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INDEPENDENT ACCOUNTANTS' REPORT

Newton Township Trumbull County P.O. Box 298 Newton Falls. Ohio 44444

To the Board of Trustees:

We have audited the accompanying financial statements of Newton Township, Trumbull County, (the Township) as of and for the years ended December 31, 2003 and 2002. 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. We believe our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the Township prepares its financial statements on the basis of accounting prescribed or permitted by the Auditor of State, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the combined fund cash balances of the Township as of December 31, 2003 and 2002, and its combined cash receipts and disbursements for the years then ended on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated June 30, 2005, 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.

Newton Township Trumbull County Independent Accountants' Report Page 2

Butty Montgomery

This report is intended solely for the information and use of the management, the Board of Trustees, and other officials authorized to receive this report under § 117.26, Ohio Revised Code, and is not intended to be and should not be used by anyone other than these specified parties.

Betty Montgomery Auditor of State

July 29, 2005

COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2003

	Governmental Fund Types		
	General	Special Revenue	Totals (Memorandum Only)
Cash Receipts:			
Local Taxes	\$72,275	\$217,336	\$289,611
Intergovernmental	119,461	112,550	232,011
Licenses, Permits, and Fees		5,819	5,819
Fines, Forfeitures, and Penalties	2,628		2,628
Earnings on Investments	1,395		1,395
Other Revenue	62,197	5,523	67,720
Total Cash Receipts	257,956	341,228	599,184
Cash Disbursements:			
Current:			
General Government	129,624	4,191	133,815
Public Safety	36,928	137,521	174,449
Public Works	90,421	196,091	286,512
Health		27,174	27,174
Capital Outlay		53,297	53,297
Total Cash Disbursements	256,973	418,274	675,247
Total Receipts Over/(Under) Disbursements	983	(77,046)	(76,063)
Other Financing Receipts and (Disbursements):			
Other Sources		33,628	33,628
Excess of Cash Receipts and Other Financing Receipts Over/(Under) Cash Disbursements			
and Other Financing Disbursements	983	(43,418)	(42,435)
Fund Cash Balances, January 1	147,387	266,849	414,236
Fund Cash Balances, December 31	\$148,370	\$223,431	\$371,801

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, 2002

	Governmental Fund Types		
	General	Special Revenue	Totals (Memorandum Only)
Cash Receipts:			
Local Taxes	\$64,068	\$208,530	\$272,598
Intergovernmental	117,881	106,709	224,590
Fines, Forfeitures, and Penalties	1,920		1,920
Earnings on Investments	2,469		2,469
Other Revenue	4,851	16,669	21,520
Total Cash Receipts	191,189	331,908	523,097
Cash Disbursements: Current:			
General Government	144,062	3,509	147,571
Public Safety	7,718	142,008	149,726
Public Works	53,848	159,859	213,707
Health	·	32,437	32,437
Miscellaneous	111		111
Capital Outlay		1,261	1,261
Total Cash Disbursements	205,739	339,074	544,813
Total Receipts Over/(Under) Disbursements	(14,550)	(7,166)	(21,716)
Other Financing Receipts and (Disbursements):			
Other Sources		34,691	34,691
Excess of Cash Receipts and Other Financing Receipts Over/(Under) Cash Disbursements			
and Other Financing Disbursements	(14,550)	27,525	12,975
Fund Cash Balances, January 1	161,937	239,324	401,261
Fund Cash Balances, December 31	\$147,387	\$266,849	\$414,236

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

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2003 AND 2002 (Continued)

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, Trumbull 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, cemetery maintenance, fire protection and police protection.

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

B. Basis of Accounting

These financial statements follow the basis of accounting the Auditor of State prescribes or permits. This basis is similar to the cash receipts and disbursements. 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. Cash

The Township's accounting basis includes investments as assets. This basis does not record disbursements for investment purchases or disbursements investments sales. This basis records gains or losses at the time of sale as receipts or disbursements, respectively.

