



**Auditor of State
Betty Montgomery**

VILLAGE OF YELLOW SPRINGS
GREENE COUNTY

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**Auditor of State
Betty Montgomery**

INDEPENDENT ACCOUNTANTS' REPORT

Village of Yellow Springs
Greene County
100 Dayton Street
Yellow Springs, Ohio 45387

To the Village Council:

We have audited the accompanying financial statements of the Village of Yellow Springs (the "Village") as of and for the year ended December 31, 2003. These financial statements are the responsibility of the Village's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the Village prepares its financial statements on the basis of accounting prescribed or permitted by the Auditor of State, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the combined fund cash balances and reserves for encumbrances of the Village as of December 31, 2003, and its combined cash receipts and disbursements for the year then ended on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 14, 2004 on our consideration of the Village's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

This report is intended solely for the information and use of the management, Village Council and other officials authorized to receive this report under § 117.26, Ohio Revised Code, and is not intended to be and should not be used by anyone other than these specified parties.

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

Betty Montgomery
Auditor of State

September 14, 2004

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND
CHANGES IN FUND CASH BALANCES - ALL GOVERNMENTAL FUND TYPES AND SIMILAR FIDUCIARY FUND
FOR THE YEAR ENDED DECEMBER 31, 2003**

	<u>Governmental Fund Types</u>				<u>Fiduciary Fund</u>	<u>Totals (Memorandum Only)</u>
	<u>General</u>	<u>Special Revenue</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Expendable Trust</u>	
Cash Receipts:						
Property Tax and Other Local Taxes	\$175,551	\$22,867				\$198,418
Municipal Income Taxes		1,466,357				1,466,357
Special Assessments			5,058			5,058
Intergovernmental Receipts	397,423	135,576				532,999
Charges for Services		42,261				42,261
Fines, Licenses, and Permits	30,226	1,790				32,016
Earnings on Investments	29,529					29,529
Donations		3,213				3,213
Miscellaneous	82,812	13,570				96,382
Total Cash Receipts	715,541	1,685,634	5,058			2,406,233
Cash Disbursements:						
Current:						
Security of Persons and Property	895,980	80,664				976,644
Leisure Time Activities	19,070	389,710				408,780
Community Environment	4,439	8,680			1,260	14,379
Basic Utility Services	2,653	212,957				215,610
General Government	404,183	25,438				429,621
Debt Service:						
Principal Payments			70,000			70,000
Interest Payments			58,776			58,776
Capital Outlay		104,586		30,878		135,464
Total Cash Disbursements	1,326,325	822,035	128,776	30,878	1,260	2,309,274
Total Receipts Over/(Under) Disbursements	(610,784)	863,599	(123,718)	(30,878)	(1,260)	96,959
Other Financing Receipts and (Disbursements):						
Transfers-In	882,109	866,184	128,515		1,500	1,878,308
Other Financing Sources		1,567				1,567
Transfers-Out	(250,565)	(1,586,097)				(1,836,662)
Total Other Financing Receipts/(Disbursements)	631,544	(718,346)	128,515		1,500	43,213
Cash Receipts and Other Financing Receipts Over/(Under) Cash Disbursements and Other Financing Disbursements	20,760	145,253	4,797	(30,878)	240	140,172
Fund Cash Balances, January 1	863,343	814,736	13,069	95,453		1,786,601
Fund Cash Balances, December 31	\$884,103	\$959,989	\$17,866	\$64,575	\$240	\$1,926,773
Reserves for Encumbrances, December 31	\$20,719					\$20,719

The notes to the financial statements are an integral part of this statement.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND
CHANGES IN FUND CASH BALANCES - PROPRIETARY FUND TYPE AND SIMILAR FIDUCIARY FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2003**

