

STATE BOARD OF ACCOUNTS
302 West Washington Street
Room E418
INDIANAPOLIS, INDIANA 46204-2769

COMPLIANCE ENGAGEMENT REPORT

OF

TOWN OF MARSHALL

PARKE COUNTY, INDIANA

January 1, 2019 to December 31, 2023



FILED

04/22/2024

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SCHEDULE OF OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Clerk-Treasurer	Kathy Wirth	01-01-19 to 12-31-24
President of the Town Council	Kevin Stewart	01-01-19 to 12-31-24



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
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INDIANAPOLIS, INDIANA 46204-2769

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TO: THE OFFICIALS OF THE TOWN OF MARSHALL, PARKE COUNTY, INDIANA

As authorized under Indiana Code 5-11-1, we performed certain procedures to the accounting records and related documents of the Town of Marshall (Town), for the period of January 1, 2019 to December 31, 2023. The objective of this engagement was to determine compliance with applicable Indiana laws, regulations, and uniform compliance guidelines (Guidelines) established by the Indiana State Board of Accounts pursuant to Indiana Code 5-11-1-24. The objective of this engagement is not to opine on compliance or financial activity of the Town as this engagement was not conducted in accordance with any standards established by an authoritative standard setting body, and, as such, we do not provide any opinions on compliance or financial activity.

Management is responsible for preparing and maintaining its accounting records and related documents in accordance with applicable Indiana laws, regulations, and Guidelines. Management's responsibility also includes, but is not limited to, complying with other applicable Indiana laws, regulations, and Guidelines concerning how it operates: authorized sources and uses of funds; what reports are required to be prepared and filed; and what depositories and investment types are allowable.

We fulfilled our responsibility as detailed in the first paragraph, using procedures that verified the appropriate accounting for and reporting of cash, receipts, and disbursements; and the appropriate sources and uses of funds in accordance with applicable Indiana laws, regulations, and Guidelines. Expanding the scope and nature of these procedures can and does occur in specific circumstances.

The Comments contained herein, if any, describe the identified reportable instances of noncompliance found during our engagement. Our procedures were not designed to identify all instances of noncompliance; therefore, noncompliance may exist that is unidentified. Any Official Response to the Comments incorporated within this report was not verified for accuracy.

The Schedule of Officials and Statements of Receipts, Disbursements, and Cash and Investment Balances - Regulatory Basis (Statements) are informational only. The Statements have not been subjected to any procedures designed to express an opinion or provide any assurance on them, and, accordingly, we do not express an opinion or provide any assurance on them.

This report is intended solely for the information and use of management, governance, and others within the organization. This restriction is not intended to limit the distribution of this report, which is a matter of public record. Reports can be found on the Indiana State Board of Accounts' website: <http://www.in.gov/sboa/>, and the Town's Annual Financial Reports filed by management can be found on the Indiana Gateway for Government Units financial reporting system website: <http://www.gateway.ifionline.org>.

The contents of this report were communicated to Kathy Wirth, Clerk-Treasurer, and Kevin Stewart, President of the Town Council, on April 18, 2024.



Beth Kelley, CPA, CFE
Deputy State Examiner

April 18, 2024

TOWN OF MARSHALL
COMMENTS

CONDITION OF RECORDS

Similar comments also appeared in prior Report B54251, entitled *TIMELY RECORDING* and *BANK ACCOUNT RECONCILIATIONS*.

Condition and Context

The Town completed monthly bank account reconciliations of its General Town and Water Utility depository accounts as required; however, internal controls were not in place to ensure the Town accounted for and reconciled the balances of its State Revolving Fund related funds and depository accounts throughout the engagement period.

Receipts and disbursements for the Water Bond/Interest Sinking and Water Debt Service funds were not recorded timely on the unit's ledger for the engagement period.

Criteria

Indiana Code 5-13-6-1(e) states: "All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories."

At all times, the manual and/or computerized records, subsidiary ledgers, control ledger, and reconciled bank balance must agree. If the reconciled bank balance is less than the subsidiary or control ledgers, the amount needed to balance may be the personal obligation of the responsible official or employee. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

All documents and entries to records must be made in a timely manner to ensure that accurate financial information is available to allow the unit to make informed management decisions and to help ensure compliance with IC 5-15-1-1. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

All financial transactions pertaining to the unit must be recorded in the records of the unit at the time of the transaction. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

"Control activities are the actions and tools established through policies and procedures that help to detect, prevent, or reduce the identified risks that interfere with the achievement of objectives. Detection activities are designed to identify unfavorable events in a timely manner whereas prevention activities are designed to deter the occurrence of an unfavorable event. Examples of these activities include reconciliations, authorizations, approval processes, performance reviews, and verification processes.