The Township has a checking and savings account with their depository.

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 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.

Police Special Levy Fund - This fund receives property tax money restricted to provide police protection to the residents of the Township.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2003 AND 2002 (Continued)

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES –(Continued)

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. The Township did not use the encumbrance method of accounting.

A summary of 2003 and 2002 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.

G. 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 CASH AND INVESTMENTS

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

	2003	2002
Demand deposits	\$268,391	\$312,221
Savings account	103,410	102,015
Total deposits	371,801	414,236

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

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2003 AND 2002 (Continued)

3. BUDGETARY ACTIVITY

Budgetary activity for the years ending December 31, 2003 and 2002 follows:

2003 Budgeted vs. Actual Receipts

	Budgeted	Actual	
Fund Type	Receipts	Receipts	Variance
General	\$0	\$257,956	\$257,956
Special Revenue	0	374,856	374,856
Total	\$0	\$632,812	\$632,812

2003 Budgeted vs. Actual Budgetary Basis Expenditures

	Appropriation	Budgetary	_
Fund Type	Authority	Expenditures	Variance
General	\$0	\$256,973	(\$256,973)
Special Revenue	0	418,274	(418,274)
Total	\$0	\$675,247	(\$675,247)

2002 Budgeted vs. Actual Receipts

	Budgeted	Actual	
Fund Type	Receipts	Receipts	Variance
General	\$0	\$191,189	\$191,189
Special Revenue	0	366,599	366,599
Total	\$0	\$557,788	\$557,788

2002 Budgeted vs. Actual Budgetary Basis Expenditures

<u> </u>	Appropriation	Budgetary	
Fund Type	Authority	Expenditures	Variance
General	\$0	\$205,739	(\$205,739)
Special Revenue	0	339,074	(339,074)
Total	\$0	\$544,813	(\$544,813)

Contrary to Ohio law, at December 31, 2003, the Fire District Fund had a cash deficit balance of \$13,360. The Township failed to follow the tax budget laws, therefore, estimated resources were not certified by the County Budget Commission, annual appropriation measures were not passed, the County Auditor did not file a certificate that the total appropriations do not exceed the estimated resources, and expenditures exceeded fund appropriations. In addition, the Township did not certify any purchases prior to the obligations being incurred in all funds.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2003 AND 2002 (Continued)

4. PROPERTY TAX

Real property taxes become a lien on January 1 preceding the October 1 date for which the Trustees adopt 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.

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 full-time police officers 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. OPERS members contributed 8.5 percent of their gross salaries. The Township contributed an amount equaling 13.55 percent of participants' gross salaries. The Township has paid all contributions required through December 31, 2003.

6. RISK MANAGEMENT

Risk Pool Membership

The Township belongs to the Ohio Township Association Risk Management Authority (OTARMA), a risk-sharing pool available to Ohio townships. OTARMA provides property and casualty coverage for its members. OTARMA is a member of the American Public Entity Excess Pool (APEEP). Member governments pay annual contributions to fund OTARMA. OTARMA pays judgments, settlements and other expenses resulting from covered claims that exceed the members' deductibles.

Casualty Coverage

OTARMA retains casualty risks up to \$250,000 per claim, including loss adjustment expenses. OTARMA pays a percentage of its contributions to APEEP. ATEEP reinsures claims exceeding \$250,000, up to \$1,750,000 per claim and \$5,000,000 in the aggregate per year. Townships can elect additional coverage, from \$2,000,000 to \$10,000,000, from the General Reinsurance Corporation.

If losses exhaust OTARMA's retained earnings, APEEP covers OTARMA losses up to \$5,000,000 per year, subject to a per-claim limit of \$2,000,000.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2003 AND 2002 (Continued)

6. RISK MANAGEMENT – (Continued)

Property Coverage

OTARMA retains property risks, including automobile physical damage, up to \$10,000 on any specific loss with an annual aggregate of \$1,250,000 for 2002. There is no aggregate for 2003 and future accident years. Beginning in 2003, OTARMA retains property risks, including automobile physical damage, up to \$100,000 on any specific loss in any one occurrence. The Travelers Indemnity Company reinsures losses exceeding \$100,000. APEEP's Guarantee Fund pays losses and loss adjustment expenses exceeding operating contributions.

