

**SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS**  
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***NOTE: The documented tracked changes included within this manual are intentional to communicate the current year's amendments.***

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**SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS****CHAPTER 1****INTRODUCTION****1-1 Introduction**

The *Specifications for Audits of Counties, Cities, and Towns* sets standards for audits of local governments in Virginia. The specifications in this manual apply to all audits of counties, cities, towns with populations of 3,500 or more, and towns operating a separate school division. The Code of Virginia does not require towns with populations of less than 3,500 without a separate school division to have an audit in accordance with these specifications. However, nothing prevents these towns from having an audit in accordance with these specifications at their option.

This 2016 revision of the *Specifications for Audits of Counties, Cities, and Towns* completely supersedes the prior revision. The 2016 revision is effective for audits of fiscal years ending on or after June 30, 2016.

No manual defining audit specifications can meet all the present and future needs of local governments or their auditors. Changes will occur with the issuance of new accounting and auditing pronouncements or as problems emerge. The Auditor of Public Accounts will periodically update this manual as changes occur. However, responsibility for complying with professional standards remains with the auditor, and the auditor should follow all new pronouncements.

**1-2 Organization of the Manual**

The *Specifications for Audits of Counties, Cities, and Towns* has six chapters, including this introduction. Besides the introduction, the audit specifications include *Audit Procedures* in Chapter 2; *Virginia Compliance Supplement* in chapter 3; *Quality Control Program* in chapter 4; *Treasurer's Turnover Audits* in chapter 5; *Audit of Circuit Court Clerks* in chapter 6; and *Circuit Court Clerks Turnover audits* in chapter 7.

Chapter 2, *Audit Procedures*, has some specific audit procedures unique to local government audits in Virginia. The Code of Virginia gives the Auditor of Public Accounts authority to issue audit specifications to help ensure the quality of local government audits. Additionally, the current auditing literature encourages governmental officials

to provide auditors information on statutory or accounting requirement unique to a peculiar state or local government.

Chapter 3, *Virginia Compliance Supplement*, has required audit procedures for determining compliance with certain state laws, regulations, and policies. State agencies need assurance about the proper utilization of assets provided to local governments and that localities have complied with applicable laws and regulations. The chapter addresses some laws and regulations that an auditor may need to address regardless of materiality due to the nature of the statute or regulation. Accordingly, this chapter requires auditors to test and report on state compliance as part of the local government audit.

Chapter 4, *Quality Control Program*, discusses the Auditor of Public Accounts' quality control program. It includes the policies and procedures the Auditor of Public Accounts uses during desk and quality control reviews. This chapter also includes procedures the Auditor of Public Accounts uses if we find an audit of substandard quality.

Chapter 5, *Treasurer's Turnover Audits*, includes accounting and auditing specifications required to be performed when a county or city treasurer leaves office. The turnover audit must include all funds handled by the treasurer.

Chapter 6, *Audits of Circuit Court Clerks*, has required audit procedures when the CPA firm is engaged to complete the audit of the locality's Circuit Court Clerk pursuant to Section 15.2-2511 of the Code of Virginia.

Chapter 7, *Turnover Audits of Circuit Court Clerks*, includes the required auditing specifications to be performed when a CPA firm is engaged to complete the review when a Clerk leaves office.

### **1-3 Revisions to the Audit Specifications**

This 2016 revision of the *Specifications for Audits of Counties, Cities, and Towns* reflects existing professional literature at the time of issuance. However, as new accounting and auditing pronouncements emerge, the manual will need to change. The Auditor of Public Accounts will periodically review the audit specifications to identify changes that may be required. The Auditor of Public Accounts will distribute these changes to local governments and their auditors.

**1-4 Relationship to Other Standards**

The procedures in this manual are not intended to constitute, and do not constitute, an audit in accordance with generally accepted government auditing standards or Title 2 *U.S. Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). The procedures in this manual are additional work not necessarily required by those standards.

Some of the required procedures may provide the auditor with evidence useful in conducting the audit of the financial statements and the Schedule of Expenditures of Federal Awards. However, performance of these procedures alone will not satisfy the standards mentioned above. As a result, the auditor must perform such additional procedures as deemed necessary to satisfy those standards.

The Auditor of Public Accounts designed these specifications to help ensure the quality of local government audits and ensure compliance with state laws and regulations. Accordingly, the auditor must perform the required procedures in this manual; however, auditors may use judgment to set sample sizes. The auditor's determination that certain procedures do not apply requires documentation in the working papers.

The Code of Virginia requires local governments to obtain an audit in accordance with the specifications of the Auditor of Public Accounts. In addition, most audit contracts incorporate a reference to these specifications. As a result, due professional care requires the auditor to follow all applicable standards in conducting local government audits, including the requirements of these specifications.

**1-5 Informational Resources**

There are many sources available to obtain information related to Virginia local governments. The following is a list of some of the organizations with their Internet site address. These sites include information on ordering handbooks and manuals for Virginia local government officials.

- Virginia Association of Counties - <http://www.vaco.org/>
- Virginia Municipal League - <http://www.vml.org/>

- Virginia Government Finance Officers' Association – <http://www.vgfoa.org/>

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

## CHAPTER 2

## AUDIT PROCEDURES

**2-1** General

This chapter contains required audit procedures for local government audits made pursuant to §15.2-2511 of the Code of Virginia. Chapter 3 contains additional procedures that localities agree to have performed, when they accept state grants, contracts or other state funding. The degree of testing on these state compliance issues may depend on the terms of the state law, agreement or other requirements of the program.

Auditors should be thoroughly familiar with this chapter before planning and performing the audit and should incorporate these considerations into the auditor's plan and programs. The procedures contained in this chapter do not constitute an audit in accordance with *Government Auditing Standards*. The auditor should perform such additional procedures, as he deems necessary to satisfy those standards.

Where appropriate, the auditor must meet the requirement of the Single Audit Act Amendments of 1996 and the Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

No manual defining audit specifications can meet all the present and future needs of local governments or their auditors. Changes will be needed as new accounting and auditing pronouncements and/or as problems emerge. The Auditor of Public Accounts will periodically update these specifications as changes occur. However, responsibility for complying with professional standards remains with the auditor and the auditor should follow all new pronouncements.

The auditor should familiarize himself with Virginia local governments including internal control and compliance issues. Available informational resources are provided in Chapter 1.

**Requirement:** The auditor must document in the working papers the justification for changing specifically required audit procedures.

## 2-2 Auditing Standards and the Audit Contract

**Requirement:** Auditors must conduct their audit in accordance *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Specifications for Audits of Counties, Cities and Towns* issued by the Auditor of Public Accounts. The auditor must follow *Government Auditing Standards* on every audit, regardless of whether the local government received federal financial assistance.

**Requirement:** Auditors must discuss materiality, the anticipated nature and scope of the audit, and the planned work on internal controls and compliance during the procurement process and with management and the governing body before the start of the engagement each year. If a locality has an audit committee the discussion with this committee will meet this requirement. The auditor should document these discussions in the working papers. To the extent the governing body's expectations exceed professional standards, the auditor should incorporate these additional requirements into the contract documents. The auditor is then responsible for performing the audit in accordance with applicable standards and the terms of the audit contract.

## 2-3 Audit Scope

The audit must include all component units of the local government, unless the audit contract indicates that other auditors will audit them.

### **Requirement - Audit Scope**

The audit must include the offices of each of the constitutional officers. Auditors must include in the audit all funds received from the Compensation Board and expenses paid by the local government for the constitutional officers, including the clerk of the circuit court, if the local government directly pays the expenses of this office. The local audit must also include trust and canteen funds held by the sheriff, even if the locality's financial statements do not report such funds. The auditor should also determine if any constitutional officers other than the clerk of the circuit court are holding funds for others even under court order and where appropriate consider their impact on the financial statements.

Unless contracted by the locality pursuant to section 15.2-2511 of the Code of Virginia, auditors do not need to audit the collections of the clerk of the circuit court, nor do they need to audit any disbursements made by the clerk of the circuit court including office expenses and salaries, if the clerk makes these payments directly. The Auditor of Public Accounts will annually audit these collections and disbursements and any funds held by the clerk in his official capacity and the state funds held by the local treasurer.

Note: see Chapter 6, *Audit of Circuit Court Clerks*, for audit requirements when firm is engaged to complete the locality's Circuit Court Clerk audit.

## **2-4 Property Taxes and Property Taxes Receivable**

### **Background Information**

Property taxes are the largest source of revenues in most local governments. Property taxes typically consist of real estate taxes, personal property taxes, machinery and tools taxes, merchants' capital taxes, and mobile homes taxes. They also consist of real estate and personal property taxes on public service corporations. The State Corporation Commission assesses property owned by public service corporations and sends the valuation to the local commissioner of the revenue for use in the assessment process.

The commissioner of the revenue maintains the original assessment books showing the value of property. The commissioner forwards copies of the assessment books to the treasurer who records the levy in the local government's books and mails the tax bills. The treasurer collects the taxes and maintains the subsidiary listings for taxes receivable. Taxes receivable consist of both current and delinquent taxes.

The governing body has the authority to hear complaints from taxpayers and to revise individual assessments either up or down. When property values are revised upward, the commissioner or other assessing officer must prepare supplemental assessments. These assessments constitute an additional charge to the treasurer for collection and should be accounted for in the same manner as the original tax assessment.

When property values are revised downward or when mistakes come to the commissioner of the revenue's attention, the commissioner corrects his assessment books and completes an exoneration (abatement) form to correct the error. The commissioner forwards the approved exoneration form to the treasurer who writes off the taxes. The Code of Virginia

prohibits the treasurer from adjusting the land books without authorization from either the commissioner of the revenue or the governing body. If the taxpayer has already paid the tax, the governing body must authorize the treasurer to make a refund for taxes already paid.

Most local governments offer some form of tax relief for the elderly or handicapped. The commissioner of the revenue records the valuation of these properties in the land book. However, the treasurer is not charged with the collection of these assessments and the treasurer does not record these amounts in his ledgers.

Delinquent personal property taxes typically remain on the books for five years. During this time, the treasurer or other collecting official is responsible for collecting the taxes. After five years, the treasurer returns the listing of delinquent personal property taxes to the governing body. Delinquent real estate taxes remain on the books for twenty years or until the property is sold. After the first year, the treasurer records the amount in the delinquent tax books and records a lien on the property. On December 31 following the third anniversary of the due date, the treasurer may implement proceedings to sell the property.

