



Mary Taylor, CPA
Auditor of State

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

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Mary Taylor, CPA
Auditor of State

Brush Creek Township
Jefferson County
1138 Township Highway 296
Hammondsville, Ohio 43930

To the Board of Trustees:

As you are aware, the Auditor of State's Office (AOS) must modify the *Independent Accountants' Report* we provide on your financial statements due to an interpretation from the American Institute of Certified Public Accountants (AICPA). While AOS does not legally require your government to prepare financial statements pursuant to Generally Accepted Accounting Principles (GAAP), the AICPA interpretation requires auditors to formally acknowledge that you did not prepare your financial statements in accordance with GAAP. Our Report includes an adverse opinion relating to GAAP presentation and measurement requirements, but does not imply the amounts the statements present are misstated under the non-GAAP basis you follow. The AOS report also includes an opinion on the financial statements you prepared using the cash basis and financial statement format the AOS permits.

Mary Taylor

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Auditor of State

May 19, 2010

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Mary Taylor, CPA

Auditor of State

INDEPENDENT ACCOUNTANTS' REPORT

Brush Creek Township
Jefferson County
1138 Township Highway 296
Hammondsville, Ohio 43930

To the Board of Trustees:

We have audited the accompanying financial statements of Brush Creek Township, Jefferson County, (the Township) as of and for the years ended December 31, 2009 and 2008. These financial statements are the responsibility of the Township'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 the Comptroller General of the United States' *Government Auditing Standards*. Those standards require that we plan and perform the audit to reasonably assure 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. The Township processes its financial transactions with the Auditor of State's Uniform Accounting Network (UAN). *Government Auditing Standards* considers this service to impair the independence of the Auditor of State to audit the Township because the Auditor of State designed, developed, implemented, and as requested, operates UAN. However, *Government Auditing Standards* permits the Auditor of State to audit and opine on this entity, because Ohio Revised Code § 117.101 requires the Auditor of State to provide UAN services, and Ohio Revised Code §§ 117.11(B) and 115.56 mandate the Auditor of State to audit Ohio governments. We believe our audit provides a reasonable basis for our opinion.

As described more fully in Note 1, the Township has prepared these financial statements using accounting practices the Auditor of State prescribes or permits. These practices differ from accounting principles generally accepted in the United States of America (GAAP). Although we cannot reasonably determine the effects on the financial statements of the variances between these regulatory accounting practices and GAAP, we presume they are material.

Instead of the combined funds the accompanying financial statements present, GAAP require presenting entity wide statements and also presenting the Township's larger (i.e. major) funds separately. While the Township does not follow GAAP, generally accepted auditing standards requires us to include the following paragraph if the statements do not substantially conform to GAAP presentation requirements. The Auditor of State permits, but does not require townships to reformat their statements. The Township has elected not to follow GAAP statement formatting requirements. The following paragraph does not imply the amounts reported are materially misstated under the accounting basis the Auditor of State permits. Our opinion on the fair presentation of the amounts reported pursuant to its non-GAAP basis is in the second following paragraph.

In our opinion, because of the effects of the matter discussed in the preceding two paragraphs, the financial statements referred to above for the years ended December 31, 2009 and 2008 do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the Township as of December 31, 2009 and 2008, or its changes in financial position for the years then ended.

Also, in our opinion, the financial statements referred to above present fairly, in all material respects, the combined fund cash balances of Brush Creek Township, Jefferson County, as of December 31, 2009 and 2008, and its combined cash receipts and disbursements for the years then ended on the accounting basis Note 1 describes.

The Township has not presented Management's Discussion and Analysis, which accounting principles generally accepted in the United States of America has determined is necessary to supplement, although not required to be part of, the financial statements.

In accordance with *Government Auditing Standards*, we have also issued our report dated May 19, 2010, on our consideration of the Township's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. While we did not opine on the internal control over financial reporting or on compliance, that report describes the scope of our testing of internal control over financial reporting and compliance, and the results of that testing. That report is an integral part of an audit performed in accordance with *Government Auditing Standards*. You should read it in conjunction with this report in assessing the results of our audit.



