



OHIO AUDITOR OF STATE
KEITH FABER



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BASIC AUDIT REPORT

Monday Creek Township
Perry County
1480 Bell Bottom Road SE
New Straitsville, Ohio 43766

We have completed certain procedures in accordance with Ohio Rev. Code Section 117.01(G) to the accounting records and related documents of Monday Creek Township, Perry County, Ohio (the Township), for the years ended December 31, 2022 and 2021.

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, 2022 and 2021.

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. **State ex rel. McClure v. Hagerman, 155 Ohio St. 320 (1951)**, provides that expenditures made by a governmental unit should serve a public purpose. Typically, the determination of what constitutes a "proper public purpose" rests with the judgment of the governmental entity, unless such determination is arbitrary or unreasonable. Even if a purchase is reasonable, Ohio Attorney General Opinion 82-006 indicates that it must be memorialized by a duly enacted ordinance or resolution and may have a prospective effect only. Auditor of State Bulletin 2003-005 Expenditure of Public Funds/Proper "Public Purpose" states, in part, the Auditor of State's Office will only question expenditures where the legislative determination of a public purpose is manifestly arbitrary and incorrect.

The Township failed to remit timely contributions to the Ohio Public Employees Retirement System throughout the audit period. This oversight resulted in late fees and interest charges being assessed and paid of \$11 and \$40 in 2021 and 2022, respectively. Township officials should ensure that all payments of withholdings are made timely.

The Township expended a total of \$66 in 2021 on flowers and \$166 in 2022 on flowers and gift cards, that were not deemed to be for a proper public purpose.

The payment of late fees and other expenditures noted are not considered to be a proper use of public funds and can result in findings for recovery.

The Fiscal Officer should make timely payments to avoid late fees and ensure the public monies are for a proper public purpose. This was a repeat from the 2020-19 basic audit.

Current Year Observations (Continued)

2. **Ohio Rev. Code § 149.43(B)(2)** provides that the Township should have an approved records retention schedule which is readily available to the public.

The Trustees did not approve a formal records retention schedule. Failure to maintain an approved formal records retention schedule could lead to improper destruction of records.

The Trustees should approve the required retention schedule. This was a repeat from the 2020-19 basic audit.

3. **Ohio Rev. Code § 149.43(E)(2)** 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 did not provide evidence that the records custodian/manager signed an acknowledgement of receiving the public records policy. Furthermore, the Township did not conspicuously display a poster describing the Township's public records policy in all of the Township's branch offices. This could result in records requests not being fulfilled in accordance with Ohio law.

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. The Township shall also conspicuously display a poster describing the public records policy in all of the Township's branch offices. This was a repeat from the 2020-19 basic audit.

4. **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 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.

The elected officials with terms ending during the audit period, did not, during their term of office, attend a required Certified Public Records Training or have an appropriate designee attend a training, 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 designees, should, during their term of office, attend public records training and maintain proof of completion of the training. This was a repeat from the 2020-19 basic audit.



Keith Faber
Auditor of State
Columbus, Ohio

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MONDAY CREEK TOWNSHIP

PERRY 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 9/12/2023

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