Delinquent real estate taxes are subject to special audit procedures to help ensure that payments on delinquent taxes are properly recorded. Because unpaid property taxes may result in a lien against the property or even sale of the property, it is imperative that the treasurer properly record payments in the tax records. Although most taxpayers do not respond to confirmation requests for delinquent taxes, direct confirmation is still the best way to detect unrecorded receipts.

**Required Audit Procedure - Property Taxes and Taxes Receivable**

1. The auditor must trace the original and supplemental assessments per the assessing officer's records to the treasurer's general ledger.
2. The auditor must obtain the State Corporation Commission's report showing the valuation of public service corporation property. The auditor must agree the Commission's valuations for real estate and personal property to the assessing officer's assessment sheets.
3. The auditor must select a sample of exoneration forms and determine whether they have been properly approved. The auditor also must verify that the treasurer has

properly recorded the exoneration in the general ledger and subsidiary assessment records.

4. If the local government has assessed special levies for school, debt service, or other purposes, the auditor must verify that the local government distributed collections to the proper fund(s) for those levies.
5. The auditor must select a sample of delinquent taxes for direct confirmation or document the reason why confirmations are not requested.

## **2-5 Intergovernmental Revenues**

### **Background Information**

Intergovernmental revenues are a significant revenue source in most local governments. Local governments receive money from the Commonwealth to assist in operating education, social services and other state programs. Local governments also receive money to pay a portion of the constitutional officers' salaries.

Most local governments also receive revenues from the federal government. The federal government may disburse the funds directly to the local government or may disburse them to a state agency, which then passes them through to the local government. Some local governments also participate in non-cash assistance programs such as loan guarantee, supplemental nutrition assistance programs, or commodities programs.

The Auditor of Public Accounts produces a Schedule of State Disbursements to Localities. This report is provided to local government officials and their auditors annually. The report shows most disbursements from state agencies to local governments and serves as a revenue confirmation. The Schedule of State Disbursements distinguishes between state assistance and federal pass-through assistance. The state assigned fund numbers for federal pass-through assistance vary, but the Disbursement Report may be used in conjunction with the APA's annual Federal Programs Index and information received directly from the state agencies to test proper classification of intergovernmental revenues and to assist in determining the completeness of the schedule of expenditures of federal awards. In the event the auditor has questions or concerns about the accuracy of data contained in the

Schedule of State Disbursements, he should contact the state agency that remitted the funds to the local government.

**Required Audit Procedure - Intergovernmental Revenues**

The auditor must reconcile remittances of state disbursements and federal pass-through assistance appearing on the Schedule of State Disbursements to Localities to the local government's records. The auditor can perform this procedure either by selecting a sample of remittances and tracing them into the local government's accounting records, or by reconciling total remittances to the local government's records. In performing this procedure, the auditor should ensure both proper recording and proper classification (as either a state or federal revenue).

**Additional Audit Considerations for Federal funds:**

The auditor may want to consider certain audit procedures to ensure the locality is properly accounting for all federal funds received. When performing the required audit procedure above for reconciling remittances of state disbursements and federal pass-through assistance, the auditor may consider ensuring the federal portion in the Schedule of Expenditures of Federal Awards equals the amounts the locality has reported to the Federal Audit Clearinghouse.

Additionally, the AICPA Audit and Accounting Guide, *Government Auditing Standards and Single Audits*, paragraph 7.13 states that "audit procedures should be performed to obtain sufficient appropriate audit evidence supporting the accuracy and completeness of the schedule of expenditures of federal awards, including the identification of federal programs in the schedule. In testing the accuracy and completeness of the schedule of expenditures of federal awards, the auditor may use evidence obtained from audit procedures performed during the audit of the financial statements and the Uniform Guidance compliance audit regarding the accuracy, completeness, and classification of recorded revenues and expenditures. Additionally, the auditor may consider reviewing an auditee-prepared reconciliation of amounts reported in the schedule of expenditures of federal awards and the related notes to corresponding amounts reported in the financial statements or other underlying records used to prepare the schedule (for example, the general ledger, reimbursement requests, loan agreements, or other supporting documentation). The auditor may also consider sending confirmations to federal awarding agencies or pass-through entities in an audit of a subrecipient."

## 2-6 Intergovernmental Agreements

### Background Information

The Code of Virginia encourages local governments to cooperate with each other through intergovernmental agreements for services (fire, police, sanitation, maintenance, water and sewer, etc.). For example, Section 15.2-3830 of the Code of Virginia requires cities of the second class to share court services with the adjoining county. Many local governments enter into intergovernmental agreements for the operation of regional libraries, jails, community service boards, and schools. Local governments also may enter into governmental agreements with other states or with the federal government.

### Required Audit Procedure - Intergovernmental Agreements

The auditor must identify intergovernmental agreements through inquiry, inspection, investigation, and knowledge of local government laws. If the local government uses intergovernmental agreements, the auditor must obtain a copy of the agreement and determine the local government's compliance with the agreement.

## 2-7 Inmate Canteen and Other Auxiliary Funds

Contact: Compensation Board; Robyn DeSocio, Executive Secretary; Phone – 804.225.3439 [robyn.desocio@scb.virginia.gov] [No Updates needed for FY2016]

### Background Information

Most local correctional facilities, including jails, offer canteen services to their inmates. Facilities use various methods to sell these items to inmates, depending on the size of the facility and the number of times each week canteen services are offered. Net profits from the canteen operations that are generated from the inmates' accounts must benefit the inmates in the custody of the Sheriff or Regional Jail Superintendent.

Some Sheriffs also receive funds from other sources directly related to jail operations. These include telephone commissions, inmate medical co-payments, work release and other fees collected from inmates. As further described below, these funds are either included in the canteen proceed accounts or go to the local treasurer and, through appropriation, defray the cost of the jail operations.

The inmate canteen accounts and telephone commissions are public funds. The Code of Virginia requires that these funds be used within the jail facility for purposes to benefit the inmates. The funds should not be used for the sheriff's personal gain or convenience.

Some jails have established work release and medical treatment programs where inmates contribute to the costs. Inmate co-payments for medical services are a set fee that covers only a portion of the costs of the services. The medical co-payments should directly offset the costs for medical programs.

Annually the Compensation Board prepares a Jail Cost Report on jail revenue and expenditure data from all local and regional jails and jail farms that receive funds from the Compensation Board. The jails must include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates, and investment/interest monies for inclusion in the report. See additional information on the Compensation Board internet site at <http://www.scb.virginia.gov>; follow the link for Publications and Forms (Jail Canteen Funding Audit Information)

#### Allowability Requirement – Inmate Canteen Accounts

In accordance with Section 53.1-127.1, the canteen account profits that are generated from the inmates' accounts are required to be used within the facility for purposes to benefit the inmates under the jurisdiction of the Sheriff or Regional Jail Superintendent. Any other profits may be used for the general operation of the sheriff's office (as appropriated by the governing body). The allowable expenses from profits of the inmate accounts include:

- Commissary-services, supplies, furnishings, equipment, training. Also, personnel services for time spent directly guarding or working in the commissary. [Note: These are all direct costs of the canteen.]

The profits from the inmate canteen should not be used to fund the normal operations of the jail. They may be used for:

- Education-services, supplies, equipment, furnishings, training.
- Recreation-services, supplies, equipment, furnishings.
- Library-services, supplies, furnishings, equipment, books, magazines, periodicals, newspapers.

- Indigent Inmate Care-stamps, clothing, personal hygiene items, vision, dental, medical, commissary items.
- Inmate care/programs-safety equipment, workforce clothing, workforce tools, laundry equipment, supplies, hygiene items, medical equipment.
- Special Food Service-special meals or food items associated with holidays and/or specific events/occasions.
- Special Counseling/Pastoral Care-services, supplies, equipment, furnishings, training.

The above allowable expenses are not considered all inclusive and funds should not be used for goods or services that can be provided to the jail at no cost. Additional expenses may be approved at the sole discretion of the Sheriff/Regional Jail Superintendent, provided that the expense is for the care and welfare of inmates. **No expense shall be for the personal gain, benefit, consumption or use of any individual other than jail inmates.**

#### Allowability Requirement – Telephone Commissions

Commissions on inmate telephone calls preferably go directly to the local treasurer and are used to defray the cost of the jail operations. In some localities, the commissions are received directly by the Sheriff and are included in the canteen proceeds accounts. The allowable costs for telephone commissions that are received in the inmate canteen account are described above.

#### Allowability Requirement – Inmate Medical Co-payment Funds

The inmate medical co-payment funds should directly offset the costs for medical programs.

#### Allowability Requirement – Other Inmate Fees (Work Release, RAID and HEM monies) and Investment/Interest Monies

All fees collected from inmates and all interest earned on inmate accounts must be used for the benefit of the inmates or deposited with the Treasurer and used to defray the cost of jail operations.

#### **Required Audit Procedure - Inmate Canteen and other Auxiliary Funds**

The auditor must obtain the Jail Canteen Fund Activity Report for the fiscal year under audit and perform the following:

- Agree the revenue and expense amounts from the Jail Canteen Fund Activity to the accounting ledger.

- Select a sample of disbursement transactions from the inmate canteen accounts. For each transaction selected, determine whether the disbursement benefited the inmates based on the allowable costs described above.
- Select a sample of inmate medical co-payment fees. Trace each fee to the general ledger to determine whether it defrayed the inmate medical program costs.
- Select a sample of other fees collected from inmates, and investment/interest monies. For each transaction selected, determine whether the disbursement benefited the inmates.

## **2-8 Sheriff Office Internal Controls**

All sheriffs are responsible for having sufficient controls and procedures in place to satisfy statutory requirements and prevent fraud, misuse, or loss of funds and assets. The Sheriff's office must deposit all sources of funds in an official bank account and these funds are subject to the auditor's review. The *Virginia Sheriffs Accounting Manual*, issued by the Auditor of Public Accounts, has recommended guidelines including aspects of sheriffs' internal control environment. There are three major accounting areas in a Sheriff's office: jail operations, law enforcement; and court support services. The accounting procedures in the manual serve as a guide to sheriffs for developing individual accounting and control procedures appropriate for the functions within these areas.

Chapter 665 of the 2015 Acts of Assembly includes audit requirements for any funds received by the local Sheriff. The locality's independent auditor is required to submit a letter to the Auditor of Public Accounts annually providing assurance as to whether for any funds received the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia.