An integral part of the control activity component is segregation of duties. . . .

There is an expectation of segregation of duties. If compensating controls are necessary, documentation should exist to identify both the areas where segregation of duties are not feasible or practical and the compensating controls implemented to mitigate the risk. . . ."

TOWN OF MARSHALL
COMMENTS
(Continued)

ANNUAL FINANCIAL REPORT

Similar comments also appeared in prior Report B54251, entitled *ANNUAL FINANCIAL REPORTS* and *INTERNAL CONTROLS*.

Condition and Context

Financial information is required to be entered annually into the Annual Financial Report (AFR) via the Indiana Gateway for Government Units financial reporting system. As a result of an internal control deficiency, the AFRs throughout the engagement period contained the following errors:

Financial Data

The activity for the Water Bond/Interest Sinking fund and the Water Debt Service fund were incorrectly reported in 2021 and 2022 and was omitted entirely in 2023. This resulted in an understatement of the reported cash and investment balance of the Town of \$50,649 as of December 31, 2023. There were several immaterial variances and omissions among multiple other funds throughout the engagement period.

Capital Assets

No detail/subsidiary records were provided to support the \$1,050,000 in capital assets reported for each year of the engagement period.

Debt

The Water Utility State Revolving Fund (SRF) loans were omitted entirely from the schedule in 2021, 2022, and 2023 AFRs. The ending principal balances were understated by \$311,000, \$294,000, and \$276,000 in 2021, 2022, and 2023, respectively. The principal due within one year was understated by \$24,013, \$24,457, and \$23,875 in 2021, 2022, and 2023, respectively. The SRF loan principal balances reported in 2019 and 2020 were understated by \$200,255 and \$210,545, respectively.

Principal due within 1 year for the Town's road paving project loan was reported as \$0 for 2021, 2022, and 2023. The principal due within one year on the loan was \$14,000 per year.

Federal Grants

The Town did not report \$114,650 in Community Development Block Grant (CDBG) funds received and expended in its 2019 AFR. The CDBG funds were receipted into the General fund and subsequently transferred and expended from the Water Utility-Operating fund.

Criteria

Indiana Code 5-11-1-4(a) states:

"The state examiner shall require from every audited entity financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed under [IC 5-14-3.8-7](#)."

TOWN OF MARSHALL
COMMENTS
(Continued)

The Annual Financial Report (AFR) required under IC 5-11-1-4(a) shall be filed with the state examiner not later than sixty (60) days after the close of each fiscal year. (Accounting and Uniform Guidelines Compliance Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

"Control activities are the actions and tools established through policies and procedures that help to detect, prevent, or reduce the identified risks that interfere with the achievement of objectives. Detection activities are designed to identify unfavorable events in a timely manner whereas prevention activities are designed to deter the occurrence of an unfavorable event. Examples of these activities include reconciliations, authorizations, approval processes, performance reviews, and verification processes.

An integral part of the control activity component is segregation of duties. . . .

There is an expectation of segregation of duties. If compensating controls are necessary, documentation should exist to identify both the areas where segregation of duties are not feasible or practical and the compensating controls implemented to mitigate the risk. . . ."

AMERICAN RESCUE PLAN ACT (ARPA) - FUND TRANSFERS

Condition and Context

Internal controls were not in place to ensure accurate reporting of interfund transfer activity. The Town reported that it transferred all federal funds received through the American Rescue Plan Act (ARPA) to the Water Utility-Operating fund during the engagement period. Interfund transfers reported were \$35,785 and \$36,056 in 2021 and 2022, respectively. Interfund transfers from the ARPA grant fund are prohibited by State Examiner Directive 2021-1.

However, upon further review of the unit ledgers, bank statements and inquiry with the Clerk-Treasurer determined that these reported transfers were simply bank-to-bank transfers, rather than interfund transfers, which led to an overstatement of disbursements in the ARPA fund in 2021 and 2022. A balance of \$16,396 remains in the ARPA fund per the Town ledgers as of December 31, 2023, which was combined with the balance in the Water Utility-Operating fund in the 2023 financial statement.