Mary Taylor, CPA
Auditor of State

May 19, 2010

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND
CHANGES IN FUND CASH BALANCES
ALL GOVERNMENTAL FUND TYPES
FOR THE YEAR ENDED DECEMBER 31, 2009**

| | <u>Governmental Fund Types</u> | | | Totals (Memorandum Only) |
|--|--------------------------------|----------------------------|-----------------------------|---|
| | <u>General</u> | <u>Special Revenue</u> | <u>Capital Projects</u> | |
| Cash Receipts: | | | | |
| Property and Other Local Taxes | \$6,838 | \$20,743 | | \$27,581 |
| Licenss, Permits, and Fees | 283 | | | 283 |
| Intergovernmental | 24,663 | 104,111 | \$50,881 | 179,655 |
| Earnings on Investments | 9 | 37 | | 46 |
| Miscellaneous | 25 | | | 25 |
| Total Cash Receipts | <u>31,818</u> | <u>124,891</u> | <u>50,881</u> | <u>207,590</u> |
| Cash Disbursements: | | | | |
| Current: | | | | |
| General Government | 27,862 | 4,118 | | 31,980 |
| Public Safety | | 5,430 | | 5,430 |
| Public Works | 1,331 | 76,044 | 50,881 | 128,256 |
| Health | 1,160 | | | 1,160 |
| Human Services | 1,501 | | | 1,501 |
| Capital Outlay | | 63,522 | | 63,522 |
| Debt Service: | | | | |
| Redemption of Principal | | 9,941 | | 9,941 |
| Interest and Other Fiscal Charges | | | | 0 |
| Total Cash Disbursements | <u>31,854</u> | <u>159,055</u> | <u>\$50,881</u> | <u>241,790</u> |
| Total Receipts Over/(Under) Disbursements | <u>(36)</u> | <u>(34,164)</u> | | <u>(34,200)</u> |
| Other Financing Receipts / (Disbursements): | | | | |
| Sale of Notes | | 38,250 | | 38,250 |
| Other Financing Sources | | 3,110 | | 3,110 |
| Total Other Financing Receipts / (Disbursements) | | <u>41,360</u> | | <u>41,360</u> |
| Excess of Cash Receipts and Other Financing Receipts Over / (Under) Cash Disbursements and Other Financing Disbursements | (36) | 7,196 | | 7,160 |
| Fund Cash Balances, January 1 | <u>4,373</u> | <u>83,045</u> | | <u>87,418</u> |
| Fund Cash Balances, December 31 | <u><u>\$4,337</u></u> | <u><u>\$90,241</u></u> | | <u><u>\$94,578</u></u> |

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

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND
CHANGES IN FUND CASH BALANCES
ALL GOVERNMENTAL FUND TYPES
FOR THE YEAR ENDED DECEMBER 31, 2008**

| | <u>Governmental Fund Types</u> | | Totals (Memorandum Only) |
|--|--------------------------------|----------------------------|---|
| | <u>General</u> | <u>Special Revenue</u> | |
| Cash Receipts: | | | |
| Property and Other Local Taxes | \$8,684 | \$22,714 | \$31,398 |
| Licenses, Permits, and Fees | 65 | | 65 |
| Intergovernmental | 26,186 | 111,833 | 138,019 |
| Earnings on Investments | 30 | 121 | 151 |
| Miscellaneous | 60 | | 60 |
| | | | |
| Total Cash Receipts | <u>35,025</u> | <u>134,668</u> | <u>169,693</u> |
| Cash Disbursements: | | | |
| Current: | | | |
| General Government | 35,766 | 4,250 | 40,016 |
| Public Safety | | 1,875 | 1,875 |
| Public Works | 1,100 | 68,445 | 69,545 |
| Health | 588 | | 588 |
| Human Services | 9,855 | | 9,855 |
| Capital Outlay | | 45,010 | 45,010 |
| Debt Service: | | | |
| Redemption of Principal | | 10,132 | 10,132 |
| | | | |
| Total Cash Disbursements | <u>47,309</u> | <u>129,712</u> | <u>177,021</u> |
| Total Receipts Over/(Under) Disbursements | <u>(12,284)</u> | <u>4,956</u> | <u>(7,328)</u> |
| Other Financing Receipts / (Disbursements): | | | |
| Other Financing Sources | | 11,793 | 11,793 |
| | | | |
| Total Other Financing Receipts / (Disbursements) | | <u>11,793</u> | <u>11,793</u> |
| Excess of Cash Receipts and Other Financing Receipts Over / (Under) Cash Disbursements and Other Financing Disbursements | (12,284) | 16,749 | 4,465 |
| Fund Cash Balances, January 1 | <u>16,657</u> | <u>66,296</u> | <u>82,953</u> |
| Fund Cash Balances, December 31 | <u>\$4,373</u> | <u>\$83,045</u> | <u>\$87,418</u> |

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

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2009 AND 2008**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of the Entity

The constitution and laws of the State of Ohio establish the rights and privileges of Brush Creek Township, Jefferson County, (the Township) as a body corporate and politic. A publicly-elected three-member Board of Trustees directs the Township. The Township provides road and bridge maintenance, and fire protection and emergency medical services. The Township contracts with the Volunteer Fire Departments of Irondale, Salineville, and Bergholz to provide fire protection and ambulance services.