### **Required Audit Procedures:**

Gain an understanding of the Sheriff's operations and determine whether there are actions that locality's general administration typically performs. Consider such things as:

- Procurement - the Sheriff must meet the minimum standards of the Virginia Public Procurement Act when contracting for goods and services directly. For services, the value of the contract is a measure of the estimated gross amount of collections, not just the net profits. Examples include food services; inmate medical care; telephone services; canteen operations, etc.

- Personnel systems that account for special incentives, bonuses, etc. for deputies and other staff.

Determine whether the Sheriff is in compliance with applicable state and federal regulations and Sheriff's internal policies and procedures.

**Required Audit Procedure:**

Identify all sources of funds of the Sheriff's office and determine whether there are adequate internal controls in place over these funds. Additionally, determine whether the Sheriff is depositing all funds in an official account or remitting the funds to the local Treasurer as required.

**Required Audit Procedure:**

Determine whether the internal controls are functioning as intended and are adequate to:

- comply with the *Virginia Sheriffs Accounting Manual*
- comply with the Code of Virginia, Sections 15.2-1609 through 15.2-1625
- safeguard all money
- ensure proper accountability of funds and their disbursement

The auditor is required to perform these procedures regardless of the actual accounts held by the Sheriff. Note: The auditor should be mindful of the security and sensitivity requirements the Sheriff may have over certain areas, such as an evidence room. Where necessary, the auditor should work with the Sheriff to determine acceptable audit procedures for these areas so they do not compromise legal proceedings.

**Required Audit Procedure:**

The auditor is required to submit a letter to the Auditor of Public Accounts, by November 30 each year for all local sheriffs. The auditor is required to provide assurance as to whether the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia. A sample letter is available on the APA website at [http://www.apa.virginia.gov/data/download/local\\_government/guidelines/Sheriffs\\_internal\\_control\\_Letter.docx](http://www.apa.virginia.gov/data/download/local_government/guidelines/Sheriffs_internal_control_Letter.docx)

## 2-9 Reporting

### Background Information

Local governments prepare the annual financial report in accordance with pronouncements of the Governmental Accounting Standards Board (GASB).

Auditors should follow the requirements of Government Auditing Standards and the Uniform Guidance Audit Requirements in the Code of Federal Regulations Part 200, in reporting weaknesses in internal controls and noncompliance with laws and regulations. Auditors should use special care in determining whether to report noncompliance with state laws and policies, particularly with those issues tested in Chapter 3. Some state agencies rely on the auditor's reports to meet their sub-recipient monitoring responsibilities; accordingly, an "immaterial" instance of noncompliance may be significant to the state agency, particularly if other local governments are having similar problems. Auditors should contact the agency contact person included in the contact list provided by the Auditor of Public Accounts each year if they have any questions about whether the state noncompliance is significant enough to include in the annual financial report.

**Requirement:** **If the auditor reports state noncompliance in the annual financial report, the auditor must also send a copy of the report to the applicable state agency.** (See agency contact list on the APA website.)

Auditors should disclose any questioned costs involving federal funds in accordance with the provisions of the Uniform Guidance audit requirements in the Code of Federal Regulations Part 200 and the AICPA Audit and Accounting Guide, Government Auditing Standards and Single Audits, as amended. In addition to questioned costs of federal funds, the auditor should identify state "questioned costs" that are material to the financial statements. Specifically, the auditor should "question" unallowable, undocumented, unapproved, or unreasonable costs charged to state programs. Auditors should disclose state "questioned costs" in the auditor's report on compliance performed in accordance with Government Auditing Standards or in the Schedule of Findings and Questioned Costs. If the auditor includes them in the Schedule of Findings and Questioned Costs, the schedule should clearly distinguish between federal and state findings.

Auditor reports should be based on the requirements of the AICPA Audit and Accounting Guide for Audits of State and Local Governments, as amended.

The local government, or the auditor if so specified in the audit contract, must submit the data collection form and the reporting package to the Federal Clearinghouse as required by the Uniform Guidance requirements in the Code of Federal Regulations Part 200.

**Requirement:** The auditor must render an opinion on the financial statements and provide the other appropriate reports required by Government Auditing Standards issued by the Comptroller General of the United States. The Auditor of Public Accounts also requires that the opinion(s) reference these Specifications.

**Requirement:** In the event the audit discloses fraud or illegal acts, the auditor must follow applicable auditing standards for reporting on such instances in the auditor's report on internal control and compliance relevant information about:

- § fraud
- § noncompliance with provisions of laws or regulations and provisions of contracts or grant agreements that have a material effect on the financial statements or other significant financial data and any other instances that warrant the attention of those charged with governance
- § abuse that is material, either quantitatively or qualitatively

Additionally, in the event the audit discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the officer's control and an officer or employee of the local government may be involved, the auditor must advise the local government officials to report fraudulent transactions to the Auditor of Public Accounts, the State Inspector General, and the Superintendent of State Police in accordance with Section 30-138 of the Code of Virginia.

**Requirement:** If a local government employee is convicted of a felony related to a fraud in connection with employment at a locality, the local government officials have responsibility to notify the Virginia Retirement System, if the activity occurred on or after July 1, 2011, as the employee is no longer entitled to his or her pension benefits pursuant to Section 51.1-124.13 of the Code of Virginia. The auditor should inquire as to whether any such instances have occurred with any employee being convicted of a felony in connection with their employment at the locality, and if so, the auditor should ensure that the locality employer has initiated the pension benefit forfeiture process in accordance with VRS policy.

Note: Additional information related to this requirement can be found at the [Attorney General July 31, 2015 advisory opinion](#), at <http://ag.virginia.gov/index.php/citizen-resources/opinions/official-opinions>, and the VRS Employer Update published December 2015, section "[Attorney General Opinion Requires Forfeiture of VRS Benefits for Convicted Felons](#)" at <http://www.varetire.org/employers/update/2015/dec.asp>.

**Requirement:** The local government, or the auditor if so specified in the audit contract, must submit the **final** audited financial report to the Auditor of Public Accounts by November 30 of each year in accordance with Section 15.2-2510 of the Code of Virginia. Additionally, if the School Board or other component unit of a locality issues a separate financial report, they are also required to submit copies of the final audited report to the Auditor of Public Accounts by November 30. If the local government elects to prepare a separate single audit report, they are also required to submit that to the Auditor of Public Accounts by the November 30 deadline.

Note: Starting with the submission of FY 2016 financial reports, the auditor and locality should only submit a **final** audited financial report to the APA in compliance with Section 15.2-2510 of the Code of Virginia. The auditor and locality **should not** email or send any "draft" version of a financial report to the APA; **the APA will only accept a final copy of the audited financial report.**

**Requirement:** The auditor must present the audited financial report to the local governing body at a public session as required by Section 15.2-2511 of the Code of Virginia.

**Requirement:** The auditor must also submit to the Auditor of Public Accounts any separate written management letters that the auditor has issued to the locality outside of the report on internal control.

Note: The auditor and locality should be aware that the Auditor of Public Accounts posts the locality's annual financial reports on the APA website. The report should not include any personally identifiable information. See additional reporting instructions in the [Reporting Requirements and Distribution](#) document on the Auditor of Public Accounts website at [http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx).

Additionally, the Auditor of Public Accounts will publish on the APA website any written Management letters separately issued to the locality. The auditor should ensure that

sensitive/FOIA exempt information, for example sensitive information related to an internal control weakness, has been excluded from the written Management letter submitted to the APA.

## **2-10 Comparative Reporting**

### **Background Information**

The Code of Virginia requires the Auditor of Public Accounts to prepare an annual report showing comparative data for local governments in Virginia. To prepare this report, the Auditor of Public Accounts requires local governments, or their auditors if so specified in the audit contract, to submit data using Comparative Report Transmittal Forms. Copies of the transmittal forms, including the auditor's report on the forms, must be submitted to the Auditor of Public Accounts by November 30 of each year in accordance with § 15.2-2510 of the Code of Virginia.

The Uniform Financial Reporting Manual specifies the format and contents of the transmittal forms. Much of the information contained in the transmittal forms comes from the audited financial statements. However, to make the report comparable between local governments, certain adjustments must be made to the data. These special reporting requirements apply only to the transmittal forms and do not alter the requirement to prepare the annual financial report in accordance with generally accepted accounting principles.

### **Requirement - Comparative Reporting**

Auditors must perform agreed-upon procedures on the transmittal forms as set forth in the Uniform Financial Reporting Manual. Auditors must then report on the results of the agreed-upon procedures in accordance with the Uniform Financial Reporting Manual.

**SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS****CHAPTER 3****VIRGINIA COMPLIANCE SUPPLEMENT****3-1 General**

This chapter includes required audit procedures for determining compliance with certain state laws and regulations. The required procedures contained within this chapter relate to all local government audits conducted pursuant to Section 15.2-2511 of the Code of Virginia. Chapter 2 contains additional required procedures related to local government audits.

The Auditor of Public Accounts has established these procedures in conjunction with the various state agencies named within this chapter. State agencies providing funds to local governments need assurance that the locality has complied with applicable laws and regulations. To this end, the Governor of Virginia has asked state agencies to work with the Auditor of Public Accounts to develop audit requirements related to state programs. This compliance supplement is a direct result of that request.

Many state programs require audits to determine the proper management of their programs and funds. Combining audit requirements for these state programs into the local government audit streamlines the audit process and ensures uniformity. The Auditor of Public Accounts believes that the incorporation of compliance procedures into the local government audit will increase audit efficiency and ultimately reduce audit costs.

The required procedures also may provide evidence for the auditor's report on compliance in accordance with Government Auditing Standards. Generally accepted government auditing standards require the auditor to identify and test those items of law that may have a material effect on the local government's financial statements. This chapter contains those provisions of state laws, regulations, and policies considered material by the Auditor of Public Accounts and the various state agencies that assisted in the development of this chapter.

Although performance of the required procedures may help satisfy the requirements of certain standards, the procedures contained in this chapter do not constitute an audit in accordance with generally accepted government auditing standards or the Single

Audit Act Amendments of 1996. The auditor must perform such additional procedures, as he deems necessary to satisfy those standards. In addition, the auditor must perform any additional procedures required by the audit contract.