Criteria

Indiana Code 5-11-1-4(a) states:

"The state examiner shall require from every audited entity financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed under [IC 5-14-3.8-7](#)."

To ensure accountability and transparency of the use of these funds, all disbursements must be made from the ARPA grant fund; money from the ARPA fund may not be transferred to another fund of the county, city or town. (Amended State Examiner Directive 2021-1)

TOWN OF MARSHALL
COMMENTS
(Continued)

The Annual Financial Report (AFR) required under IC 5-11-1-4(a) shall be filed with the state examiner not later than sixty (60) days after the close of each fiscal year. (Accounting and Uniform Guidelines Compliance Manual for Cities and Towns, Chapter 1)

Units are required to comply with all grant agreements, rules, regulations, bulletins, directives, letters, letter rulings, court decisions and filing requirements concerning reports and other procedural matters of federal and state agencies. Units must file accurate reports required by federal and state agencies. Noncompliance may require corrective action. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

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CAPITAL ASSETS

Condition and Context

Internal controls were not in place to ensure accurate recordkeeping and reporting of the Town's capital assets. The Town did not provide detailed subsidiary records to support the \$1,050,000 in capital assets reported in its Annual Financial Reports throughout the engagement period; therefore, we were unable to determine the accuracy of the information. In addition, the Town did not complete a bi-annual physical inventory as required.

Criteria

Every unit must have a capital assets policy that details the threshold at which an item is considered a capital asset. Every unit must have a complete detail listing of all capital assets owned which reflects their acquisition value. Capital Asset Ledger (Form 369) has been prescribed for this purpose. A complete physical inventory must be taken at least every two years, unless more stringent requirements exist, to verify account balances carried in the accounting records. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

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TOWN OF MARSHALL
COMMENTS
(Continued)

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FUND SOURCES AND USES

Condition and Context

Internal controls were not in place to ensure proper receipt and disbursement of federal and state grants funds in accordance with the respective grant agreements. In 2019, the Town transferred \$114,650 in Community Development Block Grant (CDBG) federal funds received from the General fund to the Water Utility-Operating fund. Additionally in 2019, the Town transferred \$150,000 in Community Crossings Matching Grant Program state funds received to the Motor Vehicle Highway (MVH) fund. Co-mingling of federal and state grant funds in other tax or fee supported funds could prohibit the audit of those expenditures to the respective grant agreement.

Criteria

Sources and uses of funds must be limited to those authorized by the enabling law, ordinance/ resolution, or grant agreement. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

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TOWN OF MARSHALL
COMMENTS
(Continued)

MONTHLY AND ANNUAL UPLOADS

Condition and Context

Internal controls were not in place to ensure compliance with State Examiner Directive 2018-1. The Town did not comply with the State Examiner Directive and failed to upload a portion of the monthly and annual files on the Indiana Gateway for Government Units financial reporting system throughout the engagement period.

The files and governmental unit information that are required to be uploaded monthly include bank reconciliations and statements, approved Town Council minutes, and the funds ledger, summarizing total receipts, disbursements, and balances by fund. Annual upload requirements include year-end bank statements, detail of receipt activity, detail of disbursement activity, and annual payroll and vendor history reports.

The Town did not upload the Water Utility (utility) bank account reconciliations, utility bank account statements, and utility funds ledger monthly. Additionally, the Town did not upload annual receipt and disbursement detailed activity for the utility related funds.

Criteria

Beginning with July 2018 files, which will be due September 15, 2018, **all** cities, towns, townships, libraries, and special districts will use the Upload App to upload files containing financial and governmental unit information on Gateway to allow the State Board of Accounts (SBOA) to conduct audit planning and audit processes prior to on-site work at a unit. (Amended State Examiner Directive 2018-1)

Units are required to comply with all grant agreements, rules, regulations, bulletins, directives, letters, letter rulings, court decisions and filing requirements concerning reports and other procedural matters of federal and state agencies. Units must file accurate reports required by federal and state agencies. Noncompliance may require corrective action. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

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TOWN OF MARSHALL
COMMENTS
(Continued)

MOTOR VEHICLE HIGHWAY (MVH) - RESTRICTED FUND

Condition and Context

Internal controls were not in place to ensure compliance with State Examiner Directive 2018-2. The Town established the MVH Restricted sub-fund as required; however, the Town did not utilize proper fund numbers or report the activity of the sub-fund separately on its Annual Financial Reports throughout the engagement period.