	<u>Proprietary Fund Types</u>	<u>Fiduciary Funds</u>	<u>Totals (Memorandum Only)</u>
	<u>Enterprise</u>	<u>Agency</u>	
Operating Cash Receipts:			
Charges for Services	\$4,303,174		\$4,303,174
Court Fines		33,659	33,659
Customer Deposits	19,149		19,149
Miscellaneous	30,559	195	30,754
	<u>4,352,882</u>	<u>33,854</u>	<u>4,386,736</u>
Operating Cash Disbursements:			
Personal Services	984,655		984,655
Distribution of Court Fines		35,512	35,512
Transportation	4,454		4,454
Contractual Services	2,321,862		2,321,862
Supplies and Materials	80,732		80,732
Customer Refund of Deposits	20,083		20,083
Capital Outlay	182,786		182,786
	<u>3,594,572</u>	<u>35,512</u>	<u>3,630,084</u>
Operating Income/(Loss)	<u>758,310</u>	<u>(1,658)</u>	<u>756,652</u>
Non-Operating Cash Disbursements:			
Debt Service:			
Principal Payments	134,289		134,289
Interest Payments	56,412		56,412
Other Non-Operating Cash Disbursements	5,008		5,008
	<u>195,709</u>		<u>195,709</u>
Receipts Over/(Under) Disbursements Before Interfund Transfers and Other Financing Sources(Uses)	562,601	(1,658)	560,943
Other Financing Sources		1,841,376	1,841,376
Transfers-In	159,530		159,530
Other Financing (Uses)	(1,470)	(1,841,376)	(1,842,846)
Transfers-Out	(201,176)		(201,176)
	<u>519,485</u>	<u>(1,658)</u>	<u>517,827</u>
Net Receipts Over/(Under) Disbursements	519,485	(1,658)	517,827
Fund Cash Balances, January 1	<u>1,194,011</u>	<u>5,165</u>	<u>1,199,176</u>
Fund Cash Balances, December 31	<u><u>\$1,713,496</u></u>	<u><u>\$3,507</u></u>	<u><u>\$1,717,003</u></u>

The notes to the financial statements are an integral part of this statement.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of the Entity

The Village of Yellow Springs, Greene County, (the "Village"), is a political body incorporated in 1856. The Village adopted a home rule municipal charter in 1950 for the purpose of exercising the rights and privileges conveyed to it by the constitution and laws of the State of Ohio. The Village operates under a council-manager form of government. The Village is directed by a publicly-elected five-member Council.

The Village provides the following services: public safety, public services, health and recreation and development. Fire and emergency services are provided by Miami Township Fire Department.

The Village's management believes these financial statements present all activities for which the Village is financially accountable.

B. Basis of Accounting

These financial statements follow the basis of accounting prescribed or permitted by the Auditor of State, which is similar to the cash receipts and disbursements basis of accounting. Receipts are recognized when received in cash rather than when earned, and disbursements are recognized when paid rather than when a liability is incurred. Budgetary presentations report budgetary expenditures when a commitment is made (i.e., when an encumbrance is approved).

These statements include adequate disclosure of material matters, as prescribed or permitted by the Auditor of State.

C. Cash and Investments

Investments are reported in fund cash balances. Accordingly, purchases of investments are not recorded as disbursements, and sales of investments are not recorded as receipts. Gains or losses at the time of sale are recorded as receipts or disbursements, respectively. At December 31, 2003, the Village had a sweep account in the amount of \$1,742,973.

D. Fund Accounting

The Village uses fund accounting to segregate cash and investments that are restricted as to use. The Village classifies its funds into the following types:

1. General Fund

The General Fund is the general operating fund. It is used to account for all financial resources except those required to be accounted for in another fund.

2. Special Revenue Fund

These funds are used to account for proceeds from specific sources (other than from trusts or for capital projects) that are restricted to expenditure for specific purposes. The Village had the following significant Special Revenue Fund:

Street Construction, Maintenance and Repair Fund - This fund receives gasoline tax and motor vehicle tax money for constructing, maintaining and repairing Village streets.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003
(Continued)**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

3. Debt Service Fund

These funds are used to accumulate resources for the payment of bonds and note indebtedness. The Village had the following significant Debt Service Fund:

Bond Retirement Fund – This fund is used to account for resources received on behalf of repaying the Village’s outstanding debt.

4. Capital Project Funds

These funds are used to account for receipts that are restricted for the acquisition or construction of major capital projects (except those financed through enterprise or trust funds). The Village had the following significant Capital Project Fund:

Water Fund - This fund is used to account for resources received on behalf of the Village for the payment of the water line extension project.