This chapter contains all of the Auditor of Public Accounts' requirements at the time of issuance of these specifications. The Auditor of Public Accounts will continue to work with state agencies to develop compliance requirements. The Auditor of Public Accounts will distribute additional requirements to local governments and their auditors as they arise. The auditor should follow generally accepted auditing standards and the terms of individual grant agreements in determining whether to perform tests of compliance for state programs not included in the current specifications.

Specific questions regarding the requirements contained within this chapter should be addressed to the related state agency. General questions regarding the audit specifications can be directed to the local government section of the Auditor of Public Accounts.

### **3-2 Using the Virginia Compliance Supplement**

This chapter has two parts: general requirements and program specific (agency requirements). Sections 3-3 through 3-9 contain generally applicable requirements that the auditor must consider on every audit. Generally applicable requirements are provisions of state law that affect all or most local governments. Consequently, the auditor must perform the required procedures on every audit, regardless of materiality.

The remainder of the chapter contains program specific requirements. Program specific requirements must be tested for all material state programs. Auditors shall determine whether a program is material by comparing total program expenditures to the materiality levels established in the planning stage for the applicable reporting level. The separate reporting levels for materiality purposes are defined by the AICPA's Audit and Accounting Guide, Audits of State and Local Governments. If program expenditures are material to the reporting level, the auditor must perform the required procedures set forth in this chapter. If the program expenditures are not material to the reporting level, test work relative to that particular state program is optional, unless the program has an annual audit requirement. If the state grantor agency requires an annual audit, the auditor must perform the required procedures contained in this chapter regardless of materiality. Once the auditor determines which state programs

must be tested, the auditor must perform all of the required audit procedures for that program.

Auditors should follow generally accepted auditing standards for all the Virginia Compliance Supplement required procedures. This includes consideration of factors such as the amount of program expenditures, the newness of the program or changes in its conditions, prior experience with the program, and the expectation of adherence or lack of adherence to the program requirements and standards in determining the number of transactions to be tested. The auditor also should review the contract or grant agreement to identify requirements specific to the local government under audit.

Auditors should disclose findings related to state programs (including any questioned costs) in accordance with requirements contained in Section 2-9. Generally, any unsupported costs, unapproved costs, or missing documentation related to eligibility is considered noncompliance and must be reported. Inability to obtain or prepare required reconciliation is also noncompliance that must be reported.

Two or more local governments may jointly operate some state programs. For example, a city and a county may share a social services board. In cases of joint programs, the fiscal agent should arrange for the program audit. In some cases, the program audit may be a part of the local government audit in accordance with these audit specifications, or separately in accordance with the Specifications for Audits of Authorities, Boards and Commissions. If the program is a part of the local government audit, the auditor must include any findings in the locality's audited financial report in accordance with requirements contained in Section 2-9. If a program has a separate audit, the auditor must include any findings in the separate report on the joint activity. Regardless of program structure, the auditor should audit all of the programs annually in accordance with the specifications of the Auditor of Public Accounts.

#### **GENERAL REQUIREMENTS:**

##### **3-3 Budget and Appropriation Laws**

The annual budget and appropriation process controls local expenditures. The Staff propose a budget and the governing body then has a series of public hearings to obtain the public's comments on the proposal. The board of supervisors or other governing body will review and approve a final budget and must appropriate the funds so they can be spent.

Special Requirement - Public Notice

The governing body must hold public hearings on the annual budgetary process, budget amendments, and proposed tax increases in accordance with Sections 15.2-2506, 15.2-2507, and 58.1-3321 of the Code of Virginia. There must be a notice of public hearings published in a newspaper having general circulation.

**Required Audit Procedure:** Obtain and review copies of the published notices. Review board minutes from the date of the hearing. Determine if the required public hearings on the budget, budget amendments, and proposed tax increases were properly advertised and subsequently held.

Special Requirement - Appropriations

No money may be paid out for any expenditure unless and until the governing body has made an appropriation for the expenditure (Sections 15.2-2506 and 58.1-3001 of the Code of Virginia).

**Required Audit Procedure:** Compare adjusted appropriations and expenditures in each fund and determine whether disbursements were made in excess of appropriations. If auditor notes that disbursements were made in excess of appropriations, auditor should follow-up and discuss accordingly with management and the governing body concerning any potential noncompliance or control weakness in the locality's budget process.

When reviewing to ensure no money has been paid out for any expenditure unless and until the governing body has made an appropriation for the expenditure, the auditor should also consider whether the local government has entered into a material/significant contract for services (except for an emergency situation) prior to sufficient unencumbered appropriations being available to cover the full value of the contract.

Note: When reviewing whether expenditures were made in excess of appropriations, the auditor may choose to apply judgment to review those funds considered significant and material to the financial statements.

Special Requirement - Availability of Cash

Warrants may not be drawn on any fund unless cash is available with the treasurer to pay the warrant (Section 15.2-1244 of the Code of Virginia, is applicable to counties). Overnight investments (i.e., repurchase agreements, certificates of deposit, etc.) held by the same bank may be considered in computing available cash.

Additionally, there must be sufficient cash in the bank at the time the Treasurer (or their designee) issues any check.

Special law or city or town ordinance may have similar provisions requiring that sufficient funds are available for all disbursements. The auditor should be aware of these provisions.

**Required Audit Procedure:** The auditor needs to determine whether the Treasurer has appropriate internal controls to ensure cash is available in the bank for all checks issued. Also, determine whether appropriate internal controls are in place to ensure Treasurer has sufficient funds available for bank warrants and drafts. Issuing checks or warrants without having cash or other assets is the equivalent of incurring unapproved debt.

3-4

**Cash and Investments**

Contact: Department of the Treasury; Kristin Reiter; 804-225-3240; [Kristin.Reiter@trs.virginia.gov](mailto:Kristin.Reiter@trs.virginia.gov). [Update for website link July 2016]

The Code of Virginia contains various requirements designed to safeguard state and local funds. Deposits must be secured in accordance with the Virginia Security for Public Deposits Act (Section 2.2-4400 et. seq. of the Code of Virginia). The Act requires governments to use bank and financial institutions that meet specific collateralization requirements. The Code of Virginia also places restrictions on the types of investments a local government may invest in.

The state Department of the Treasury makes available a monthly listing of qualified depositories. The listing may be obtained from Treasury's website at <https://www.trs.virginia.gov/documents/OPS/Report.pdf>

Special Requirement - Petty Cash Funds

The board of supervisors of any county may, by resolution, establish one or more petty cash funds not to exceed \$5,000 each (Section 15.2-1229 of the Code of Virginia).

[Note: requirement does not apply to cities or towns.]

**Required Audit Procedure:** Obtain or prepare a listing of all petty cash funds maintained by the county. Examine the board resolution establishing the fund(s). Determine whether any funds are in excess of \$5,000.

Special Requirement - Public Depositories

All public deposits must be made into a qualified public depository in accordance with the Virginia Security for Public Deposits Act (Section 2.2-4407 of the Code of Virginia). Treasurers must ensure the qualified depository identifies the account(s) as public deposits. Public deposits include all moneys of the Commonwealth, local governments, or constitutional officers of local governments, including any canteen and inmate trust funds held by the sheriff.

In the Security for Public Deposits Act amendments, effective July 1, 2010, the definition of “public deposit” is redefined to “mean moneys held by a public depositor who is charged with the duty to receive or administer such moneys and is acting in an official capacity, . . . “ Application of this revised definition of “Public Deposit” may allow for the inclusion of school activity funds and other funds held by a public entity as public deposits that may have previously been excluded.

Under the Act, banks and savings and loans holding public deposits in excess of the amounts insured by FDIC must pledge collateral to secure those public deposits in amounts set by regulations or action of the Treasury Board. Banks and savings and loans holding public deposits have two methods to secure Virginia public deposits: the dedicated method or the pooled method.

Under the dedicated method, public depositories can secure public deposits without accepting the contingent liability for the losses of public deposits of other qualified public depositories. Because the Commonwealth can only look to the collateral pledged by the depository choosing the dedicated method to cover any losses of deposits if the depository fails, the collateral required to be pledged and the reporting requirements under the dedicated method are more stringent than under the pooled

method. Depositories choosing the dedicated method must pledge collateral between 105% to 130% of their public deposit balances net of FDIC based on the financial condition of the depository. Dedicated depositories are required to report their public deposit balances and the market value of pledged collateral on a weekly basis.

Under the pooled method, public depositories accept a contingent liability for the possible loss of public deposits from the failure of other public depositories that choose the pooled method. In the event of the failure of a pooled depository, the Treasury Board would first look to the collateral pledged by the failed depository to recover the loss of public deposits. If the realized value of the pledged collateral of the failed depository is not sufficient to cover the loss of public deposits at the failed depository, the Treasury Board will assess the remaining loss against the other depositories in the pool based on average public deposit balances held by pooled depositories during the previous twelve months.

For pooled banks and savings and loans, the collateral requirements approved by the Treasury Board in February 2009 are now effective. For the first \$50 million in public deposits, the bank is required to pledge 50 percent collateral. For public deposits between \$50 million and \$250 million, the bank is required to pledge 75 percent collateral. For public deposits over \$250 million, the bank is required to pledge 100 percent collateral. Based on their financial condition, Treasury Board may require some pooled banks to pledge 100% collateral.

The Treasury Board is responsible for monitoring compliance with the collateralization and reporting requirements of the Act and for notifying local governments of compliance by banks and savings and loans.

**Required Audit Procedure:** Auditor must comply with auditing standards on confirmations as required by the AICPA.

In Virginia, the auditor has additional responsibility with regards to cash accounts held in banks and other financial institutions. The auditor shall determine the following:

- Whether the balances in all official bank accounts held by the Treasurer, Director of Finance, or other Constitutional Officers are appropriately reported in the locality's annual financial statements.

- Whether all the locality's public funds held by the Treasurer, Director of Finance, or other Constitutional Officer are properly insured against loss in accordance with current FDIC coverage for demand and savings accounts and the Virginia Security for Public Deposits Act. As the FDIC coverage limits have continued to change over the last few years, please refer to guidance on insurance coverage for governmental units at FDIC's website: <http://www.fdic.gov/deposit/deposits/factsheet.html>. Balances in excess of the FDIC limits are covered under Virginia's Security for Public Deposits Act. Under the Virginia Security for Public Deposits Act, balances in excess of the FDIC limit are covered if the local official properly identifies the funds as public funds and holds them in a Virginia qualified public depository.

To determine whether the locality has adequate protection against loss for bank balances in excess of the FDIC limit, the auditor may obtain confirmations, review contracts with banks, or perform other procedures as determined appropriate for this requirement.

