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Mary Taylor, CPA Auditor of State

Newton Township 210 West Walnut Street P.O. Box 407 Pleasant Hill, Ohio 45359

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.

nary Jaylor

Mary Taylor, CPA Auditor of State

April 2, 2010

One First National Plaza / 130 W. Second St. / Suite 2040 / Dayton, OH 45402 Telephone: (937) 285-6677 (800) 443-9274 Fax: (937) 285-6688 www.auditor.state.oh.us This page intentionally left blank.



Mary Taylor, CPA Auditor of State

# INDEPENDENT ACCOUNTANTS' REPORT

Newton Township 210 West Walnut Street P.O. Box 407 Pleasant Hill, Ohio 45359

To the Board of Trustees:

We have audited the accompanying financial statements of Newton Township, Miami 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 requires 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.

One First National Plaza / 130 W. Second St. / Suite 2040 / Dayton, OH 45402 Telephone: (937) 285-6677 (800) 443-9274 Fax: (937) 285-6688 www.auditor.state.oh.us Newton Township Miami County Independent Accountants' Report Page 2

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 Newton Township, Miami 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.

For the years ended December 31, 2009 and 2008, the Township revised its financial presentation from that comparable to the requirements of *Governmental Accounting Standard* No. 34, Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments to format the Auditor of State prescribes or permits.

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 April 2, 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 Jaylor

Mary Taylor, CPA Auditor of State

April 2, 2010

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

	Governmental Fund Types		
	General	Special Revenue	Totals (Memorandum Only)
Cash Receipts:			
Property and Other Local Taxes	\$29,116	\$54,109	\$83,225
Licenses, Permits, and Fees	1,650		1,650
Intergovernmental	65,310	110,143	175,453
Earnings on Investments	2,046	765	2,811
Miscellaneous	773	1,544	2,317
Total Cash Receipts	98,895	166,561	265,456
Cash Disbursements:			
Current:			
General Government	82,052		82,052
Public Works	34,890	128,190	163,080
Health	19,985		19,985
Conservation - Recreation	35,830		35,830
Capital Outlay	1,817	7,153	8,970
Total Cash Disbursements	174,574	135,343	309,917
Total Receipts Over/(Under) Disbursements	(75,679)	31,218	(44,461)
Other Financing Receipts / (Disbursements):			
Sale of Fixed Assets		8,000	8,000
Transfers-In	216		216
Transfers-Out		(216)	(216)
Total Other Financing Receipts / (Disbursements)	216	7,784	8,000
Excess of Cash Receipts and Other Financing Receipts Over / (Under) Cash Disbursements			
and Other Financing Disbursements	(75,463)	39,002	(36,461)
Fund Cash Balances, January 1	452,340	379,620	831,960
Fund Cash Balances, December 31	\$376,877	\$418,622	\$795,499

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

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

	Governmental Fund Types			
	General	Special Revenue	Capital Projects	Totals (Memorandum Only)
Cash Receipts:	<b>\$00 504</b>	<b>#50.040</b>		¢00.470
Property and Other Local Taxes	\$30,531	\$52,642		\$83,173
Licenses, Permits, and Fees	6,192		¢100.010	6,192
Integovernmental	101,331	111,175	\$132,242	344,748
Earnings on Investments	14,307	5,320		19,627
Miscellaneous	3,237	1,046		4,283
Total Cash Receipts	155,598	170,183	132,242	458,023
Cash Disbursements:				
Current:				
General Government	91,743			91,743
Public Works	90	53,749		53,839
Health	19,456			19,456
Conservation - Recreation	7,759		136,536	144,295
Capital Outlay	128,752	89,910		218,662
Total Cash Disbursements	247,800	143,659	136,536	527,995
Total Receipts Over/(Under) Disbursements	(92,202)	26,524	(4,294)	(69,972)
Other Financing Receipts / (Disbursements):				
Sale of Fixed Assets	3,500	11,500		15,000
Transfers-In			4,294	4,294
Transfers-Out	(4,294)			(4,294)
Advances-In	136,536		136,536	273,072
Advances-Out	(136,536)		(136,536)	(273,072)
Total Other Financing Receipts / (Disbursements)	(794)	11,500	4,294	15,000
Excess of Cash Receipts and Other Financing Receipts Over / (Under) Cash Disbursements				
and Other Financing Disbursements	(92,996)	38,024		(54,972)
Fund Cash Balances, January 1	545,336	341,596		886,932
Fund Cash Balances, December 31	\$452,340	\$379,620	\$0	\$831,960

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

## 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 the Newton Township, Miami 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 cemetery maintenance.

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

#### 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. Deposits and Investments

The Township's money market mutual funds (including STAR Ohio) are recorded at share values the mutual funds report.

## D. 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 Funds:

**Road and Bridge Fund -** This fund receives property tax money for constructing, maintaining, and repairing Township roads and bridges.

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

**Motor Vehicle License Tax Fund** – This fund receives motor vehicle license tax money to pay for constructing maintaining and repairing Township roads.

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

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

## 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 funds:

**ODNR - Nature Works Grant** - The Township received a grant from the Ohio Department of Natural Resources to purchase land for a park.

**ODNR- LWCF Grant** - The Township received a grant from Ohio Department of Natural Resources Land Water Conservation Fund to acquire land for a park.

## 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 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 re-appropriated 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.

## F. 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.

## 2. EQUITY IN POOLED DEPOSITS AND INVESTMENTS

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:

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

## 2. EQUITY IN POOLED DEPOSITS AND INVESTMENTS (Continued)

	2009	2008
Demand deposits	\$433,586	\$471,044
STAR Ohio	361,913	360,916
Total deposits and investments	\$795,499	\$831,960

**Deposits:** Deposits are insured by the Federal Depository Insurance Corporation; or 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.