5. Enterprise Funds

These funds account for operations that are similar to private business enterprises where management intends that the significant costs of providing certain goods or services will be recovered through user charges. The Village had the following significant Enterprise Funds:

Water Fund - This fund receives charges for services from residents to cover the cost of providing this utility.

Sewer Fund - This fund receives charges for services from residents to cover the cost of providing this utility.

Electric Fund - This fund charges for services from residents to cover the cost of providing this utility.

6. Fiduciary Funds (Trust and Agency Funds)

Trust funds are used to account for resources restricted by legally binding trust agreements. If the agreement requires the Village to maintain the corpus of the trust, the fund is classified as a nonexpendable trust fund. Other trust funds are classified as expendable. Funds for which the Village is acting in an agency capacity are classified as agency funds. The Village had the following significant fiduciary funds:

Widow’s Trust Fund (Expendable Trust Fund) – This fund is used to accumulate money to buy flour and sugar each year for the widows in the village.

Mayor’s Court Fund (Agency Fund) – This fund is used to account for fines, court costs and forfeitures from violators.

Payroll Fund (Agency Fund) – This fund is only used to consolidate payroll activities that already have been posted to specific funds.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003
(Continued)**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

E. Budgetary Process

The Ohio Revised Code requires that each fund be budgeted annually.

1. Appropriations

Budgetary expenditures (that is, disbursements and encumbrances) may not exceed appropriations at the fund, function or object level of control, and appropriations may not exceed estimated resources. The Council must annually approve appropriation measures and subsequent amendments. The County Budget Commission must also approve the annual appropriation measure. Unencumbered appropriations lapse at year end.

2. Estimated Resources

Estimated resources include estimates of cash to be received (budgeted receipts) plus unencumbered cash as of January 1. The County Budget Commission must also approve estimated resources.

3. Encumbrances

The Ohio Revised Code requires the Village to reserve (encumber) appropriations when commitments are made. Encumbrances outstanding at year end are carried over, and need not be reappropriated.

A summary of 2003 budgetary activity appears in Note 3.

F. Property, Plant and Equipment

Acquisitions of property, plant and equipment are recorded as disbursements when paid. These items are not reflected as assets on the accompanying financial statements.

G. Accumulated Leave

In certain circumstances, such as upon leaving employment, employees are entitled to cash payments for unused leave. Unpaid leave is not reflected as a liability under the Village's basis of accounting.

2. EQUITY IN POOLED CASH AND INVESTMENTS

The Village maintains a cash and investments pool used by all funds. The Ohio Revised Code prescribes allowable deposits and investments. The carrying amount of cash and investments at December 31 was as follows:

	<u>2003</u>
Demand deposits	\$563,166
Investments:	
STAR Ohio	1,337,637
Repurchase agreement	<u>1,742,973</u>
Total investments	<u>3,080,610</u>
Total deposits and investments	<u><u>\$3,643,776</u></u>

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003
(Continued)**

2. EQUITY IN POOLED CASH AND INVESTMENTS (Continued)

Deposits: Deposits are either (1) insured by the Federal Depository Insurance Corporation, (2) collateralized by the financial institution's public entity deposit pool.

Investments: Investments in STAR Ohio and mutual funds are not evidenced by securities that exist in physical or book-entry form.

The Village's financial institution transfers securities to the Village's agent to collateralize repurchase agreements. The securities are not in the Village's name.

3. BUDGETARY ACTIVITY

Budgetary activity for the year ending December 31, 2003 follows:

2003 Budgeted vs. Actual Receipts			
Fund Type	Budgeted Receipts	Actual Receipts	Variance
General	\$1,557,493	\$1,597,650	\$40,157
Special Revenue	2,333,029	2,553,385	220,356
Debt Service	128,517	133,573	5,056
Capital Projects	0	0	0
Enterprise	3,977,957	4,512,412	534,455
Fiduciary	2,006,050	1,876,730	(129,320)
Total	<u>\$10,003,046</u>	<u>\$10,673,750</u>	<u>\$670,704</u>