The Treasury Board has a new feature to confirm that a Virginia governmental unit's public deposits are being reported as public deposits and collateralized by the governmental unit's public depository in accordance with the Security for Public Deposits Act. The Public Fund Search application is located on the Department of the Treasury's website under the Operations Division page at the following link URL: <https://spda.trs.virginia.gov/quarterlysearch.aspx>. The application allows governmental units to quarterly ensure that their depositories are accurately reporting the unit's public deposit accounts to the Treasury Board. Public account balances at June 30<sup>th</sup> should be able to be verified via this website application.

NOTE: Auditors should encourage localities to contact their local bank's customer relations manager to negotiate potential reduced or waived confirmation request fees.

#### Special Requirements – SNAP Accounts

Sections 2.2-4700 through 2.2-4705 of the Code of Virginia, the Government Non-Arbitrage Investment Act, authorizes the Virginia Treasury Board to provide assistance to local governments in the management of and accounting for their bond funds

including, without limitation, bond proceeds, reserves, and sinking funds, and the investment thereof.

Following the passage of the Tax Reform Act of 1986, which placed arbitrage restrictions and additional reporting requirements on issuers of tax-exempt municipal bonds, a group of local finance officials, working together with the Virginia Department of the Treasury introduced legislation authorizing the Treasury Board of Virginia to implement the State Non-Arbitrage Program<sup>®</sup> (SNAP).

Since 1989, the Treasury Board has sponsored the SNAP Program to provide comprehensive investment management, accounting and arbitrage rebate calculation service for proceeds of tax-exempt and certain taxable financings of Virginia issuers through the hiring of a Program Administrator, Rebate Calculation Agent, Program Custodian, and legal counsel.

Participation, initially limited to general-obligation bonds issued by Virginia's localities, has been expanded to allow for the participation of the Commonwealth of Virginia itself as well as its boards and authorities and those of local governments (collectively referred to as Participants). The Program now accepts proceeds of G.O. and revenue bonds.

Participants can participate in the Program by opening a Pool Account or a Pool Account accompanied by an Individually Managed Portfolio. Participants that are uncertain of how quickly they will spend their bond proceeds generally only open a Pool Account. Participants that have some estimate of their spending plans sometimes open Individual Portfolios in an effort to maximize their potential interest earnings. At the Participant's request, the Program Administrator develops a customized portfolio model to meet the unique draw schedule of the Participant's bond issue.

#### Pool Accounts

Participants that open a Pool Account buy into a fund that is a SEC registered money market mutual fund (a 2a-7 fund). Currently, the PFM Funds Prime Series – SNAP Class (the "Pool") is used as the Program's pooled investment vehicle. The Pool is managed to

maintain a dollar weighted average maturity of 60 days or less and to maintain a constant net asset value of \$1 per share. The Program Administrator makes all investment decisions and purchases for the Pool. The Program Administrator provides monthly reports to the Participants. The board of trustees of the Pool obtains an annual independent audit that includes all Pool Accounts. Audited financial statements are provided annually to all Participants.

Local auditors should confirm asset balances by contacting the SNAP Program Administrator. (<https://www.vasnap.com/>) In addition, local auditors should review the most recent arbitrage report to determine potential financial statement reporting and/or disclosures.

#### Individually Managed Portfolios

Participants that open a Pool Account accompanied by an Individually Managed Portfolio (an IP) collaborate with the Program Administrator to determine a customized investment strategy which may include investments in the Pool and in individual investment securities. The Program Administrator then implements the investment strategy and provides monthly reports to the Participants.

Participants are required to participate in the Pool in order to also have an Individually Managed Portfolio. As a control measure, funds cannot be wired out of an IP. Monies must first be transferred to a Pool and then wired out. This procedure provides a clear audit trail because all cash movements are recorded in the mutual fund accounting system and shown on monthly pool reports to participants. In addition it assures that maturities and coupon payments are invested at all times.

Participants in the Individually Managed Portfolios are also required to submit additional documentation to the Program's Administrator: a completed W-9 form for the custodian bank, to establish a custody account in the name of the public entity; and a determination how fees associated with the individual portfolio for investment advisor and custody are to be paid, either by check or automatic payment from the Participant's associated Pool Account.

Local auditors must audit SNAP Individually Managed Portfolios just like any other investment portfolio held by the local government. The SNAP Individually Managed Portfolios are not audited by any other party.

Program Custodian

Securities purchased for an IP are held by the Program Custodian. Both the Program Administrator and the Participants are given access to the Participant's IP account at the Program Custodian in order to ensure compliance and to obtain information for accounting records. The Program Custodian is selected by the Program Administrator subject to annual review by the Treasury Board. The Program Custodian is selected in conjunction with the selection of a custodian for the Pool but may or may not be the same financial institution as the Pool's custodian. Currently, the Program Custodian and Pool custodian are separate financial institutions. The Treasury Board contracts with the Program Custodian and the Pool's board of trustees signs a separate contract for services provided to the Pool.

Local government auditors can confirm IP investments by contacting the Program Custodian. In addition, the auditor should consider reviewing the Pool Custodian's and Program Custodian's Service Organization Control reports (formerly SAS 70) for custodial services. Local government auditors should ensure the local government has adequate expertise and internal controls to authorize, execute and monitor investment activity.

**Required Audit Procedure:** for SNAP Pool Accounts confirm asset balances with SNAP (See [vasnap.com](http://vasnap.com) for address).

**Required Audit Procedure:** for SNAP Pool Accounts accompanied by Individually Managed Portfolios, confirm asset balances with SNAP (see [vasnap.com](http://vasnap.com) for address) and the Program Custodian respectively. Document the source of the confirmations.

**Suggested Audit Procedure:** for both Pool Accounts and Pool Accounts accompanied by Individually Managed Portfolios, review the most recent arbitrage report to determine if the government is properly managing arbitrage and if there is any necessity for financial statement reporting and/or disclosure.

**Suggested Audit Procedure:** for Individually Managed Portfolios, consider the locality's methodology and procedures to determine whether they are appropriate for managing spending requirements and arbitrage.

**Suggested Audit Procedure:** for Individually Managed Portfolios, document the locality's internal controls for authorizing, executing, and monitoring investment activity.

**Suggested Audit Procedure:** for Pool Accounts and Pool Accounts accompanied by Individually Managed Portfolios, document the locality's internal controls over drawing down bond proceeds. Determine how the locality prevents unauthorized transfers.

#### **Special Requirement - Legality of Investments**

All investments must be legal investments as defined by Chapter 45 (Section 2.2-4500 et. seq.) of Title 2.2 of the Code of Virginia. Generally, local governments may invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, commercial paper rated A-1 by Standard and Poor's Corporation and P-1 by Moody's Investors Service, banker's acceptances, repurchase agreements, and the State Treasurer's Local Government Investment Pool (LGIP).

**Required Audit Procedure:** Obtain or prepare a listing of all investments held by the local government during the year. Determine whether investments constitute legal investments as defined by Chapter 45 (Section 2.2-4500 et. seq.) of Title 2.2 of the Code of Virginia.

### **3-5**

#### **Conflicts of Interest**

The State and Local Government Conflict of Interests Act is contained in Chapter 31 (Section 2.2-3100 et. seq.) of Title 2.2 of the Code of Virginia. The Act is designed to assure that the judgment of public employees is not compromised or affected by inappropriate conflicts. The Act prohibits local government officers or employees from participating in certain transactions in which they or their family members have a material financial interest. The Act absolutely prohibits other activities such as accepting bribes.

Section 2.2-3115 of the Code of Virginia stipulates that certain local government employees are required to file SOEI forms with their respective local body. These employees are as follows:

- A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500...
- B. The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year...
- C. Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body...
- D. Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board...
- E. Non-salaried citizen members of local boards, commissions and councils as may be designated by the governing body

**If the local government person in question does not meet one of the aforementioned criteria, they cannot be mandated to file.** SOEI records are required to be maintained by the respective clerk of the governing body (or school board if D. above applies). Auditors should direct their requests accordingly.

The Act requires local government officials to file a statement of economic interests with the office of the Virginia Conflict of Interest and Ethics Advisory Council semiannually by December 15 for the preceding six-month period ending October 31 and by June 15 for the preceding six-month period ending April 30. The Act sets out the format of this statement, which involves extensive disclosure of personal financial interests that may cause conflicts.

NOTE: The State and Local Government Conflict of Interests Act was amended by Chapter 774, 2016 Acts of Assembly, requiring only annual filings using the Council's prescribed form; **however these changes are effective starting with fiscal year 2017 audits and therefore not applicable until next year's SPEC requirements.**

Beginning on July 1, 2015, the duties of the Secretary of the Commonwealth's Office regarding all SOEI forms began transitioning to the Conflict of Interest and Ethics Advisory Council, which became fully operational on November 1, 2015. All filings in

FY16 and beyond will be done through the Council. **However, the Council specifies on their website that the local officials should continue to file their disclosure forms with Clerk of the governing body.** (Refer to the Council's website, Filing Resources: <http://ethics.dls.virginia.gov/filing-resources.asp>)

#### Reporting Requirement - Disclosure Forms

Local officials must file a semi-annual disclosure form (Section 2.2-3115 of the Code of Virginia).

**Required Audit Procedure:** Obtain and review disclosure forms filed by local officials pursuant to Section 2.2-3115 of the Code of Virginia. Determine timeliness of submission.

Note: The following semiannual filings provide applicable coverage for fiscal year 2016 audits being conducted.

<b>Filing Deadline</b>	<b>Coverage</b>
December 15, 2015	May 2015 – October 2015
June 15, 2016	November 2015 – April 2016

#### Civil Penalty for Violation of the Conflict of Interests Act

Section 2.2-3124 of the Code of Virginia assesses a civil penalty on any officer or employee who knowingly violates the Act. Specifically, an officer or employee required to file the disclosure form prescribed by Section 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty.

**Required Audit Procedure:** If the auditor determines that a local government employee required to file the disclosure form has failed to file, the auditor should inquire as to

whether the locality clerk has appropriately notified the Commonwealth attorney to ensure the applicable civil penalty has been assessed of the officer or employee who failed to file the disclosure form.

**Employment Requirement**

In accordance with Section 2.2-3110B of the Code of Virginia, the employment at the same governmental agency of an officer or employee and a spouse or other relative residing in the same household, who is employed in a direct supervisory or administrative position, or both, and receives an annual salary of \$35,000 or more, creates a material financial interest.

