a Finding for Recovery will be jointly and severally issued against him in the amount of \$144, which represents the portion of the total attributable to 2017, and in favor of the Township's General Fund in the amount of \$144. Trustee Donald White was only in office beginning January 1, 2018, and therefore a Finding for Recovery will be jointly and severally issued against him in the amount of \$851.20, which represents the portion of the total attributable to 2018, and in favor of the Township's General Fund in the amount of \$851.20. John Wright's bonding company is the Traveler's Casualty and Surety Company of America. Matt Nixon, Franklin Keeler, Chris Johnston, and Donald White's bonding company is the Ohio Township Association Risk Management Authority. This matter will also be referred to the Ohio Ethics Commission. This Finding for Recovery was repaid under audit. Repayment was made via check on October 25, 2019 in the amount of \$995.20.

We also found that one Trustee was overpaid during 2017 by \$921.96 based on using the incorrect rate from the Township Compensation Chart that resulted in an unallowable interim term increase.

Per Ohio Rev. Code Section 505.24 township Trustee salaries are based on the annual budget of the township. As such, the Township Trustee should have been paid \$9,003.96. However, the Trustee was paid \$9,925.92, an overpayment of \$921.96. The Township should implement procedures to ensure that all elected officials are paid in accordance with the appropriate Township Compensation Chart in accordance with their term dates. Failure to do so could result in future Findings for Recovery for subsequent overpayments of salaries.

Under Ohio law, any public official who either authorizes an illegal expenditure of public funds or supervises the accounts of a public office from which such illegal expenditure is made is strictly liable for the amount of the expenditure. *Seward v. National Surety Corp.*, 120 Ohio St. 47 (1929); 1980 Op. Att'y Gen. No. 80-074; Ohio Rev. Code Section 9.39; *State ex. rel. Village of Linndale v. Masten*, 18 Ohio St. 3d 228 (1985). Public officials controlling public funds or property are liable for the loss incurred should such funds or property be fraudulently obtained by another, converted, misappropriated, lost or stolen. Public Officials will be liable if and to the extent that recovery or restitution is not obtained from the persons who unlawfully obtained such funds or property, 1980 Op. Att'y Gen. No. 80-074.

In accordance with the forgoing facts, and pursuant to Ohio Rev. Code Section 117.28, a Finding for Recovery for public money illegally expended is hereby issued against the Township Trustee Matt Nixon, and jointly and severally issued against Fiscal Officer John Wright, in the amount of \$921.96 and in favor of the Township's General Fund in the amount of \$921.96. John Wright's bonding company is the Traveler's Casualty and Surety Company of America. Matt Nixon's bonding company is the Ohio Township Association Risk Management Authority. This Finding for Recovery was repaid under audit. Repayment was made via check on October 20, 2019 in the amount of \$921.96.

- b. We inspected the fund and account code(s) to which the check was posted to determine the posting was reasonable based on the employees' duties as documented in the minute record and as required by statute. We also confirmed the payment was posted to the proper year. We found no exceptions.
2. For any new employees selected in procedure 1 we inspected the employees' personnel files and minute record for the following information and compared it with the information used to compute gross and net pay related to this check:
 - a. Name
 - b. Authorized salary or pay rate
 - c. Department(s) and fund(s) to which the check should be charged
 - d. Retirement system participation and payroll withholding
 - e. Federal, State & Local income tax withholding authorization and withholding
 - f. Any other deduction authorizations (deferred compensation, etc.)

We found no exceptions related to procedures a. – f. above.

3. We inspected the last remittance of tax and retirement withholdings for the year ended December 31, 2018 to confirm remittances were timely paid, and if the amounts paid agreed to the amounts

withheld, plus the employer's share where applicable, during the final withholding period of 2018. We observed the following:

Withholding (plus employer share, where applicable)	Date Due	Date Paid	Amount Due	Amount Paid
Federal income taxes & Medicare (and social security, for employees not enrolled in pension system)	January 31, 2019	December 28, 2018	\$1,244.44	\$1,244.44
State income taxes	January 31, 2019	December 28, 2018	\$382.47	\$382.47
OPERS retirement	January 31, 2019	December 28, 2018	\$1,599.67	\$1,599.67
School district income tax	January 31, 2019	December 28, 2018	\$264.03	\$264.03

- We inquired of management and inspected the Payment Register Detail Report for the years ended December 31, 2018 and 2017 to determine if township employees and/or trustees were reimbursed for out-of-pocket insurance premiums. No such reimbursements occurred.