B. Accounting Basis

These financial statements follow the accounting basis the Auditor of State prescribes or permits. This basis is similar to the cash receipts and disbursements accounting basis. The Township recognizes receipts when received in cash rather than when earned, and recognizes disbursements 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 the Auditor of State prescribes or permits.

C. Fund Accounting

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

1. General Fund

The General Fund reports all financial resources except those required to be accounted for in another fund.

2. Special Revenue Funds

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

Gasoline Tax Fund - This fund receives gasoline tax money to pay for constructing, maintaining, and repairing Township roads.

3. Capital Project Funds

These funds account for receipts restricted to acquiring or constructing major capital projects (except those financed through enterprise or trust funds). The Township had the following significant Capital Project Fund:

Issue II Fund - The Township received a grant from the State of Ohio for a road resurfacing project.

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2009 AND 2008
(Continued)**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - (Continued)

D. 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 Board of Trustees must annually approve appropriation measures and subsequent amendments. The County Budget Commission must also approve the annual appropriation measure. Appropriations lapse at year end.

2. Estimated Resources

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

3. Encumbrances

The Ohio Revised Code requires the Township to reserve (encumber) appropriations when individual commitments are made. Encumbrances outstanding at year end are canceled, and reappropriated in the subsequent year. The Township did not encumber all commitments required by Ohio law.

A summary of 2009 and 2008 budgetary activity appears in Note 3.

E. Property, Plant, and Equipment

The Township records disbursements for acquisitions of property, plant, and equipment when paid. The accompanying financial statements do not report these items as assets.

F. Accumulated Leave

In certain circumstances, such as upon leaving employment, employees are entitled to cash payments for unused leave. The financial statements do not include a liability for unpaid leave.

2. EQUITY IN POOLED DEPOSITS

The Township maintains a deposit and investments pool all funds use. The Ohio Revised Code prescribes allowable deposits and investments. The carrying amount of deposits and investments at December 31 was as follows:

| | | |
|-----------------|-----------------|-----------------|
| | <u>2009</u> | <u>2008</u> |
| Demand deposits | <u>\$94,578</u> | <u>\$87,418</u> |

Deposits: Deposits are insured by the Federal Depository Insurance Corporation; or collateralized by the financial institution's public entity deposit pool.

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2009 AND 2008
(Continued)**

3. BUDGETARY ACTIVITY

Budgetary activity for the years ending December 31, 2009 and 2008 follows:

| 2009 Budgeted vs. Actual Receipts | | | |
|-----------------------------------|----------------------|--------------------|----------|
| Fund Type | Budgeted Receipts | Actual Receipts | Variance |
| General | \$32,198 | \$31,818 | (\$380) |
| Special Revenue | 124,283 | 166,251 | 41,968 |
| Capital Projects | 50,881 | 50,881 | 0 |
| Total | \$207,362 | \$248,950 | \$41,588 |

| 2009 Budgeted vs. Actual Budgetary Basis Expenditures | | | |
|---|----------------------------|---------------------------|----------|
| Fund Type | Appropriation Authority | Budgetary Expenditures | Variance |
| General | \$39,398 | \$31,854 | \$7,544 |
| Special Revenue | 219,505 | 159,055 | 60,450 |
| Capital Projects | 0 | 50,881 | (50,881) |
| Total | \$258,903 | \$241,790 | \$17,113 |

| 2008 Budgeted vs. Actual Receipts | | | |
|-----------------------------------|----------------------|--------------------|----------|
| Fund Type | Budgeted Receipts | Actual Receipts | Variance |
| General | \$35,025 | \$35,025 | \$0 |
| Special Revenue | 136,461 | 146,461 | 10,000 |
| Total | \$171,486 | \$181,486 | \$10,000 |

| 2008 Budgeted vs. Actual Budgetary Basis Expenditures | | | |
|---|----------------------------|---------------------------|-----------|
| Fund Type | Appropriation Authority | Budgetary Expenditures | Variance |
| General | \$65,909 | \$47,309 | \$18,600 |
| Special Revenue | 225,760 | 129,712 | 96,048 |
| Total | \$291,669 | \$177,021 | \$114,648 |