Section 2.2-3101 defines a “governmental agency” as component part of the legislative, executive or judicial branches of state **and local government**, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

**Required Audit Procedures:** Through inquiry and observation the auditor should determine whether any locality officer or employee has a spouse or other relative residing in the same household, who occupies a direct supervisory and/or administrative position at the same locality and receives an annual salary of \$35,000 or more. In such instances, the auditor should verify that the local officials have disclosed this material financial interest and sought an advisory opinion/legal counsel on whether a conflict may exist in accordance with the Conflict of Interests Act.

**Required Audit Procedure:** When obtaining an understanding of the entity and their internal controls, the auditor should assess the risk of the locality entering into illegal contracts based on third party relationships with members of the governing body. The locality should have procedures in place to ensure disclosure and appropriate response to third party relationships in areas such as contract negotiations, grant recipient selections, and related party board appointees.

## 3-6

**Debt Provisions**

The Virginia Public Finance Act in Chapter 26 (Section 2600 et. seq.) of Title 15.2 of the Code of Virginia contains state law for issuances of long term and short-term debt. The Act specifies the types of debt that may be issued as well as the public notice and other requirements for the issuance of the debt.

**Special Requirement - Debt Issuances**

All debt issuances must comply with the Virginia Public Finance Act in Chapter 26 (Section 15.2-2600 et. seq.) of Title 15.2 of the Code of Virginia).

**Required Audit Procedure:** Determine whether the local government issued debt during the year. Determine whether the local government complied with all relevant provisions of the Public Finance Act.

**Special Requirement - Legal Debt Margin**

No city, town, or county electing to be treated as a city under Section 15.2-2639 of the Code of Virginia, may issue bonds or other interest-bearing obligations, including existing indebtedness, which will at any time exceed ten percent of the assessed valuation on real estate as shown by the last preceding assessment for taxes. Short-term revenue anticipation bonds/notes, general obligation bonds approved in a referendum, revenue bonds, and contract obligations for publicly owned or regional projects should not be included in the debt limitation. (Sections 15.2-2634, 15.2-2635 and 15.2-2639 of the Code of Virginia).

**Required Audit Procedures:** Obtain or prepare the locality's Schedule of Legal Debt Margin (GASB 2800.103). Determine whether the local government has complied with Virginia's legal debt margin.

## 3-7

**Retirement Systems**

*Contact: Virginia Retirement System; Barry C. Faison, Chief Financial Officer, Phone 804.344.3128, email [bfaison@varetire.org](mailto:bfaison@varetire.org); or Kathryn A. Quiriconi, Controller, Phone 804-697-6677, email [kquiriconi@varetire.org](mailto:kquiriconi@varetire.org) [Updated June 2016]*

*Contact: Auditor of Public Accounts; Zachary Borgerding, Director Reporting and Standards, [APAVRSSupport@apa.virginia.gov](mailto:APAVRSSupport@apa.virginia.gov).*

*Additional audit support and audit support contacts are available at [apa.virginia.gov](http://apa.virginia.gov) under the Local Governments section.*

Counties, cities, and certain towns must provide a retirement system for their officers and employees as specified by Section 51.1-800 of the Code of Virginia. Local governments have the option of participating in the Virginia Retirement System (VRS) and/or establishing their own local plan(s). Most local governments participate in the Virginia Retirement System.

The Virginia Retirement System administers a statewide retirement plan, group and optional life insurance programs, a retiree health insurance credit program, and a short-term and long-term disability program. School boards, local governments, and other political subdivisions are eligible to participate in the programs administered by the System. Membership and benefits are provided in accordance with Title 51.1 of the Code of Virginia. The VRS retirement plan was modified effective July 1, 2010. Members hired before July 1, 2010 who had service credits before July 1, 2010 were placed in Plan 1. Members hired on or after July 1, 2010 who had no service credits before July 1, 2010 were placed in Plan 2. The benefit provisions of Plan 1 and Plan 2 differ. On January 1, 2013, existing Plan 1 members who were not vested (had at least 5 years of accumulated service) also, became Plan 2 members. In addition, a new Hybrid plan was implemented effective January 1, 2014. All newly hired employees who are not covered by enhanced benefits as hazardous duty employees are placed in the Hybrid plan. Detailed information on these differences is included in VRS publications and in the Plan Description portion of the sample disclosures provided in Chapter 6 of the Uniform Financial Reporting Manual.

Members are required by statute to contribute 5 percent of their creditable compensation to the pension plan. Plan 1 and Plan 2 members contribute the 5 percent to their member account; however, some school divisions and political subdivisions elected to phase in the required 5 percent member contribution so all members will be

paying 5 percent by July 1, 2016. The employer is required to provide a salary increase equal to the amount of the increase in the member-paid member contribution. The split between employer-paid and member-paid elected by the employer was documented by a resolution from the governing body and may be confirmed with VRS. Starting July 1, 2012, all new members began contributing 5 percent of their compensation to their member contribution account. With the implementation of the Hybrid plan beginning January 1, 2014 members of the Hybrid plan must contribute 4 percent of their creditable compensation to the defined benefit (DB) component of the Hybrid Plan and a mandatory 1 percent of their creditable compensation to the defined contribution (DC) component of the Hybrid plan. Members may elect to contribute up to an additional 4 percent to the DC component of the Hybrid Retirement Plan each month.

Group life insurance premiums are based on the member's creditable compensation, and optional life insurance premiums are based on the member's age (and the spouse's age if the spouse is covered) and amount of insurance carried. Retiree Health Insurance Credit contributions and Local disability plan contributions are based on a member's creditable compensation.

In fall 2012, the Retirement System launched *myVRS Navigator*, a web-based benefits management system that allows agencies to immediately access and update member and agency related retirement data. The implementation of *myVRS Navigator* significantly changed the retirement contribution reporting process. Many of the responsibilities for managing member data shifted from the Retirement System to each employer. Additionally, the payment process for employers is electronic and most payments are made through ACH Debit and ACH Credit. The ACH payments replaced the lockbox and monthly payment coupon method. VRS still receives checks from some employers. Check payments are being phased out as the employers transition to ACH.

#### Special Requirement - Participation in Retirement Systems

All counties, cities, and towns with a population of 5,000 or more must provide a retirement system for their officers and employees. Local governments have the option of participating in the Virginia Retirement System and/or establishing their own local plan(s). If the local government maintains its own plan, the local retirement plan must provide a service retirement allowance to each employee who retires at age 65 or older. The allowance must equal or exceed two-thirds of the service retirement

allowance to which the employee would have been entitled had it been computed under the provisions of the Virginia Retirement System (Section 51.1-800 of the Code of Virginia).

**Required Audit Procedure:** Determine whether the local government participates in the Virginia Retirement System and/or a local retirement plan(s). Determine whether the plan(s) covers all classes of employees listed under Section 51.1-800 of the Code of Virginia. If the local government participates in a local retirement plan, also determine whether the Virginia Retirement System approved the benefits provided under the local plan.

**NOTE:** Local governments are responsible for ensuring compliance with this section of the Code. VRS is not required to periodically verify local plan compliance.

#### **Eligibility Requirement - Virginia Retirement System**

Unless the employee satisfies one of the exemptions to mandatory membership, all permanent, full-time, salaried employees of participating school boards, local governments, and other political subdivisions must participate in the Virginia Retirement System. Part-time employees may not participate in the plan.

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System, select a sample of employees from pay periods throughout the year under audit. This includes the full population of all employees under employment, not just VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. For each employee selected determine whether the employee has been reported to the Virginia Retirement System for retirement, life insurance, retiree health insurance credit, and/or local disability coverage **or** satisfies the requirements for exclusion from mandatory membership.

#### **Member Data Reporting Requirements - Virginia Retirement System**

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System, determine if the locality or school district under audit has multiple control environments supporting employee enrollment in the retirement system. If the locality has multiple control environments perform the procedures below for **each** of the environments identified independently.

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System, identify the population of employees with changes that occurred during the fiscal year under audit year **and** who contributed to the Virginia Retirement System. Changes include new employees, terminated employees, and employees who received salary changes during the fiscal year for each control environment. Select a sample of employees from the population for each control environment. Note that this population is limited to VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*This is the First section of the Appendix.

For each employee selected determine whether:

- a) The employee contribution for pension and/or group life insurance was properly deducted from the employee's pay for member contributions paid by the employee; and that the employee's pay was not reduced for contributions where the employer is still paying part of the employee share (employee's pay is reduced if employer picks up the employee contribution through a tax deferred salary reduction).
- b) Census data elements agree to supporting documentation based on the change (*the attributes are arranged and grouped by how they appear in myVRS Navigator*):

1. If the employee had a **salary change** ensure the employee's creditable compensation (used in computing the contributions required for all VRS-administered benefits) includes all eligible salary, exclusive of overtime, supplements, extraordinary pay, and termination pay for annual or sick leave, and is properly reflected in *myVRS Navigator*. Test the following attributes in *myVRS Navigator*:

Other Details: Salary History

- Current Annual Salary
- Start Date
- Previous Annual Salary
- End Date

2. If the employee is **terminated** test the following attributes:

Other Details: Employment

- Organization Name
- Job Name
- Employment Status
- Start Date
- End Date

Other Details: Person Account

- Org Name
- Coverage Start Date
- Coverage End Date
- Status

3. If the employee is a **new hire** test the following attributes:

Person Details

- Name
- Date of Birth
- Gender

Other Details: Employment

- Organization Name
- Job Name
- Employment Status
- Start Date
- End Date

Other Details: Salary History

- Current Annual Salary
- Start Date

Other Details: Person Account

- Org Name
- Coverage Start Date
- Status

- (c) If any of the employees selected purchased service to enhance their retirement benefit during the year under audit, ensure the employee met the eligibility

requirements and the employer maintained sufficient supporting documentation that proves the eligibility requirements were verified. The purchase is called a Purchase of Prior Period service in the member's myVRS Navigator record or the employer's contribution confirmation snapshot.