Additionally, the Town transferred \$5,000 in both 2022 and 2023 from the sub-fund to the Motor Vehicle Highway fund, and, therefore, it could not be determined whether the \$10,000 transferred was used for the construction, reconstruction, or preservation of the Town's highways. Additionally, the aforementioned transfers were not approved by the Town Council.

Criteria

On the chart of accounts, the MVH Fund and MVH Restricted sub-fund shall be shown as follows: Cities and Towns Fund 201 MVH Fund 203 MVH Restricted. Together, MVH and MVH Restricted shall constitute the total MVH Fund. MVH and MVH Restricted will be shown separately on the Annual Financial Report . . .

For funds distributed to a city or town from the motor vehicle highway account, the city or town shall use at least fifty percent (50%) of the money for the construction, reconstruction, and preservation of the city's or town's highways.

(State Examiner Directive 2018-2)

Units are required to comply with all grant agreements, rules, regulations, bulletins, directives, letters, letter rulings, court decisions and filing requirements concerning reports and other procedural matters of federal and state agencies. Units must file accurate reports required by federal and state agencies. Noncompliance may require corrective action. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

Sources and uses of funds must be limited to those authorized by the enabling law, ordinance/resolution, or grant agreement. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

Supporting documentation such as receipts, canceled checks, tickets, invoices, bills, contracts, and other public records must be available for examination to provide supporting information for the validity and accountability of monies disbursed. Payments without supporting documentation may be the personal obligation of the responsible official or employee. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

The Indiana State Board of Accounts (SBOA) is required under Indiana Code 5-11-1-27(e) to define the acceptable minimum level of internal control standards. To provide clarifying guidance, the State Examiner compiled the standards contained in the manual, *Uniform Internal Control Standards for Indiana Political Subdivisions*. All political subdivisions subject to audit by SBOA are expected to adhere to these standards. The standards include adequate control activities. According to this manual:

TOWN OF MARSHALL
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SUPPORTING DOCUMENTATION OF INTERFUND TRANSFERS

Condition and Context

Internal controls were not in place to ensure interfund transfer activity reported was approved by the Town Council. The Town reported interfund transfer activity among multiple funds totaling \$284,650, \$7,800, and \$9,720 in 2019, 2020, and 2023, respectively; however, the transfers were made without adequate supporting documentation such as approval by the Town Council via ordinance or resolution.

Criteria

Indiana Code 36-5-4-13 states in part:

". . . this subsection applies to a town with a population of five hundred (500) or less. Notwithstanding the provisions of any other statute, a town may transfer money from any town fund to another town fund after the passage of an ordinance or a resolution by the town legislative body specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer."

Supporting documentation such as receipts, canceled checks, tickets, invoices, bills, contracts, and other public records must be available for examination to provide supporting information for the validity and accountability of monies disbursed. Payments without supporting documentation may be the personal obligation of the responsible official or employee. (Accounting and Uniform Compliance Guidelines Manual for Cities and Towns, Chapter 1)

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TOWN OF MARSHALL
COMMENTS
(Continued)

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STATEMENTS OF RECEIPTS, DISBURSEMENTS, AND CASH
AND INVESTMENT BALANCES - REGULATORY BASIS

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TOWN OF MARSHALL
 STATEMENT OF RECEIPTS, DISBURSEMENTS,
 AND CASH AND INVESTMENT BALANCES -
 REGULATORY BASIS
 For the Years Ended December 31, 2019 and 2020