The aforementioned casualty and property reinsurance agreements do not discharge OTARMA's primary liability for claims payments on covered losses. Claims exceeding coverage limits are the obligation of the respective township.

Financial Position

OTARMA's financial statements (audited by other accountants) conform with generally accepted accounting principles, and reported the following assets, liabilities and retained earnings at December 31:

Casualty Coverage	<u>2003</u>	<u>2002</u>
Assets	\$27,792,223	\$23,757,036
Liabilities	(11,791,300)	(9,197,512)
Retained earnings	<u>\$16,000,923</u>	<u>\$14,559,524</u>

Property Coverage	2003	<u>2002</u>
Assets	\$6,791,060	\$6,596,996
Liabilities	<u>(750,956)</u>	(1,204,326)
Retained earnings	<u>\$6,040,104</u>	<u>\$5,392,670</u>

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

Newton Township Trumbull County P.O. Box 298 Newton Falls, Ohio 44444

To the Board of Trustees:

We have audited the financial statements of Newton Township (the Township) as of and for the years ended December 31, 2003 and December 31, 2002 and have issued our report thereon dated June 30, 2005. 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 to determine our auditing procedures to express our opinion on the financial statements and not to opine on the internal control over financial reporting. Our consideration of the internal control would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts material to the financial statements we audited may occur and not be timely detected by employees when performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider material weaknesses. In a separate letter to the Township's management dated June 30, 2005, we reported other matters involving internal control over financial reporting we did not deem reportable conditions.

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 2003-001 to 2003-003. In a separate letter to the Township's management dated June 30, 2005, we reported other matters related to noncompliance we deemed immaterial.

Voinovich Government Center / 242 Federal Plaza W. / Suite 302 / Youngstown, OH 44503 Telephone: (330) 797-9900 (800) 443-9271 Fax: (330) 797-9949 www.auditor.state.oh.us Newton Township Trumbull County Independent Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by *Government Auditing Standards* Page 2

We intend this report solely for the information and use of the management and Board of Trustees. It is not intended for anyone other than these specified parties.

Betty Montgomery Auditor of State

Betty Montgomery

July 29, 2005

SCHEDULE OF FINDINGS DECEMBER 31, 2003 AND 2002

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

FINDING NUMBER 2003-001

NONCOMPLIANCE CITATION

Deficit Fund Balance

Ohio Rev. Code Section 5705.10 requires that money paid into a fund must be used only for the purposes for which the fund has been established. As a result, a negative fund balance indicates that money from one fund was used to cover expenses of another fund. As of December 31, 2003, the following fund of the Township had a deficit balance:

Fire District Amount \$13,360

We recommend the Township Clerk monitor the funds' cash balances prior to making expenditures. Deficit fund balances can be avoided through the use of fund transfers or advances, where applicable.

FINDING NUMBER 2003-002

NONCOMPLIANCE CITATION

Certification of Availability of Funds

Ohio Rev. Code Section 5705.41(D) states, in pertinent part, no orders or contracts involving the expenditure of money are to be made unless a certificate signed by the fiscal officer is attached. The fiscal officer must certify that the amount required for the order or contract has been lawfully appropriated and is in the treasury or 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.

Then and Now Certificate: If the fiscal officer can certify that both at the time the contract or order was made "then" at the time that he is completing his certification "now", sufficient funds were available or in the process of collection, to the credit of a proper fund, free of any previous encumbrance, the taxing authority can authorize the drawing of a warrant for the payment of the amount due. The taxing authority has 30 days from the receipt of such certificate, to approve payment by resolution. If approval is not made within 30 days, there is no legal liability on the part of the subdivision or taxing authority.

