

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
October 20, 2021

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, 2020 which are summarized in our report entitled *Review of Local Government Audit Reports* dated August 16, 2021. For the 194 audit reports due, 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. Ten local governments requested, and were granted, waivers of the annual filing requirement for 2020.

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 identify areas of noncompliance by using a quality control checklist for government audits published by the American Institute of Certified Public Accountants. For example, we generally 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, when applicable, our report discloses potential financial problems at the local government level such as deficit general fund balances and unfavorable financial trends and ratios. This summary report is submitted to the Comptroller of Maryland 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, 2019, 45 out of the 194 local government reports due contained areas of noncompliance with the audit guidelines. These areas of noncompliance were not of such an extent so as to cast doubt on the reliability of the underlying financial statements. During our fiscal year 2020 review, the percentage of local government reports with areas of noncompliance with the audit guidelines decreased slightly in comparison to that of the preceding year (approximately 25 percent in 2019 and 23 percent in 2020).

In addition, our review disclosed areas of noncompliance with State law for 15 local governments (local governments with unsecured cash deposits). Additionally, our review disclosed one local government with a potential financial problem during fiscal year 2020. 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:

Timeliness:

1. Local governments did not timely file an audit report as required or failed to do so.

As of July 16, 2021, nine local governments were delinquent in filing audit reports as required by the Local Government Article of the Annotated Code of Maryland.

Local Government	Fiscal Years Outstanding
Town of Capitol Heights	2020
Town of Chesapeake City	2020
Town of Deer Park	2018, 2019, 2020
Town of East New Market	2020
City of Hyattsville	2020
Town of Middletown	2020
City of Mount Rainier	2020
City of Seat Pleasant	2020
Town of Sudlersville	2020

Auditor's Work:

2. Auditors' reports for eight local governments were not presented in accordance with generally accepted auditing standards.

Local Government Financial Presentation:

3. Financial statements submitted by 20 local governments did not present all required statements or the presentation was inappropriate.
4. Financial statements for four local governments lacked adequate disclosures in the statements and/or accompanying notes.

Compliance:

5. Local governments with uninsured/uncollateralized cash deposits. Fifteen 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.

Potential Financial Issues:

6. One local government with a potential financial problems was identified. Specifically, the auditor's report for the Upper Potomac River Commission – Waste Treatment Plant Fund included an emphasis paragraph describing an uncertainty regarding the Fund's ability to continue as a going concern. The notes to the Fund's financial statements stated that the Fund's management is in the process of addressing how it will fulfill the Fund's obligations, given its economic dependence on a private corporation.

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 government that failed to file audit reports for fiscal years 2018, 2019, and 2020 was reported to the Executive Director of the Department of Legislative Services. If these reports are not filed, the Comptroller of Maryland, 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, our Office requested the applicable local governments to provide written descriptions of the actions to be taken to eliminate the conditions, when appropriate. We then reviewed and evaluated the responses to these requests, and found the indicated actions sufficient. Additionally, as requested by the Committee, when letters were sent to local governments regarding noncompliance with State laws, 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, and respond to technical inquiries from local governments and their auditors.

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

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

REPORTS DUE	FY 2015				FY 2016				FY 2017				FY 2018				FY 2019				FY 2020			
	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT
	25	155	14	194	25	161	17	203	24	153	15	192	24	157	14	195	25	148	16	189	24	155	15	194
<u>Areas of Noncompliance with Audit Guidelines</u>																								
1. Audit reports not filed @	1	10	2	13	-	11	4	15	-	13	2	15	1	9	2	12	-	7	3	10	-	9	-	9
2. Audit reports not filed on time @	3	25	3	31	1	22	6	29	1	13	4	18	2	16	3	21	3	20	3	26	-	19	8	27
3. Auditor issued a qualified opinion / disclaimer / adverse opinion or improperly issued an unqualified opinion	1	1	-	2	1	1	-	2	-	1	-	1	-	1	-	1	-	1	-	1	-	-	-	0
4. Auditor's report not presented in accordance with generally accepted auditing standards @																								
a. Auditor's report did not contain one or more of the basic elements required by auditing standards	-	2	-	2	1	2	-	3	-	2	-	2	1	3	-	4	2	3	-	5	1	1	-	2
b. Auditor's opinion did not cover all opinion units or financial statements	1	-	-	1	-	2	-	2	-	1	1	2	-	2	-	2	-	4	-	4	-	4	2	6
c. Auditor did not report on all required information.	2	3	-	5	2	1	-	3	-	1	-	1	-	-	-	0	-	-	-	0	-	-	-	0
5. Financial statements not presented in accordance with generally accepted accounting principles @																								
a. Required statements not presented or presentation inappropriate	5	10	3	18	6	30	2	38	8	20	-	28	4	6	1	11	6	14	-	20	4	10	5	19
b. Inadequate disclosure in the financial statements (e.g., basis of accounting, cash deposits with financial institutions and investments)	1	4	-	5	1	16	-	17	1	1	1	3	1	9	2	12	-	2	1	3	-	1	3	4
c. Governmental fund balances were not properly classified	-	6	-	6	2	3	-	5	-	2	-	2	-	3	-	3	-	5	-	5	-	1	-	1
6. Auditor did not submit letter stating reasons for expressing other than an unqualified opinion	1	-	-	1	1	-	-	1	-	-	-	0	-	-	-	0	-	1	-	1	-	-	-	0
TOTAL	15	61	8	84	15	88	12	115	10	54	8	72	9	49	8	66	11	57	7	75	5	45	18	68

CO - Counties

CT - Cities and Towns

TD - Taxing Districts

TOT - Total Units

@ - Local governments may be counted more than once as certain local governments had more than one deficiency in these areas.

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

REPORTS DUE	FY 2015				FY 2016				FY 2017				FY 2018				FY 2019				FY 2020			
	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT	CO	CT	TD	TOT
	25	155	14	194	25	161	17	203	24	153	15	192	24	157	14	195	25	148	16	189	24	155	15	194
<u>Areas of Noncompliance with State Law*</u>																								
1. Uninsured/uncollateralized cash deposits	2	10	1	13	5	9	2	16	5	5	2	12	6	11	2	19	2	10	-	12	4	9	3	16
2. Inappropriate investments	-	-	-	0	-	-	-	0	-	-	-	0	-	1	-	1	-	-	-	0	-	-	-	0
TOTAL AREAS OF NONCOMPLIANCE	2	10	1	13	5	9	2	16	5	5	2	12	6	12	2	20	2	10	0	12	4	9	3	16
<u>Potential Financial Problems *</u>																								
1. General fund deficits	-	1	-	1	-	1	-	1	-	1	-	1	-	-	-	0	-	-	-	0	-	-	-	0
2. Unfavorable general fund trends and ratios	-	2	-	2	-	1	-	1	-	1	-	1	-	1	-	1	-	-	-	0	-	-	-	0
3. Other - going concern	-	-	-	0	-	-	-	0	-	-	-	0	-	-	-	0	-	-	-	0	-	-	1	1
TOTAL POTENTIAL FINANCIAL PROBLEMS	0	3	0	3	0	2	0	2	0	2	0	2	0	1	0	1	0	0	0	0	0	0	1	1

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).

Note - As of October 8, 2021, acceptable responses to all of our requests for corrective action plans had been submitted by all the local governments.