

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 8, 2015

INTRODUCTION

Ladies and Gentlemen:

Thank you for the opportunity to present the results of our review of the audit reports submitted by each local government for the year ended June 30, 2014. We found that the local governments have generally complied with generally accepted accounting principles and auditing standards. Additionally, 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 Title 16 of the Local Government Article 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 on or before October 31 for the preceding fiscal year ended June 30; however, local governments whose populations exceed 400,000, and

certain other counties, must file on or before December 31 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. Thirteen local governments requested, and were granted, waivers of the annual filing requirement for 2014.

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 quality control 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 identify noncompliance with certain State laws, such as Local Government Article, Section 17-101 of the Annotated Code of Maryland which 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, 2014, 57 out of the 191 local government reports due contained areas of noncompliance with the audit guidelines. During our fiscal year 2014 review, the number of local governments with areas of noncompliance with the audit guidelines was similar to that of the preceding year.

In addition, our review disclosed areas of noncompliance with State law for 14 local governments (local governments with unsecured cash deposits) and potential financial problems for 3 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.

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

1. Local governments did not timely file an audit report as required or failed to do so.
As of July 31, 2015, five local governments (Deer Park, Glenarden, Hyattsville, Marydel, and Morningside) had not filed an audit report for fiscal years 2013 or 2014, and one other local government (Baltimore City) had not filed an audit report for fiscal year 2014.
2. Auditor's reports for 11 local government units were not presented in accordance with generally accepted auditing standards.
3. Financial statements submitted by 31 local government did not present all required statements or the presentation was inappropriate.
4. Financial statements for one local governments lacked adequate disclosures in the statements and/or accompanying notes.
5. Local governments with uninsured/uncollateralized cash deposits. Fourteen local governments had unsecured cash deposits. In most cases, the amount of cash not secured was small in relation to the local governments' total assets and, in some cases, it was indicated in the financial statement disclosures that the local government had taken corrective action.
6. Local government with unrestricted General Fund deficit balance. One local government (Cisfield) had a deficit fund balance at June 30, 2014.
7. Local governments with unfavorable General Fund trends and ratios. Two local governments (Henderson and Pocomoke City) had unfavorable General Fund trends and ratios for the period ending June 30, 2014.
8. One report (Sykesville) contained an adverse opinion on one opinion unit and a qualified opinion on another opinion unit. An adverse opinion states that the financial statements do not present fairly the financial position, changes in financial

position or, where applicable, cash flows in conformity with generally accepted accounting principles. This Town's audit report contained an adverse opinion on the Town's discretely presented component unit opinion unit because of the omission of financial data for the Town's legally separate component unit. 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 Town's audit report also contained a qualified opinion on the governmental activities opinion unit because the Town had not measured the effect of Governmental Accounting Standards Board Statement No. 49 entitled *"Accounting and Financial Reporting for Pollution Remediation Obligations."* The Town's audit reports for each fiscal year since 2009 also contained an adverse opinion and a qualified opinion due to these situations.

9. Audit reports for one local government (Pittsville for fiscal years 2014 and 2013) contained qualified opinions on all of the Town's opinion units (governmental activities, business-type activities, each major fund, and the aggregate remaining fund information) because, during the years ended June 30, 2014 and June 30, 2013, the accounting records had been altered to cover up unauthorized disbursements from the Town. A third party was engaged to reconstruct the Town's books.
10. One report (Deer Park fiscal year 2012) contained a qualified opinion on the Town's governmental activities, each major fund, and the aggregate remaining fund information opinion units because the personal property tax revenue had not been audited due to the fact that the Town could not provide proper documentation on billing and revenues received.

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.

The local governments that failed to file audit reports for fiscal years 2013 and 2014 were reported to the Executive Director of the Department of Legislative Services. If these reports are not filed, the State Comptroller, acting upon the advice of the Executive Director, is authorized by law to discontinue the payment of all funds, grants, or State aid to which the local governments are entitled.

For areas of noncompliance with State law pertaining to unsecured cash deposits and for 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.

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

Exhibit A
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JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS
SUMMARY REVIEW
LOCAL GOVERNMENT AUDIT REPORTS

REPORTS DUE	FY 2009				FY 2010				FY 2011				FY 2012				FY 2013				FY 2014			
	CO	CI	ID	IOI	CO	CI	ID	IOI	CO	CI	ID	IOI	CO	CI	ID	IOI	CO	CI	ID	IOI	CO	CI	ID	IOI
	24	152	16	192	24	153	16	193	24	146	17	187	25	154	14	193	25	148	14	187	24	153	14	191
<u>Areas of Noncompliance with State Law*</u>																								
1. Uninsured/uncollateralized cash deposits	3	8	-	11	2	7	-	9	2	14	-	16	4	8	-	12	3	8	2	13	4	9	1	14
TOTAL AREAS OF NONCOMPLIANCE	3	8	0	11	2	7	0	9	2	14	0	16	4	8	0	12	3	8	2	13	4	9	1	14
<u>Potential Financial Problems *</u>																								
1. General fund deficits	-	6	-	6	-	6	-	6	-	3	-	3	-	2	-	2	-	1	-	1	-	1	-	1
2. Unfavorable general fund trends and ratios	-	3	-	3	-	-	-	0	-	-	-	0	-	2	-	2	-	-	-	0	-	2	-	2
TOTAL POTENTIAL FINANCIAL PROBLEMS	0	9	0	9	0	6	0	6	0	3	0	3	0	4	0	4	0	1	0	1	0	3	0	3
CO - Counties																								
CT - Cities and Towns																								
TD - Taxing Districts																								
TOT - Total Units																								
* Some local governments had more than one area of noncompliance with State law or potential financial problem (that is, certain local governments may be included in both categories).																								

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Note - As of December 4, 2015, acceptable responses to all of our requests for corrective action plans had been submitted, except for one local government. Specifically, the Town of Grantsville (uninsured, uncollateralized cash deposits) had not submitted a response.