2003 Budgeted vs. Actual Budgetary Basis Expenditures			
Fund Type	Appropriation Authority	Budgetary Expenditures	Variance
General	\$1,785,721	\$1,597,609	\$188,112
Special Revenue	2,531,077	2,408,132	122,945
Debt Service	130,000	128,776	1,224
Capital Projects	55,567	30,878	24,689
Enterprise	4,282,604	3,992,927	289,677
Fiduciary	2,010,782	1,878,148	132,634
Total	<u>\$10,795,751</u>	<u>\$10,036,470</u>	<u>\$759,281</u>

4. PROPERTY TAX

Real property taxes become a lien on January 1 proceeding the October 1 date for which rates are adopted by Village Council. The State Board of Tax Equalization adjusts these rates for inflation. Property taxes are also reduced for applicable homestead and rollback deductions. Homestead and rollback amounts are then paid by the State, and are reflected in the accompanying financial statements as Intergovernmental Receipts. Payments are due to the County by December 31. If the property owner elects to make semiannual payments, the first half is due December 31. The second half payment is due the following June 20.

Public utilities are also taxed on personal and real property located within the Village.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003
(Continued)**

4. PROPERTY TAX (Continued)

Tangible personal property tax is assessed by the property owners, who must file a list of such property to the County by each April 30.

The County is responsible for assessing property, and for billing, collecting, and distributing all property taxes on behalf of the Village.

5. LOCAL INCOME TAX

The Village levies a municipal income tax of 1.5 percent on substantially all earned income arising from employment, residency, or business activities within the Village as well as certain income of residents earned outside of the Village. As of December 31, 2003, Regional Income Tax Agency (R.I.T.A.) collected income taxes for the Village.

6. DEBT

Debt outstanding at December 31, 2003 was as follows:

	Principal	Interest Rate
Ohio Water Development Authority Loans	\$880,916	5.15% - 7.57%
General Obligation Bonds	1,225,000	3.00% - 5.15%
Total	\$2,105,916	

The Ohio Water Development Authority (OWDA) loans relate to construction projects. Property and revenue of the utility facilities have been pledged to repay these debts.

The General Obligation Bonds are direct obligations of the Village for which its full faith, credit and resources are pledged. These bonds are paid through the General fund, Parks and Recreation Fund and the Electric Fund.

The Village issued refunding an improvement bonds during 2002 for improvement and acquisition of hospital facilities used by a private health care association. These do not constitute general obligations, debtor bonded indebtedness or a pledge of the faith and credit of the Village.

Amortization of the above debt, including interest, is scheduled as follows:

	OWDA Loan	General Obligation Bonds
Year ending December 31:		
2004	\$119,152	\$131,205
2005	202,310	128,505
2006	202,309	130,655
2007	202,309	127,455
2008	146,565	129,055
2009-2013	178,543	639,617
2014-2017	60,716	386,543
Total	\$1,111,904	\$1,673,035

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2003
(Continued)**

7. RETIREMENT SYSTEMS

The Village's law enforcement officers belong to the Ohio Police and Fire Pension Funds (OP&F). Other full-time employees belong to the Public Employees Retirement System (PERS) of Ohio. OP&F and PERS are cost-sharing, multiple-employer plans. These plans provide retirement benefits, including postretirement healthcare, and survivor and disability benefits to participants as prescribed by the Ohio Revised Code.

Contribution rates are also prescribed by the Ohio Revised Code. For 2003, OP&F participants contributed 10% of their wages. The Village contributed an amount equal to 19.5% of police participant wages. PERS members contributed 8.5% of their wages. The Village contributed an amount equal to 13.55% of participants' gross salaries. The Village has paid all contributions required through December 31, 2003.

8. RISK MANAGEMENT

The Village maintains comprehensive insurance coverage with private carriers for real property, building contents and vehicles. Vehicles policies include liability coverage for bodily injury and property damage. Real property and contents are 90% coinsured.

9. NONCOMPLIANCE

The Village did not routinely comply with the requirement regarding certification of the availability of funds prior to obligation.