Contrary to Ohio law, budgetary expenditures exceeded appropriation authority in the Ohio Public Works Fund by \$50,881 for the year ended December 31, 2009. Also contrary to Ohio law, at December 31, 2009 and 2008, appropriations exceeded estimated resources for the general and special revenue funds by the following amounts:

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2009 AND 2008
(Continued)**

3. BUDGETARY ACTIVITY - (Continued)

| Fund | Variance |
|---------------|------------|
| 2009 | |
| General | (\$2,827) |
| Motor Vehicle | (\$5,177) |
| Gasoline Tax | (\$4,500) |
| Road & Bridge | (\$1,000) |
| Fire Levy | (\$1,500) |
| 2008 | |
| General | (\$14,227) |
| Motor Vehicle | (\$6,662) |
| Gasoline Tax | (\$11,988) |
| Road & Bridge | (\$2,290) |
| Township MVL | (\$1,839) |

4. PROPERTY TAX

Real property taxes become a lien on January 1 preceding the October 1 date for which the Trustees adopted tax rates. The State Board of Tax Equalization adjusts these rates for inflation. Property taxes are also reduced for applicable homestead and rollback deductions. The financial statements include homestead and rollback amounts the State pays as Intergovernmental Receipts. Payments are due to the County by December 31. If the property owner elects to pay semiannually, 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 Township.

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 Township.

5. DEBT

Debt outstanding at December 31, 2009 was as follows:

| | | |
|--------------------------|-----------|---------------|
| | Principal | Interest Rate |
| General Obligation Notes | 38,250 | 4.23 |
| Total | \$38,250 | |

The Township issued general obligation notes to finance the purchase of a backhoe for Township road maintenance. The Township's taxing authority collateralized the note.

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**NOTES TO THE FINANCIAL STATEMENTS
DECEMBER 31, 2009 AND 2008
(Continued)**

5. DEBT - (Continued)

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

| Year ending December 31: | General Obligation Notes |
|--------------------------|--------------------------------|
| 2010 | \$8,648 |
| 2011 | 8,648 |
| 2012 | 8,648 |
| 2013 | 8,649 |
| 2014 | 8,648 |
| Total | \$43,241 |

6. RETIREMENT SYSTEMS

The Township's employees belong to the Ohio Public Employees Retirement System (OPERS). OPERS is a cost-sharing, multiple-employer plan. The Ohio Revised Code prescribes these plans' benefits, which include postretirement healthcare and survivor and disability benefits.

The Ohio Revised Code also prescribes contribution rates. For 2009 and 2008, OPERS members contributed 10% of their salaries and the Township contributed an amount equaling 14% of participants' salaries. The Township has paid all contributions required through December 31, 2009.

7. RISK MANAGEMENT

Commercial Insurance

The Township has obtained commercial insurance for the following risks:

- Comprehensive property and general liability;
- Vehicles; and
- Errors and omissions.

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Mary Taylor, CPA

Auditor of State

INDEPENDENT ACCOUNTANTS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS REQUIRED BY *GOVERNMENT AUDITING STANDARDS*

Brush Creek Township
Jefferson County
1138 Township Highway 296
Hammondsville, Ohio 43930

To the Board of Trustees:

We have audited the financial statements of Brush Creek Township, Jefferson County (the Township) as of and for the years ended December 31, 2009 and 2008, and have issued our report thereon dated May 19, 2010 wherein we noted the Township prepared its financial statements using accounting practices the Auditor of State prescribes or permits rather than accounting principles generally accepted in the United States of America. We also noted the Township uses the Auditor of State's Uniform Accounting Network (UAN) to process its financial transactions. *Government Auditing Standards* considers this service to impair the Auditor of State's independence to audit the Township. However, *Government Auditing Standards* permits the Auditor of State to audit and opine on this entity, because Ohio Revised Code § 117.101 requires the Auditor of State to provide UAN services, and Ohio Revised Code §§ 117.11(B) and 115.56 mandate the Auditor of State to audit Ohio governments. 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 the Comptroller General of the United States' *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Township's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of opining on the effectiveness of the Township's internal control over financial reporting. Accordingly, we have not opined on the effectiveness of the Township's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. Therefore, we cannot assure that we have identified all deficiencies, significant deficiencies or material weaknesses. However, as described in the accompanying schedule of findings, we identified a certain deficiency in internal control over financial reporting, that we consider a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, when performing their assigned functions, to prevent, or detect and timely correct misstatements. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and timely corrected. We consider finding 2009-004 described in the accompanying schedule of findings to be a material weakness.