Non-Payroll Cash Disbursements

- We selected a sample (agreed upon) of 10 disbursements from the Payment Register Detail Report for the year ended December 31, 2018 and 10 from the year ended 2017 and determined whether:
 - The disbursements were for a proper public purpose. We found no exceptions.
 - The check number, date, payee name and amount recorded on the returned, canceled check agreed to the check number, date, payee name and amount recorded in the Payment Register Detail Report and to the names and amounts on the supporting invoices. We found no exceptions.
 - The payment was posted to a fund consistent with the restricted purpose for which the fund's cash can be used. We found no exceptions.
 - The fiscal officer certified disbursements requiring certification or issued a *Then and Now Certificate*, as required by Ohio Rev. Code Section 5705.41(D). We found no exceptions.

Compliance – Budgetary

- We compared the total estimated receipts from the *Amended Official Certificate of Estimated Resources*, required by Ohio Rev. Code Section 5705.36(A)(1), to the amounts recorded in the Revenue Status Report for the General, Road & Bridge, and Permissive Sales Tax funds for the years ended December 31, 2018 and 2017. The amounts agreed.
- We inspected the appropriation measures adopted for 2018 and 2017 to determine whether, for the General, Road & Bridge, and Permissive Sales Tax funds, the Trustees appropriated separately for "each office, department, and division, and within each, the amount appropriated for personal services," as is required by Ohio Rev. Code Section 5705.38(C). We found no exceptions.
- We compared total appropriations required by Ohio Rev. Code Sections 5705.38 and 5705.40, to the amounts recorded in the Appropriation Status Report for 2018 and 2017 for the following funds:

General, Road & Bridge, and Permissive Sales Tax. The amounts on the appropriation resolutions agreed to the amounts recorded in the Appropriation Status Report.

4. Ohio Rev. Code Sections 5705.36(A)(5) and 5705.39 prohibits appropriations from exceeding the certified resources. We compared total appropriations to total certified resources for the General, Road & Bridge, and Permissive Sales Tax funds for the years ended December 31, 2018 and 2017. There were no funds for which appropriations exceeded certified resources.
5. Ohio Rev. Code Section 5705.41(B) prohibits expenditures (disbursements plus certified commitments) from exceeding appropriations. We compared total expenditures to total appropriations for the years ended December 31, 2018 and 2017 for the General, Road & Bridge, and Permissive Sales Tax funds, as recorded in the Appropriation Status Report. There were no funds for which expenditures exceeded appropriations.
6. Ohio Rev. Code Section 5705.09 requires establishing separate funds to segregate externally-restricted resources. We inspected the Receipt Register Report for evidence of new restricted receipts requiring a new fund during December 31, 2018 and 2017. We also inquired of management regarding whether the Township received new restricted receipts. The Township established the Cemetery – Verla McClure - Fairhaven fund during 2017 to segregate a Verla McClure estate trust bequest receipt and subsequent disbursements related to the Fairhaven Cemetery. However, Ohio Rev. Code Section 5705.09 does not require establishing this fund (i.e., there are no external restrictions limiting the use of its cash). Therefore, Ohio Rev. Code Section 5705.12 requires the Township to obtain the Auditor of State's permission to establish this fund. The Township did not obtain this permission. We informed management to adjust this fund's remaining cash balance to the regular operating cemetery special revenue fund and that failure to do so could result in adjustment and comment in the subsequent fiscal years 2019-2020 audit.
7. For funds existing in prior years, we inspected the fund activity to determine whether the fund is still being used for the statutorily approved purpose and that all the required funds were established. All the required funds were established and no funds for which the statutorily approved purpose was no longer valid were included on the accounting records.
8. We inspected the Appropriation Ledger Report for the Tuttle Hopewell Cemetery, Martin-Haworth-Palmer-Ewing Bequest, and Cemetery-Verla McClure-Fairhaven Funds. Not more than 5% of non-spendable monies were released, spent, or otherwise modified during the engagement period. However, we informed management of the need to adjust the Tuttle Hopewell Cemetery Fund remaining cash balance to the regular operating cemetery special revenue fund for the fiscal years 2019-2020 audit and that failure to do so could result in adjustment and comment. We also informed management of the need to either obtain supporting documentation or legal counsel opinion for corroboration of the Martin-Haworth-Palmer-Ewing Bequest Fund classification as Permanent, or to adjust its remaining cash balance to the regular operating cemetery special revenue fund for the fiscal years 2019-2020 audit and that failure to do so could result in adjustment and comment.
9. We inspected the 2018 and 2017 Revenue Status Reports and Appropriation Status Reports for evidence of interfund transfers exceeding \$1,000 which Ohio Rev. Code Sections 5705.14 - .16 restrict. We found no evidence of transfers these Sections prohibit, or for which Section 5705.16 would require approval by the Tax Commissioner (effective after June 30, 2017) or Court of Common Pleas (effective through June 30, 2017).