Amounts of less than three thousand dollars (\$3,000) may be paid by the fiscal officer without such affirmation of the taxing authority upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful. (Prior to April 7, 2003, the amount that may be paid was less than \$1,000.)

Newton Township Trumbull County Schedule of Findings Page 2

FINDING NUMBER 2003-002 (Continued)

<u>Blanket Certificate:</u> Fiscal officers may prepare "blanket" certificates for a certain sum of money not in excess of an amount established by resolution 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. (Prior to September 26, 2003, blanket certificates were limited to \$5,000 and three months.) 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.

<u>Super Blanket Certificate:</u> 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 predicable 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 line item appropriation account.

The Clerk did not obtain certification of available funds prior to incurring obligations and there was no evidence of a "Then and Now" certificate being used by the Clerk. Failure to properly certify the availability of funds can result in overspending funds and negative cash fund balances.

Unless the exceptions noted above are used, prior certification in the form of purchase orders or "blanket" purchase orders 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 the disbursement process and reduce the possibility of the Township's funds exceeding budgetary spending limitations, we recommend the Clerk certify the funds are or will be available prior to a commitment of an 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 Clerk should sign the certification at the time the Township incurs a commitment, and only when the requirements of 5705.41(D) are satisfied. The Clerk should post approved purchase commitments to the proper appropriation code, to reduce the available appropriation.

FINDING NUMBER 2003-003

NONCOMPLIANCE CITATIONS

Tax Budget

The budgetary process is a plan for the coordination of expenditures and resources. **Ohio Rev. Code Chapter 5705** has been adopted to control expenditures by means of tax budgets and appropriations.

Ohio Rev. Code Section 5705.36 requires that on or about January 1 of each year, the Clerk is to certify to the County Auditor the total amount from all sources which are available for expenditures from each fund in the tax budget along with any unencumbered balances that exist at the end of the preceding year. Based upon this information and estimates provided by the Township's management and County Auditor, the County Budget Commission shall certify the estimated receipts for the year by means of a certificate of estimated resources.

For the years ended December 31, 2003 and 2002, the Township did not submit the required balances at January 1 to the County Auditor as required. Therefore, the County Budget Commission was not able to certify the Township's estimated resources.

Newton Township Trumbull County Schedule of Findings Page 3

FINDING NUMBER 2003-003 (Continued)

Ohio Rev. Code Section 5705.38 requires a taxing authority to pass annual appropriations by April 1. The appropriations set the Township's legal level of budgetary control which is defined as "the level at which spending in excess of budgeted amounts would be a violation of law". For the years ended December 31, 2003 and 2002, the Township did not pass an appropriation measure contrary to the statute.

Ohio Rev. Code Section 5705.39 states that the total appropriations from each fund shall not exceed the total estimated receipts. Also, no appropriation measure is to become effective until the county auditor files a certificate that the total appropriations from each fund do not exceed the total official estimate. Since the Township did not certify their estimated receipts nor pass an appropriation measure, the County Auditor did not file a certificate as required by the statute.

Ohio Revised Code Section 5705.41 (B) provides that no subdivision or taxing unit is to expend money unless it has been appropriated. Since the Township did not pass an appropriation measure, the expenditures were made from each fund without being appropriated in violation of the state statute.

Noncompliance with budgetary law does not allow the Township to monitor their available resources by comparing the estimated and actual receipts. Also, the Township cannot ensure that any orders or contracts involving the expenditure of money are covered by the available resources.

We recommend the Township Clerk provide the Board of Trustees monthly reports comparing the estimated and actual receipts and expenditures. The Board should review the reports and enact legislation as necessary to comply with Ohio law governing tax budgets and appropriations.



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NEWTON TOWNSHIP TRUMBULL 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.

CLERK OF THE BUREAU

CERTIFIED SEPTEMBER 13, 2005

Susan Babbitt