Compliance and Other Matters

As part of reasonably assuring whether the Township's financial statements are free of material misstatement, we tested its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could directly and materially affect 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 an opinion. The results of our tests disclosed instances of noncompliance or other matters we must report under *Government Auditing Standards* which are described in the accompanying schedule of findings as items 2009-001 through 2009-003.

We also noted certain matters not requiring inclusion in this report that we reported to the Township's management in a separate letter dated May 19, 2010.

We intend this report solely for the information and use of management, the Board of Trustees and others within the Township. We intend it for no one other than these specified parties.

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

Mary Taylor, CPA
Auditor of State

May 19, 2010

**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**SCHEDULE OF FINDINGS
DECEMBER 31, 2009 AND 2008**

**FINDINGS RELATED TO THE FINANCIAL STATEMENTS
REQUIRED TO BE REPORTED IN ACCORDANCE WITH GAGAS**

FINDING NUMBER 2009-001

Noncompliance Citation

Ohio Revised Code Section 5705.39 prohibits a political subdivision from making a fund appropriation in excess of the total estimated resources available for expenditure from that fund as certified by the budget commission on the Amended Official Certificates of Estimated Resources.

Appropriations exceeded the amount certified as available by the budget commission as listed below:

| Fund | Appropriations | Total Estimated Resources | Variance |
|---------------|----------------|---------------------------|------------|
| 2009 | | | |
| General | \$39,398 | \$36,571 | (\$2,827) |
| Motor Vehicle | \$26,192 | \$21,015 | (\$5,177) |
| Gasoline Tax | \$149,690 | \$145,190 | (\$4,500) |
| Road & Bridge | \$18,839 | \$17,839 | (\$1,000) |
| Fire Levy | \$14,421 | \$12,921 | (\$1,500) |
| 2008 | | | |
| General | \$65,909 | \$51,682 | (\$14,227) |
| Motor Vehicle | \$33,987 | \$27,325 | (\$6,662) |
| Gasoline Tax | \$155,172 | \$143,184 | (\$11,988) |
| Road & Bridge | \$18,041 | \$15,751 | (\$2,290) |
| Township MVL | \$9,340 | \$7,501 | (\$1,839) |

Failure to limit appropriations to the amount certified by the budget commission could result in overspending and negative cash balances. The Fiscal Officer should compare appropriations to estimated resources and if adequate resources are available for additional appropriations, the Township should submit an amended certificate of estimated resources to the budget commission for certification. If the resources are not available to cover the appropriations, an amendment to the appropriation resolution should be passed by the Board of Trustees to reduce the appropriations.

FINDING NUMBER 2009-002

Noncompliance Citation

Ohio Revised Code Section 5705.41(B) states that no subdivision or taxing unit is to expend money unless it has been appropriated. Expenditures exceeded appropriations in the Ohio Public Works Fund in 2009 by \$50,881.

The Fiscal Officer should not certify the availability of funds and should deny payment requests exceeding appropriations. The Fiscal Officer may request the Board to approve increased expenditure levels by increasing appropriations and amending estimated resources, if appropriate.

FINDING NUMBER 2009-003

Noncompliance Citation

Ohio Revised Code Section 5705.41(D) provides that no subdivision shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon.

There are several exceptions to the standard requirement stated above that a fiscal officer's certificate must be obtained prior to a subdivision or taxing authority entering into a contract or order involving the expenditure of money. The main exceptions are: "then and now" certificates, blanket certificates, and super blanket certificates, which are provided for in sections 5705.41(D)(1) and 5705.41(D)(3), respectively of the Ohio Revised Code

1. **Then and Now Certificate** – If no certificate is furnished as required, upon receipt of the fiscal officer's certificate that a sufficient sum was, both at the time of the contract or order and at the time of the certificate, appropriated and free of any previous encumbrances, the Township may authorize the issuance of a warrant in payment of the amount due upon such contract or order by resolution within 30 days from the receipt of such certificate, if such expenditure is otherwise valid.

