

PRESENTATION TO
THE JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS
Monitoring of Local Government Audits

Office of Legislative Audits
Robert A. Garman, Assistant Director, Quality Assurance
December 9, 2009

INTRODUCTION

Ladies and Gentlemen:

As requested by this Committee, I am here today to make a presentation regarding the Office of Legislative Audits' responsibilities applicable to audits of local governments within the State of Maryland. My Office performs desk reviews of the audit reports submitted by each local government. Our review of the reports for the fiscal year ending June 30, 2008 disclosed that the local governments have generally complied with generally accepted accounting principles and auditing standards. Additionally, our review disclosed that local governments generally appeared to be in good financial condition at that time. When areas of noncompliance or potential financial problems were noted, we sent letters describing the conditions to the governments and, when appropriate, to their auditors in an effort to ensure the conditions do not recur. My presentation will address the following areas:

1. Overview of the local government auditing process
2. Problems disclosed by our review of local government audits
3. Follow-up action taken on problems
4. Concluding comments

OVERVIEW

Generally, each county, incorporated city or town, and taxing district located in Maryland is required by law to have an annual audit. Based on the provisions of Article 19, Section 40 of the Annotated Code of Maryland, each local government is required to have its financial statements audited by an independent certified public accountant in accordance with generally accepted auditing standards. This law also requires that the financial statements be presented in accordance with generally accepted accounting principles and that the results of the audits be submitted to the Office of Legislative Audits.

Most local governments must file their reports by November 1, for the proceeding fiscal year ended June 30; however, local governments whose populations exceed 400,000 must file by January 1 of each year. In addition, extensions may be granted to local governments for valid reasons. By law, certain small governments may request a waiver of the annual filing requirement and instead only have an audit once every four years. Five local governments requested, and were granted, waivers of the annual filing requirement under this law.

As provided for under the law, we have issued audit guidelines that address the basic requirements that must be met by the local governments and their independent auditors. While the independent auditors determine the specific procedures necessary in each audit, the guidelines are intended to help ensure that a minimum acceptable level of quality is maintained for audits and financial reports of local governments.

The Office of Legislative Audits performs a desk review of each audit report to determine areas of noncompliance by using a checklist for government audits published by the American Institute of Certified Public Accountants. For example, we determine whether the auditor's report was presented in accordance with generally accepted auditing standards, whether the local government's financial statements were presented in accordance with generally accepted accounting principles, and whether financial statement disclosures were adequate.

Our desk review also includes a review to determine certain areas of noncompliance with State laws. In this regard, Article 95 Section 22 of the Annotated Code of Maryland requires all deposits held in banks by local governments be insured or otherwise collateralized. Additionally, our desk review includes a basic financial analysis of each local government. This analysis includes a review of various financial trends and ratios (for example, ratio of general fund balance to annual expenditures) to provide some insight regarding potential financial problems at the local government level.

Upon completion of each year's review, we prepare a report summarizing the areas of noncompliance with the audit guidelines (for example, departures from generally accepted accounting principles) or with State law (for example, uncollateralized cash deposits). In addition, our report discloses potential financial problems at the local government level such as deficit fund balances and unfavorable financial trends and ratios. This summary report is submitted to the State Comptroller and the Executive Director of the Department of Legislative Services, as required by law, as well as other interested parties.

Finally, the law requires applicable counties to file reports with our Office on their reviews of financial reports and audits of special taxing districts created by the counties. Our annual summary reports also include the results of our reviews of such financial information on county created special taxing districts.

PROBLEMS DISCLOSED:

As reflected on Exhibit A, page 1, most local governments have substantially complied with standards over the past several years. However, for the fiscal year ended June 30, 2008, 69 out of the 194 local government reports due contained areas of noncompliance with the audit guidelines. During our fiscal year 2008 review, the number of local governments with areas of noncompliance with the audit guidelines remained fairly consistent with the preceding year, but has decreased significantly over the last several years.

In addition, our review disclosed areas of noncompliance with State law for 22 local governments (local governments with unsecured cash deposits) and potential financial problems for 9 local governments. See Exhibit A, page 2 for a summary of these areas and problems over the past several years. Some local governments had more than one area of noncompliance with the guidelines or State law and/or potential financial problem.

The most significant and frequent problems disclosed by our review were as follows:

1. Local governments failed to file an audit report as required. One local government (Forest Heights) had not filed an audit report for fiscal years 2007 or 2008, and six other local governments (Capitol Heights, Deer Park, Hyattsville, Lonaconing, Westernport, Washington Suburban Transit Commission) had not filed an audit report for fiscal year 2008.
2. Auditor's reports were not presented in accordance with generally accepted auditing standards.
3. Reports that did not present all required financial statements or presentation was inappropriate.
4. Reports that lacked adequate disclosures in the financial statements and/or accompanying notes.
5. Local governments with uninsured/uncollateralized cash deposits. Twenty-two local governments had unsecured cash deposits. In all cases, the amount of cash not secured was small in relation to the local governments' total assets and, in some cases, it was indicated that the local government had taken corrective action.
6. Local governments with unreserved general fund deficit balances. Six local governments (Cambridge, Cumberland, Fairmount Heights, Myersville, Princess Anne, Ridgely) had deficit fund balances at June 30, 2008.
7. Two local governments (District Heights, Riverdale Park) had unfavorable financial trends/ratios at June 30, 2008.
8. One report (Queenstown) contained a qualified opinion. A qualified opinion is issued when the auditor states that, "except for" the effects of the matter to which the qualification relates, the financial statements are presented fairly. The qualified

opinion was issued because certain financial data were not presented in accordance with the requirements of the Governmental Accounting Standards Board.

FOLLOW-UP ACTIONS:

A letter describing the areas of noncompliance with the audit guidelines noted during our review was sent to each local government and its independent auditor. The letters requested that the matters be examined to avoid a recurrence in subsequent audits.

For areas of noncompliance with State laws and potential financial problems (for example, deficit fund balances), our Office requests the applicable local governments to provide written descriptions of the actions to be taken to eliminate the conditions, when appropriate. We then review and evaluate the responses to these requests. Additionally, as requested by the Committee, when letters were sent to local governments regarding noncompliance with State laws and potential financial problems, copies of the letters were also sent to the appropriate members of the Maryland General Assembly.

CONCLUSION:

In summary, the Office of Legislative Audits functions in an oversight capacity by issuing audit guidelines, reviewing local government audit reports for compliance with standards and regulations, and notifying the local governments and their auditors of any deficiencies noted. We believe that these efforts have helped improve the quality of audits and have promoted fiscal accountability among local governments in Maryland.

To further improve the quality of local government audits, we participate in various efforts to make technical information available to local governments. For example, we routinely respond to technical inquiries from local governments and their auditors and participate in the Maryland Association of Certified Public Accountants' Members in Government committee

I will be happy to answer any questions you may have on this presentation.