### **Employer Monthly Reporting Requirements - Virginia Retirement System**

In myVRS Navigator, employers are responsible for adding newly enrolled members, maintaining employee records, as well as entering and tracking employment changes (such as salary changes, status changes, and terminations) throughout the month. Employers produce a monthly snapshot of their contributions and are responsible for reviewing the snapshot and verifying that all the employment changes are complete and accurate. Following the snapshot, the employer runs the Contribution Confirmation report, which certifies and records the monthly data. Employers may immediately schedule payment after the contributions are confirmed. The Contribution Confirmation process must occur by the 10<sup>th</sup> of the month following month to be certified. VRS requires the employers to schedule the payment immediately after confirming the contributions. The payment must be received by VRS by the 10th of the month; therefore, when the employer schedules the payment it should be for at least three days prior to the 10th of the month to ensure it is received by VRS.

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System, select a sample of the newly enrolled employees during the audit period from each of the control environments identified. Note that this population is limited to VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*This is the Second section of the Appendix.

Determine whether all eligible employees are included on the employer's coverage reports to VRS. Ensure that employers are not modifying work schedules and coverage definitions to provide a means for employees who are currently retired under the VRS plan to work in covered positions without being reported as covered employees. Verify any employees who retired, and were rehired as full-time are active in myVRS Navigator.

**(NOTE)** – Unreported employees who have returned to work and are still drawing their retirement benefits is a compliance issue (Code of Virginia, Section 51.1-155(B)(1)).

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System, the employer should reconcile the information in the entity's payroll system to the data in the monthly contribution confirmation in myVRS Navigator each month. The contribution confirmation snapshot file reflects amounts due for the retirement, group life, retiree health insurance credit, and local disability plans. It also distinguishes between those amounts that are due to VRS for the Defined Benefit component of the Hybrid plan, as well as those amounts due to ICMA-RC for the Defined Contribution component of the Hybrid plan. Select a sample of the monthly contribution reconciliations from each of the control environments identified. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*\*This is the Third section of the Appendix.

(a) Reconciling Payroll and *myVRS Navigator*

- 1) Test the reconciliations for accuracy and ensure the employer clears reconciling items prior to confirming the contributions.
- 2) Determine if the employer updates *myVRS Navigator* through a batch process, or through online keying.
  - i. If the employer updates *myVRS Navigator* through a batch process each month, the employer submits two separate files: one file for new enrollments and one file for maintenance. For the months selected verify the employer ensures the records in each file are free of errors and certifies the transactions are accurate before submitting the files.
  - ii. If the employer updates *myVRS Navigator* through online keying, ensure all changes that occurred during the months selected for testing were accurately captured on the monthly snapshot. Ensure this process occurs at least monthly and prior to confirming the monthly contributions.
- 3) Ensure that for the sample of monthly reconciliations selected that the employer confirmed the contributions between the first and the 10<sup>th</sup> of the following month.

- 4) Ensure the employer scheduled the payment immediately after confirming the snapshot.
- 5) Verify the payment was submitted to VRS by the 10th of the month.
- 6) For the defined contributions, verify the agency is scheduling and submitting payments to ICMA-RC each time contributions are withheld from employees' pay.

#### **Roles and Responsibilities - Virginia Retirement System**

Employers are responsible for assigning and managing access to myVRS Navigator for employees through role-based security. Roles define the data an employee is authorized to view, create, and update.

**Required Audit Procedure:** If the local government participates in the Virginia Retirement System obtain a list of employees with myVRS Navigator access during the fiscal year under review. Ensure employees with active access are currently employed.

Determine which employees had changes to access during the fiscal year under review including terminated access, new access, or changes to access. For those with new access or changes to access review the assigned roles for each employee for reasonableness in relation to their current job responsibilities. Verify roles were removed in a timely manner for terminated or inactive employees. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*\*\*This is the Fourth section of the Appendix.

#### ***Important financial reporting consideration regarding disclosing covered payroll in the required supplemental information.***

Under GASB Statement No. 68 *Accounting and Financial Reporting for Pensions*, defines the term covered-employee as the payroll of employees that are provided with pensions through the pension plan. This definition differs from that of covered payroll per GASB Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*. For guidance reference the Guide to Implementation of GASB Statement 68 on Accounting and Financial Reporting for Pensions, questions 106 and 210.

GASB Statement No. 82, *Pension Issues—an amendment of GASB Statements No. 67, No. 68, and No. 73*, eliminates the use of covered-employee payroll and replaces it with covered payroll. Covered payroll is the payroll on which contributions to a pension plan

are based. The VRS sample disclosures are updated to reflect the changes resulting from GASB Statement No. 82. Note GASB Statement No. 82 is not in effect until June 15, 2017, with earlier application encouraged.

***Important financial reporting consideration regarding contributions from non-employer contributing entities.***

An appropriation to the retirement fund, as a one-time payment toward the ten year deferred contribution balances for the Teachers' Retirement Plan, was authorized in the amount of \$192,000,000 on July 1, 2015. This amount was allocated across the participating teacher employers based on the proportionate share used for determining the net pension liability. The schedule is audited by APA, and included in the opinion for cost-sharing plans. For guidance on accounting for and reporting of the contributions reference the Guide to Implementation of GASB Statement 68 on Accounting and Financial Reporting for Pensions, questions 148 and 149. Additional guidance and journal entry templates are available at varetire.org, Employer Resources, Financial Reporting, GASB 68 Audit Opinions and Disclosure Guidance.

**Required Audit Procedure:**

The auditor is required to submit a report to the Auditor of Public Accounts, by October 1 each year, reporting on the results of procedures performed above regarding the completeness and accuracy of the census data for local employees and teachers participating in the Virginia Retirement System. The procedures should be performed and the report should be prepared as a part of an examination engagement performed in accordance with AT section 101, *Attest Engagements (AICPA, Professional Standards)*.

Included with the report, the auditor shall provide an attachment which identifies the following:

- The number of control environments supporting census data reviewed during the engagement (i.e. two, one for the locality and one for the school board) and the responsible party for the control environment (i.e. the locality, the school board)

For each control environment identified and required procedure performed note the following:

- The population size
- The sample size
- The risks and other considerations used to determine the sample size

A sample report and accompanying attachment is available on the APA website at [http://www.apa.virginia.gov/data/download/local\\_government/guidelines/rss.docx](http://www.apa.virginia.gov/data/download/local_government/guidelines/rss.docx)

### **Resources**

Various resources are available to assist employers and the employer auditors at [www.apa.virginia.gov](http://www.apa.virginia.gov), under “Local Government,” New Pension Standards, including the AICPA White Paper Series for pensions, and relevant AU-C interpretations.

The VRS has a “Financial Reporting” section available for Employers at [www.varetire.org](http://www.varetire.org), including valuation reports. The VRS, myVRS Navigator System has a GASB Validation report available, which will assist in making the audit process more efficient. The myVRS Navigator reports will produce data for census data elements for the most recent eighteen months. These reports are available upon request and run overnight. The reports are capable of retrieving data for one month, a period of months, or up to twelve months.

Employer Manuals are available for the auditor’s reference at [www.varetire.org](http://www.varetire.org). Consult with the employer for additional resources from the VRS University that may be useful in performing the prescribed audit procedures.

### **3-8**

#### **Procurement**

The Virginia Public Procurement Act, located in Chapter 43 (Section 2.2-4300 et. seq.) of Title 2.2 of the Code of Virginia, contains state law on the procurement of goods and services. The Act, which was designed to maximize competition, applies to all local governments, constitutional officers, and school divisions. In accordance with Section 2.2-4343 of the Code of Virginia, local governments and school divisions may be exempt from certain provisions of the Act if they adopt, by ordinance or resolution, alternative policies and procedures that are based on competitive principles. Certain provisions of the Act are applicable regardless of alternate procedures adopted.

Before commencing audit work, the auditor should familiarize himself with the requirements of the Act. The auditor also should determine whether the local government is following the practices required by the Act or has adopted alternative procurement policies.

Special Requirement - Purchases

All purchases must be in accordance with the Virginia Public Procurement Act (Chapter 43 (Section 2.2-4300 et. seq.) of Title 2.2 of the Code of Virginia).

**Required Audit Procedure:** Non-compliance with the Virginia Public Procurement Act could result in a direct and material effect on the financial statement amounts. Auditors should consider the risk of material misstatements resulting from direct and material noncompliance with the Public Procurement Act provisions when conducting the audit.

Decentralized Procurement

Auditors should be aware of the purchase of goods and services made by departments and personnel other than the locality's central administrative office. In particular purchases made with federal funds not meeting the Public Procurement Act requirements may result in questioned cost for the local government.

3-9

**Unclaimed Property**

The Uniform Disposition of Unclaimed Property Act in Chapter 11.1 (Section 55-210.1 et. seq.) of Title 55 of the Code of Virginia sets forth procedures for unclaimed or abandoned property. As a general rule, the Act presumes abandoned any property remaining unclaimed by its owner for more than the specified period, usually five years. However for any government, all intangible property held for the owner that remains unclaimed for more than a year is presumed abandoned (Section 55-210.9). Unclaimed property may consist of outstanding checks, utility deposits, tax refunds, unpaid wages, unpaid pension benefits, unclaimed insurance demutualization proceeds (Section 55-210.4:2) and other tangible or intangible property.

The Act requires local governments to file an annual report with the State Treasurer listing all unclaimed property. The local government must then remit the property to the State Treasurer for final disposition.

Reporting Requirement - Unclaimed Property

Every person holding funds or other property presumed abandoned under the Act must file a report listing unclaimed property as of June 30. The report must be filed with the state Treasurer by November 1 of each year (Section 55-210.12 of the Code of Virginia).

**Required Audit Procedure:** Auditor must scan bank reconciliations for checks outstanding greater than one year. The auditors should also make inquiries of responsible officials as to unclaimed property. If the local government has unclaimed property, determine whether it filed a report on unclaimed property with the State Treasurer as required.

**PROGRAM SPECIFIC REQUIREMENTS:**

**3-10 Economic Development Opportunity Fund**

*Contact: Virginia Economic Development Partnership, Kim Ellett, Phone - 804.545.5610, email kellett@yesvirginia.org – [Minor wording updates made for FY2016]*

Local governments may receive grants or loans from the Commonwealth's Development Opportunity Fund in accordance with Code of Virginia §2.2-115 and the annual provisions of the state Appropriation Act. The fund was established to assist in the creation of new jobs and capital investment in accordance with criteria established by legislation.