If the amount involved is less than \$3,000 the fiscal officer may authorize payment through a Then and Now Certificate without affirmation of the Township Board of Trustees if such expenditure is otherwise valid.

2. **Blanket Certificate** – Fiscal officers may prepare "blanket" certificates for a certain sum of money not in excess of an amount established by resolution or ordinance adopted by a majority of the members of the legislative authority against any specific line item account over a period not running beyond the end of the current fiscal year. The blanket certificates may, but need not be, limited to a specific vendor. Only one blanket certificate may be outstanding at one particular time for any one particular line item appropriation.
3. **Super Blanket Certificate** – The Township may also make expenditures and contracts for any amount from a specific line item appropriation in a specified fund upon certification of the fiscal officer for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. This certification is not to extent beyond the current year. More than one super blanket may be outstanding a particular time for any line item appropriation.

The Township did not certify or record the amount against the applicable appropriation accounts for 83% (General Fund) and 52% (Special Revenue) of 2008 tested non-payroll disbursements, and 66% (General Fund) and 30% (Special Revenue) of 2009 tested non-payroll disbursements., The Township did not properly utilize the certification exceptions described above for those expenditures lacking prior certification.

**FINDING NUMBER 2009-003
 (Continued)**

Failure to certify the availability of funds and encumber appropriations could result in overspending and negative cash balances. Unless the exceptions noted above are used, prior certification is not only required by statute but is a key control in the disbursement process to assure that purchase commitments receive prior approval. To improve controls over disbursements and to help reduce the possibility of the Township's funds exceeding budgetary spending limitations, the Fiscal Officer should certify that the funds are or will be available prior to obligation by the Township. When prior certification is not possible, "then and now" certification should be used.

The Township should certify purchases to which Ohio Revised Code Section 5705.41(D) applies. The most convenient certification method is to use purchase orders that include the certification language which Ohio Revised Code § 5705.41(D) requires to authorize disbursements. The fiscal officer should sign the certification prior to the Township incurring a commitment, and only when the requirements of Ohio Revised Code § 5705.41(D) are satisfied. The fiscal officer should post approved purchase commitments to the proper appropriation code, to reduce

FINDING NUMBER 2009-004

Material Weakness

The Township did not correctly code and classify the following receipts and disbursements in 2008 and 2009 which resulted in a reclassification and an adjustment to the financial statements. The Township Fiscal Officer has agreed to the reclassification and the adjustment and they are reflected in the accompanying financial statements. The adjustment has also been posted to the Township ledgers.

2008

| Fund Name | Account Type | Amount | Description |
|-------------------------|----------------|---------|--|
| Reclassification | | | |
| Gas Tax | Debt principal | \$9,880 | Principal payment posted as capital outlay |

2009

| Fund Name | Account Type | Amount | Description |
|--------------------|----------------|----------|-------------------------------------|
| Adjustments | | | |
| Gas Tax | Note proceeds | \$38,250 | Note proceeds not posted to ledgers |
| Gas Tax | Capital Outlay | \$38,250 | Expenditure not posted to ledgers |

Failure to consistently post all transactions increases the possibility the Township will not be able to identify, assemble, analyze, classify, record and report its transactions correctly or to document compliance with finance-related legal and contractual requirements. The Fiscal Officer should maintain the accounting system to enable the Township to identify, assemble, analyze, classify, record and report all transactions and to maintain accountability.

Officials' Response

We did not receive a response from officials to the findings reported above.

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**BRUSH CREEK TOWNSHIP
JEFFERSON COUNTY**

**SCHEDULE OF PRIOR AUDIT FINDINGS
DECEMBER 31, 2009 AND 2008**

| Finding Number | Finding Summary | Fully Corrected? | Not Corrected, Partially Corrected; Significantly Different Corrective Action Taken; or Finding No Longer Valid; <i>Explain</i> |
|-----------------------|--|-------------------------|--|
| 2007-001 | Ohio Administrative Code Section 117-2-02(A) | No | Partially corrected |
| 2007-002 | Ohio Revised Code Section 5705.41 (B) | No | Re-issued as Finding 2009-002 |



Mary Taylor, CPA
Auditor of State

BRUSH CREEK TOWNSHIP

JEFFERSON 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
JULY 20, 2010**