# 3. BUDGETARY ACTIVITY

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

2009 Budgeted vs. Actual Receipts				
Budgeted Actual				
Fund Type	Receipts	Receipts	Variance	
General	\$ 99,025	\$ 99,111	\$ 86	
Special Revenue	176,477	174,561	(1,916)	
Total	\$275,502	\$273,672	(\$1,830)	

### 2009 Budgeted vs. Actual Budgetary Basis Expenditures

Fund Type	Appropriation Authority	Budgetary Expenditures	Variance
General	\$ 550,600	\$174,574	\$376,026
Special Revenue	529,217	135,559	393,658
Total	\$1,079,817	\$310,133	\$769,684

2008 Budgeted vs. Actual Receipts			
	Budgeted Actual		
Fund Type	Receipts	Receipts	Variance
General	\$295,116	\$159,098	(\$136,018)
Special Revenue	179,714	181,683	1,969
Capital Projects	273,072	136,536	(136,536)
Total	\$747,902	\$477,317	(\$270,585)

2008 Budgeted vs. Actual Budgetary Basis Expenditures			
Fund Type	Appropriation Authority	Budgetary Expenditures	Variance
General	\$ 803,830	\$252,094	\$ 551,736
Special Revenue	505,000	143,659	361,341
Capital Projects	273,052	136,536	136,516
Total	\$1,581,882	\$532,289	\$1,049,593

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

# 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. RETIREMENT SYSTEMS

The Township's Officials and other employees belong to the Ohio Public Employees Retirement System (OPERS). OPERS is a cost-sharing, multiple-employer plan. The Ohio Revised Code prescribes this plan's 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 gross salaries and the Township contributed an amount equaling 14% of participants' gross salaries. The Township has paid all contributions required through December 31, 2009.

# 6. RISK MANAGEMENT

## **Commercial Insurance**

The Township has obtained commercial insurance for the following risks:

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



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**

Newton Township 210 West Walnut Street P.O. Box 407 Pleasant Hill, Ohio 45359

To the Board of Trustees:

We have audited the financial statements of Newton Township, Miami County, (the Township) as of and for the years ended December 31, 2009 and 2008, and have issued our report thereon dated April 2, 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 also noted the Township revised its financial presentation from that comparable to the requirements of Governmental Accounting Standard No. 34, Basic Financial Statements - and Management's Discussion and Analysis for State and Local Governments to a format the Auditor of State prescribes or permits. 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.

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 internal control deficiencies resulting in more than a reasonable possibility that a material misstatement of the Township's financial statements will not be prevented, or detected and timely corrected.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider material weaknesses, as defined above.

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Newton Township Miami County Independent Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by *Government Auditing Standards* Page 2

### **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 an instance of noncompliance or other matter we must report under *Government Auditing Standards* which is described in the accompanying schedule of findings as item 2009-001.

We also noted certain matters not requiring inclusion in this report that we reported to the Township's management in a separate letter dated April 2, 2010.

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

Mary Jaylo

Mary Taylor, CPA Auditor of State

April 2, 2010

## 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 Rev. Code Section 5705.41(D)** prohibits a subdivision or taxing entity from making any contract or ordering any expenditure of money unless a certificate signed by the fiscal officer is attached thereto. The fiscal officer must certify that the amount required to meet any such contract or expenditure has been lawfully appropriated and is in the treasury, or is in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

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 the fiscal officer can certify that both at the time that the contract or order was made ("then"), and at the time that the fiscal officer is completing the certification ("now"), that sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance, the Township can authorize the drawing of a warrant for the payment of the amount due. The Township has thirty days from the receipt of the "then and now" certificate to approve payment by ordinance or resolution.

Amounts of less than \$3,000, may be paid by the fiscal officer without a resolution or ordinance upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful. This does not eliminate any otherwise applicable requirement for approval of expenditures by the Township.

- 2. Blanket certificate Fiscal officers may prepare "blanket" certificates not exceeding an amount established by resolution or ordinance adopted by the legislative authority, against any specific line item account over a period not running beyond the current 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 account 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 extend beyond the current year. More than one super blanket certificate may be outstanding at a particular time for any one line item appropriation.

The Township did not properly certify the availability of funds prior to purchase commitment for 11% of expenditures examined during the audit period and there was no evidence that the Township followed the aforementioned exceptions. Failure to properly certify the availability of funds can result in overspending fund and negative cash fund balances.

Newton Township Miami County Schedule of Findings Page 2

## FINDING NUMBER 2009-001 (Continued)

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, we recommend that the Township's Fiscal Officer certify that the funds are or will be available prior to the obligation by the Township. When prior certification is not possible, "then and now" certification should be used.

We recommend the Township certify purchases to which section 5705.41(D) applies. The most convenient certification method is to use purchase orders that include the certification language 5705.41(D) requires to authorize disbursements. The fiscal officer should sign the certification at the time the Township incurs a commitment, and only when the requirements of 5705.41(D) are satisfied. The fiscal officer should post approved purchase commitments to the proper appropriation code, to reduce the available appropriation.

## Officials' Response:

Township Officials' declined to respond to this finding.

# 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; <b>Explain</b>
2007-001	ORC 117.28 – Finding for recovery for insurance reimbursements paid to part time employee who did not work required number of hours.	Yes	
2007-002, 2007-003	ORC 505.601 – insurance premium reimbursements for unallowable policies and/or family coverage	Yes	
2007-004	ORC 5705.41(D), prior certification of expenditures	No	Repeated as Finding Number 2009-001





**NEWTON TOWNSHIP** 

**MIAMI 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 Babbett

**CLERK OF THE BUREAU** 

CERTIFIED MAY 11, 2010

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