**Auditor of State
Betty Montgomery**

**INDEPENDENT ACCOUNTANTS' REPORT ON COMPLIANCE AND
ON INTERNAL CONTROL REQUIRED BY *GOVERNMENT AUDITING STANDARDS***

Village of Yellow Springs
Greene County
100 Dayton Street
Yellow Springs, Ohio 45387

To the Village Council:

We have audited the accompanying financial statements of the Village of Yellow Springs (the "Village") as of and for the year ended December 31, 2003 and have issued our report thereon dated September 14, 2004. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Village's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under *Government Auditing Standards* which is described in the accompanying schedule of findings as item 2003-001. We also noted certain immaterial instances of noncompliance that we have reported to management of the Village in a separate letter dated September 14, 2004.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Village's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the Village's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. A reportable condition is described in the accompanying schedule of findings as item 2003-002.

**Internal Control Over Financial Reporting
(Continued)**

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions, and accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we do not believe the reportable condition described above is a material weakness. We also noted other matters involving the internal control over financial reporting that do not require inclusion in this report, that we have reported to management of the Village in a separate letter dated September 14, 2004.

This report is intended solely for the information and use of the management and Village Council, and is not intended to be and should not be used by anyone other than these specified parties.



Betty Montgomery
Auditor of State

September 14, 2004

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**SCHEDULE OF FINDINGS
DECEMBER 31, 2003**

FINDINGS RELATED TO THE FINANCIAL STATEMENTS REQUIRED TO BE REPORTED IN ACCORDANCE WITH GAGAS
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FINDING NUMBER 2003-001

Ohio Rev. Code Section 5705.41 (D) states that no order or contracts involving the expenditure of money is to be made unless there is attached thereto a certificate of the fiscal officer that the amount required for the order or contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Ohio Rev. Code 5705.41 (D)(1) provides that if prior certification of funds by the fiscal officer was not obtained before the contract or order involving the expenditure of money was made, as described above, then the fiscal officer may instead certify that there was at the time of the making of such a contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. When the fiscal officer is using a then and now certificate and the amount certified exceeds \$1,000, the fiscal officer must obtain the legislative authority's approval by resolution or ordinance. This approval must be obtained within 30 days of the legislative authority's receipt of the certificate.

The Village completed a certification of available funds only for purchases that were greater than \$1,000. Purchases less than \$1,000 were made at the discretion of the department manager and were approved by the Village Manager after he had received and reviewed the invoice. There was no policy in the Village Charter that provided for this purchasing practice. Forty of sixty items tested (66.67%) did not have the certification. Therefore, the Village was in violation of this requirement, including the exception above.

The Village Council should institute procedures to certify the availability of funds prior to any expenditure or to make use of then and now certificates.

FINDING NUMBER 2003-002

Mayor's Court

The Village of Yellow Springs had a Mayor's Court that received fines and forfeitures which were disbursed to the State, Village, and bond monies were returned to defendants. These activities were recorded in the Mayor's Court cashbook, however, they were not reflected in the Annual Financial Report for the Village, which resulted in the understatement of both receipts and disbursements. The accompanying financial statements were adjusted to reflect receipts in the amount of \$33,855, disbursements of \$35,708, and a fund balance of \$2,167 in the agency fund class.

The Village should adopt a policy and implement procedures to provide that all receipts and disbursements of the Mayor's Court are reflected in the Village's records, in the Mayor's Court Agency Fund, along with the receipt of the Village share of fines and forfeitures in the General Fund. Additionally, this activity should be included in the Village's annual report.

**VILLAGE OF YELLOW SPRINGS
GREENE COUNTY**

**SCHEDULE OF PRIOR AUDIT FINDINGS
DECEMBER 31, 2003**

Finding Number	Finding Summary	Fully Corrected?	Not Corrected, Partially Corrected; Significantly Different Corrective Action Taken; or Finding No Longer Valid; <i>Explain:</i>
2002-001	ORC Sec. 5705.41(D) - Lack of prior certification of funds by fiscal officer	No	Not corrected. Repeated as Finding #2003-001.
2002-002	Mayor's Court activity not recorded within Village's records.	No	Not corrected. Repeated as Finding #2003-002.



**Auditor of State
Betty Montgomery**

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VILLAGE OF YELLOW SPRINGS

GREENE 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
OCTOBER 18, 2004**