10. We inquired of management and inspected the Appropriation Status Reports to determine whether the Township elected to establish reserve accounts permitted by Ohio Rev. Code Section 5705.13 or 5705.132. The Township did not establish these reserves.

We inquired of management and inspected the Appropriation Status Reports to determine whether the Township elected to establish a contingency, not designated for any particular purpose (contingency reserve balance - spending reserve) permitted by Ohio Rev. Code Section 5705.29(A)(1). The Township did not establish these reserves.

11. We inspected the Cash Summary by Fund Report for the years ended December 31, 2018 and 2017 for negative cash fund balances. Ohio Rev. Code Section 5705.10 (I) provides that money paid into a fund must be used for the purposes for which such fund is established. As a result, a negative fund cash balance indicates that money from one fund was used to cover the expenses of another. No funds had a negative cash fund balances.

Compliance – Contracts & Expenditures

We inquired of management and inspected the Payment Register Detail Report for the years ended December 31, 2018 and 2017 to determine if the township proceeded by force account (i.e. used its own employees) to maintain or repair roads (cost of project \$15,000-\$45,000) or to construct or reconstruct township roads (cost of project \$5,000-\$15,000/per mile) for which Ohio Rev. Code Section 5575.01 requires the county engineer to complete a force account project assessment form (i.e., cost estimate). We identified no projects requiring the county engineer to complete a force account cost estimate.

Other Compliance

1. Ohio Rev. Code Section 117.38 requires townships to file their financial information in the HINKLE system within 60 days after the close of the fiscal year. This statute also permits the Auditor of State to extend the deadline for filing a financial report and establish terms and conditions for any such extension. Auditor of State established policies regarding the filing of complete financial statements, as defined in AOS Bulletin 2015-007 in the Hinkle System. We confirmed the Township filed their complete financial statements, as defined by AOS Bulletin 2015-007 and Auditor of State established policy, within the allotted timeframe for the years ended December 31, 2018 and 2017 in the Hinkle system. There were no exceptions.
2. For all credit card accounts we obtained:
 - copies of existing internal control policies,
 - a list(s) of authorized users, and
 - a list of all credit card account transactions.
 - a. We selected 3 credit card transactions for testing. For selected transactions we inspected documentation to determine that:
 - i. Each transaction was supported with original invoices and for a proper public purpose.We found no exceptions.

This agreed-upon procedures engagement was conducted in accordance with the American Institute of Certified Public Accountants attestation standards and applicable attestation engagement standards included in the Comptroller General of the United States' *Government Auditing Standards*. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression

Israel Township
Preble County
Independent Accountants' Report on
Applying Agreed-Upon Procedures
Page 8

of an opinion or conclusion, respectively, on the Township's receipts, disbursements, balances and compliance with certain laws and regulations. Accordingly, we do not express an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is to provide assistance in the evaluation of the Township's receipts, disbursements and balances recorded in their cash-basis accounting records for the years ended December 31, 2018 and 2017, and certain compliance requirements related to these transactions and balances and is not suitable for any other purpose.

A handwritten signature in black ink that reads "Keith Faber". The signature is written in a cursive, flowing style.

Keith Faber
Auditor of State

Columbus, Ohio

October 30, 2019

OHIO AUDITOR OF STATE KEITH FABER



ISRAEL TOWNSHIP

PREBLE COUNTY

CLERK'S CERTIFICATION

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

Susan Babbitt

CLERK OF THE BUREAU

**CERTIFIED
DECEMBER 3, 2019**