



OHIO AUDITOR OF STATE
KEITH FABER



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INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Butler Township Miller Lane Business District Joint Economic Development Zone
Montgomery County
3510 Sudachi Drive
Dayton, Ohio 45414

We have performed the procedures enumerated below on the Butler Township Miller Lane Joint Economic Development Zone's (the JEDZ) receipts, disbursements and balances recorded in the cash basis accounting records for the years ended December 31, 2022 and 2021 and certain compliance requirements related to those transactions and balances, included in the information provided to us by the management of the JEDZ. The JEDZ is responsible for the receipts, disbursements and balances recorded in the cash basis accounting records for the years ended December 31, 2022 and 2021 and certain compliance requirements related to these transactions and balances included in the information provided to us by the JEDZ.

The Board of Trustees and the management of the JEDZ have agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of providing assistance in the evaluation of the JEDZ's receipts, disbursements and balances recorded in their cash-basis accounting records for the years ended December 31, 2022 and 2021, and certain compliance requirements related to these transactions and balances. No other party acknowledged the appropriateness of the procedures. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of the report and may not meet the needs of all users of the report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes. The sufficiency of the procedures is solely the responsibility of the parties specified in the 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.

For the purposes of performing these procedures, this report only describes exceptions exceeding \$10.

The procedures and the associated findings are as follows:

Cash

1. Butler Township is custodian for the JEDZ's deposits, and therefore the Township's deposit and investment pool holds the JEDZ's assets. We compared the JEDZ's fund balances reported on its December 31, 2022 Cash Journal Report to the balances reported in Butler Township's accounting records. The amounts agreed.
2. We agreed the January 1, 2021 beginning fund balance recorded in the Cash Journal Report the December 31, 2020 balance in the prior year documentation in the prior year Agreed-Upon Procedures working papers. We found no exceptions. We also agreed the January 1, 2022 beginning fund balance recorded in the Cash Journal Report to the December 31, 2021 balance in the Cash Journal Report. We found no exceptions.

Income Taxes

1. We confirmed the income tax amounts paid from the City of Vandalia to the JEDZ during 2022 and 2021, with the City. We found no exceptions.

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- a. We inspected the Cash Journal Report to determine the receipts were recorded in the proper year. We found no exceptions.
2. As required by Section Nine of the Bylaws, we inspected the Cash Journal Report for 2022 and 2021 to determine whether each year included all twelve monthly receipts from the City of Vandalia. We found no exceptions.

Debt

1. The prior agreed-upon procedures documentation disclosed no debt outstanding as of December 31, 2020.
2. We inquired of management and inspected the Cash Journal Report for evidence of debt issued during 2022 or 2021 or debt payment activity during 2022 or 2021. We identified no new debt issuances, nor any debt payment activity during 2022 or 2021.

Non-Payroll Cash Disbursements

1. From the Cash Journal Report, we re-footed checks recorded as General Fund disbursements for *income tax refunds* for 2022. We found no exceptions.
2. We selected all disbursements from the Cash Journal Report for the year ended December 31, 2022 and all from the year ended 2021 and determined whether:
 - a. The disbursements were for a proper public purpose. We found no exceptions.
 - b. 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 Cash Journal Report and to the names and amounts on the supporting invoices. We found no exceptions.
 - c. 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.

Compliance – Bylaws

We confirmed JEDZ income taxes collected were disbursed 85% to the Township and 15% to the City as required by section Nine of the JEDZ by-laws. We found no exceptions.

Sunshine Law Compliance

1. We obtained and inspected the JEDZ's Public Records Policy to determine the policy was in accordance with Ohio Rev. Code §§ 149.43(E)(2) and 149.43(B)(7)(c) and did not limit the number of responses that may be made to a particular person, limit the number of responses during a specified period of time, or establish a fixed period of time before it will respond unless that period is less than eight hours. We found no exceptions.
2. We inquired with JEDZ management and determined that the JEDZ did not have any completed public records requests during the engagement period. The JEDZ did not have any denied public records requests during the engagement period. The JEDZ did not have any public records requests with redactions during the engagement period.
3. We inquired whether the JEDZ had a records retention schedule and observed that it was readily available to the public as required by Ohio Rev. Code § 149.43(B)(2). We found no exceptions.
4. We inspected written evidence that the Public Records Policy was provided to the records custodian/manager as required by Ohio Rev. Code § 149.43(E)(2). We found no exceptions.

5. We inquired with JEDZ management and determined that the JEDZ did not have a policy manual during the engagement period therefore the public records policy could not be included as required by Ohio Rev. Code § 149.43(E)(2).
6. We observed that the JEDZ's poster describing their Public Records Policy was displayed conspicuously in all branches of the JEDZ as required by Ohio Rev. Code § 149.43(E)(2). We found no exceptions.
7. We inquired with JEDZ management and determined that the JEDZ did not have any applications for record disposal submitted to the Records Commission during the engagement period.
8. We inquired with JEDZ management and determined that the JEDZ did not have any elected officials subject to the Public Records Training requirements during the engagement period as required by Ohio Rev. Code §§ 149.43(E)(1) and 109.43(B).
9. We inspected the public notices for the public meetings held during the engagement period and determined the JEDZ notified the general public and news media of when and where meetings during the engagement period were to be held as required by Ohio Rev. Code § 121.22(F). We found no exceptions.
10. We inspected the minutes of public meetings during the engagement period in accordance with Ohio Rev. Code § 121.22(C) and determined whether they were:
 - a. Prepared – a file is created following the date of the meeting
 - b. Filed – placed with similar documents in an organized manner
 - c. Maintained - retained, at a minimum, for the engagement period
 - d. Open to public inspection – available for public viewing or request.We found no exceptions.
11. We inspected the minutes from the engagement period in accordance with Ohio Rev. Code § 121.22(G) and determined the following:
 - a. Executive sessions were only held at regular or special meetings.
 - b. The purpose for the meetings and going into an executive session (when applicable) correlated with one of the matters listed in Ohio Rev. Code § 121.22(G).
 - c. Formal governing board actions were adopted in open meetings.We found no exceptions.

Other Compliance

1. Ohio Rev. Code § 117.38 requires districts 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 JEDZ 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, 2022 and 2021 in the Hinkle system. We found no exceptions.

We were engaged by the JEDZ to perform this agreed-upon procedures engagement and conducted our engagement in accordance with the attestation standards established by the AICPA and the Comptroller General of the United States' *Government Auditing Standards*. We were not engaged to, and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the JEDZ'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.

We are required to be independent of the JEDZ and to meet our ethical responsibilities, in accordance with the ethical requirements established by the Comptroller General of the United States' *Government Auditing Standards* related to our agreed upon procedures engagement.

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

July 11, 2023

OHIO AUDITOR OF STATE KEITH FABER



**BUTLER TOWNSHIP MILLER LANE BUSINESS DISTRICT JOINT ECONOMIC DEVELOPMENT
ZONE**

MONTGOMERY 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 8/3/2023

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