Fund	Cash and Investments			Cash and Investments			Cash and Investments
	01-01-19	Receipts	Disbursements	12-31-19	Receipts	Disbursements	12-31-20
General	\$ 100,309	\$ 174,043	\$ 176,252	\$ 98,100	\$ 68,145	\$ 64,262	\$ 101,983
Motor Vehicle Highway	51,900	255,197	272,453	34,644	24,024	24,226	34,442
Local Road And Street	29,290	1,739	24,000	7,029	1,672	7,800	901
Community Crossing Grant	-	150,000	150,000	-	-	-	-
Parks And Recreation	766	-	232	534	-	-	534
Rainy Day	5,390	5,000	2,117	8,273	-	1,082	7,191
Cumulative Capl Imprv Cigarette Tax	5,817	-	803	5,014	343	-	5,357
Marshall Forever Fund	-	-	-	-	10,000	10,000	-
Public Safety	27,935	23,932	39,642	12,225	3,619	94	15,750
Water Bond/Interest Sinking	25,546	24,588	23,516	26,618	24,615	23,545	27,688
Water Debt Service	22,452	1,474	-	23,926	1,115	-	25,041
Capitalization Grant-Drinking Water-SRF	-	24,418	24,418	-	4,811	4,811	-
Water Utility-Operating	1,336	235,735	220,932	16,139	124,010	132,412	7,737
Water Utility-Customer Deposit	8,285	420	-	8,705	420	-	9,125
Totals	<u>\$ 279,026</u>	<u>\$ 896,546</u>	<u>\$ 934,365</u>	<u>\$ 241,207</u>	<u>\$ 262,774</u>	<u>\$ 268,232</u>	<u>\$ 235,749</u>

TOWN OF MARSHALL
 STATEMENT OF RECEIPTS, DISBURSEMENTS,
 AND CASH AND INVESTMENT BALANCES -
 REGULATORY BASIS
 For the Years Ended December 31, 2021 and 2022

Fund	Cash and Investments 01-01-21	Receipts	Disbursements	Cash and Investments 12-31-21	Receipts	Disbursements	Cash and Investments 12-31-22
General	\$ 101,983	\$ 75,600	\$ 80,119	\$ 97,464	\$ 83,430	\$ 66,679	\$ 114,215
Motor Vehicle Highway	34,442	15,138	19,791	29,789	17,736	19,446	28,079
Local Road And Street	901	1,829	-	2,730	1,849	1,637	2,942
Parks And Recreation	534	-	-	534	-	534	-
Rainy Day	7,191	-	1,860	5,331	-	-	5,331
Opioid Settlements	-	-	-	-	409	-	409
Cumulative Capl Imprv Cigarette Tax	5,357	-	1,494	3,863	497	-	4,360
Marshall Forever Fund	-	26,419	24,630	1,789	-	736	1,053
CARES	-	4,125	4,125	-	-	-	-
ARP	-	35,785	35,785	-	36,056	36,056	-
Public Safety	15,750	4,001	3,037	16,714	4,526	9,982	11,258
Water Bond/Interest Sinking	27,688	24,116	24,292	27,512	24,818	23,791	28,539
Water Debt Service	25,041	999	-	26,040	286	-	26,326
Water Utility-Operating	7,737	180,670	152,409	35,998	147,575	136,756	46,817
Water Utility-Customer Deposit	9,125	280	-	9,405	350	35	9,720
Totals	\$ 235,749	\$ 368,962	\$ 347,542	\$ 257,169	\$ 317,532	\$ 295,652	\$ 279,049

TOWN OF MARSHALL
 STATEMENT OF RECEIPTS, DISBURSEMENTS,
 AND CASH AND INVESTMENT BALANCES -
 REGULATORY BASIS
 For the Year Ended December 31, 2023

Fund	Cash and Investments 01-01-23	Receipts	Disbursements	Cash and Investments 12-31-23
General	\$ 114,215	\$ 53,928	\$ 60,471	\$ 107,672
Motor Vehicle Highway	28,079	14,302	15,796	26,585
Local Road And Street	2,942	1,880	2,500	2,322
Rainy Day	5,331	1,675	-	7,006
Opioid Settlements	409	287	623	73
Cumulative Capl Imprv Cigarette Tax	4,360	1,490	2,160	3,690
Marshall Forever Fund	1,053	-	46	1,007
Public Safety	11,258	5,010	6,136	10,132
Meter Fund	-	10,105	-	10,105
Water Bond/Interest Sinking	28,539	18,850	24,333	23,056
Water Debt Service	26,326	1,267	-	27,593
Water Utility-Operating	46,817	123,376	119,763	50,430
Water Utility-Customer Deposit	9,720	-	9,720	-
Totals	<u>\$ 279,049</u>	<u>\$ 232,170</u>	<u>\$ 241,548</u>	<u>\$ 269,671</u>