Economic development opportunity funds are used to support projects that create new jobs and private investment within the locality. Projects that may qualify for funding will be those basic employers that derive more than 50% of company revenue from outside Virginia, thereby adding to the gross domestic product of the Commonwealth. Permissible uses of Commonwealth's Development Opportunity Fund grants include (but are not limited to) utility improvements, high-speed or broadband Internet access, site preparation costs, creation of access roads or rail, training, and capital improvements to buildings. To receive funding, the following general eligibility thresholds must be met:

- 50 new jobs/\$5 million capital investment; or
- 25 new jobs/\$100 million capital investment
- The average annual wage for the new jobs must be at least equal to the prevailing average annual wage in the locality, excluding fringe benefits
- If the average annual wage is twice the prevailing average annual wage, the Governor may reduce the new jobs thresholds to as low as 25

Eligibility thresholds in localities with above-average unemployment **or** above-average poverty rates:

- 25 new jobs/\$2.5 million capital investment
- Jobs may pay below the prevailing average annual wage in the locality, but must pay at least 85% of the prevailing average annual wage.
- If the average annual wage of the new jobs is less than 85% of the prevailing average annual wage, but the customary employee benefits are offered, the Governor may still award a grant or loan, but the Secretary of Commerce and Trade must furnish a written explanation to the Chairmen of the Senate Finance and House Appropriations Committees setting forth the urgent need to provide a grant or loan to that project.

Eligibility thresholds in localities with above-average unemployment **and** above-average poverty rates:

- 15 new jobs/\$1.5 million capital investment
- Jobs may pay below the prevailing average annual wage in the locality, but must pay at least 85% of the prevailing average annual wage
- If the average annual wage of the new jobs is less than 85% of the prevailing average annual wage, but the customary employee benefits are offered, the Governor may still award a grant or loan, but the Secretary of Commerce and Trade must furnish a written explanation to the Chairmen of the Senate Finance and House Appropriations Committees setting forth the urgent need to provide a grant or loan to that project.

The Virginia Economic Development Partnership (Partnership) administers the economic development opportunity program. Local governments that wish to participate in the program send grant requests (opportunity fund applications) to the President and CEO of the Partnership. The Partnership evaluates applications in accordance with the published evaluation procedures.

The Commonwealth's Development Opportunity Fund Guidelines and the Commonwealth's Development Opportunity Fund Policies and Procedures set forth the project approval procedures, program requirements, and payment procedures. Approval is required by the Partnership, the Secretary of Commerce and Trade, the Chief of Staff, and the Governor of Virginia before the grant or loan is awarded. The Opportunity Fund application outlines the nature of the project. The approval letter, issued by the Secretary of Commerce and Trade, specifies the amount approved for funding. The performance agreement, executed by the local government and the

company, describes the local government's matching share and the repayment terms, if the company fails to meet the specified job creation and capital investment standards. Copies of these documents may be obtained from the local government or from the Partnership.

Localities must at least match dollar-for-dollar with local funds the amount requested from the Commonwealth's Development Opportunity Fund. Previously invested local funds, grants of moneys from other government sources (with the exception of Tobacco Region Opportunity Fund moneys as noted below), and contributions from private interests which benefit from the project's location may not be counted as part of the local match. A local match may be funded by an in-kind contribution from the locality for the direct benefit of the grantee, such as infrastructure development, fee waivers, or free or reduced-price land or buildings. Local enterprise zone incentives may be counted toward the local match where the locality makes actual expenditures after the project is announced to benefit the project. Grants to the locality from the Tobacco Region Opportunity Fund may be used as up to one-half of the matching funds.

Allowability Requirement - Program Costs

The grant or loan proceeds may be expended only for the purpose outlined in the Opportunity Fund Application and the Commonwealth's Development Opportunity Fund Guidelines.

**Required Audit Procedure:** Select a sample of program expenditures. For each transaction selected, determine whether the expenditure was reasonable and consistent with the project specified in the Opportunity Fund Application and the Commonwealth's Development Opportunity Fund Guidelines.

Matching Requirement - Local Participation

Local governments must meet the matching requirements set forth in the Commonwealth's Development Opportunity Fund Guidelines and the Opportunity Fund application.

**Required Audit Procedure:** Determine whether the local government has met its requirement for local participation as set forth in the Commonwealth's Development Opportunity Fund Guidelines and the Opportunity Fund application.

Special Requirement - Loan Repayment

Local governments must repay economic development opportunity fund loans in accordance with the terms of the Commonwealth's Development Opportunity Fund Approval Procedures.

**Required Audit Procedure:** Determine whether loan repayments are being made in accordance with the terms of the Approval Procedures.

Special Requirement - Return of Funds

Any unspent funds at the completion of the project will be returned to the Commonwealth in accordance with the Commonwealth's Development Opportunity Fund Approval Procedures.

**Required Audit Procedure:** Determine whether unspent funds were returned to the Commonwealth at the project's completion.

**3-11****Education**

*(Contact: Department of Education; Christine Lopilato; Director, Fiscal Services; phone 804-225-3806, email [Christine.lopilato@doe.virginia.gov](mailto:Christine.lopilato@doe.virginia.gov)) [No Updates needed for FY2016]*

The state Department of Education makes payments to local school divisions in accordance with Title 22.1 of the Code of Virginia and the Appropriation Act. Most counties and cities have their own school division. The General Assembly has also authorized certain towns to operate their own school systems.

The State Board of Education and the General Assembly prescribe the Standards of Quality (SOQ) for public schools. The SOQ designate the minimum, foundation education program that school divisions must offer and a minimum amount that must be spent from state and local funds based on the number of students in average daily membership ("ADM"). Each local government must appropriate and spend local funds that meet its required local effort for the SOQ each year. All state funds received for the SOQ must be spent by the end of each fiscal year, unless carry-over is specifically authorized by the appropriation act.

Appropriations for public schools are subject to several restrictions. Section 22.1-94 of the Code of Virginia requires local governing bodies to appropriate an amount sufficient to meet the Standards of Quality described above. The Appropriation Act requires school divisions to spend the required local share of the Standards of Quality each year. The governing body may appropriate funds to the school board in total or by the major classifications contained in §22.1-115: (1) instruction; (2) administration, attendance and health; (3) pupil transportation; (4) operation and maintenance; (5) school food services and other non-instructional operations; (6) facilities; (7) debt and fund transfers; (8) technology; and (9) contingency reserve. If funds are appropriated by major classification, the school board may switch funds within each major category but may not shift funds from one category to another without approval from the governing body. Appropriations to the school board may be made annually, semi-annually, quarterly, or monthly. Once appropriated, the governing body may not reduce funds available to the school board below the amount required to meet the division's required local effort. Further, all funds must be appropriated to be spent.

Section 22.1-81 of the Code of Virginia requires local school boards to report revenues, expenditures, positions, and other information annually to the State Board of Education using the Annual School Report. The State Board uses this report to monitor compliance with required Standards of Quality expenditures and other federal and state regulations and reports.

#### Special Requirement - Appropriations

The school estimates, as modified by the local governing body, must be incorporated into the locality's budget and must be appropriated to be spent (Section 15.2-2506 of the Code of Virginia). If funds are appropriated to the school board by major classification, the school board may not shift funds from one major category to another without approval from the governing body (Section 22.1-89 of the Code of Virginia).

**Required Audit Procedure:** Compare adjusted appropriations and expenditures in each fund and major category and determine whether disbursements were made in excess of appropriations.

#### Reporting Requirement - Annual School Report

Each school board must submit an annual financial report (called the Annual School Report) to the State Board of Education no later than September 15 of each year on

forms provided by the Superintendent of Public Instruction (Section 22.1-81 of the Code of Virginia).

**Required Audit Procedure:** Obtain the Annual School Report for the year under audit. Determine timeliness of submission. Also, obtain (or prepare if so specified in the audit contract) a reconciliation of receipts and expenditures per the Annual School Report to the school board's accounting records. Review reconciliation for reasonableness.

### 3-12 **Children's Services Act Funds**

*(Contact: Office of Children's Services (OCS); CSA Website –*

<http://www.csa.virginia.gov>; Stephanie Bacote – Phone 804.662.7441

(<mailto:Stephanie.Bacote@csa.virginia.gov>) or Annette Larkin – Phone 804.662.9816

([Annette.Larkin@csa.virginia.gov](mailto:Annette.Larkin@csa.virginia.gov)). [Updated June 2016-name changes for Act and references to updated CSA policy Manual]

Section [2.2-5204](#) of the Children's Services Act requires an annual audit of CSA funds by all counties and cities that receive funding pursuant to the Children's Services Act, Chapter 52 of Title 2.2 (Section [§ 2.2-5200](#)). Accordingly, the auditor must perform the procedures contained in this section regardless of materiality.

The Children's Services Act is designed to create a collaborative system of services and funding for at-risk youths and their families. At-risk youth include children with severe emotional and/or behavioral problems, including but not limited to students with disabilities in private special education facilities and youth in foster care. These at-risk youth often require services from more than one local agency. The Children's Services Act requires the local Community Services Board (CSB); local Department of Social Services; local school division; and local Court Service Unit (CSU) to work together in providing services for such youth.

Policies and procedures for implementing the Act are set forth in the Policy Manual for the Children's Services Act (revised July 2015; Link: [http://www.csa.virginia.gov/PDF/CSA\\_PolicyManual2015revision.pdf](http://www.csa.virginia.gov/PDF/CSA_PolicyManual2015revision.pdf)). The CSA is funded as a separate agency (Agency 200) with state and federal funds. Local governments receive two types of funds under the Children's Services Act: (1) pool funds, and (2) local administrative funds. Each of these funding sources is discussed briefly below.

State Pool Funds (Section 4 of the [CSA Manual](#)): Pool funding is directly appropriated to Agency 200 to provide services to eligible children. Allocation of funds in the state pool to local communities is determined by a formula based on language in the Appropriation Act. Pool funds can be used to provide services to children and their families who are eligible for services as defined in Section § 2.2-5212 of the Code of Virginia.

Pool funds are state funded with a local matching share. Variable local match rates apply to certain services/expenditure categories as specified in the Appropriation Act:

- § Base Match Rate – per formula established by the Appropriation Act
- § Community Based Services Rate – 50 percent of the base match rate.
- § Residential Services Rate – 25 percent above the base match rate.

The funds are reimbursement based (i.e., the locality must expend funds and then will be reimbursed for the state-share of the expense by the Department of Education who serves as state Fiscal Agent). Reimbursements are requested using the electronic Pool Reimbursement Request (accessed using the CSA web <http://www.csa.virginia.gov/>) as often as monthly, but not less often than quarterly.

Administrative Funds (Section 4.5.3 of the [CSA Manual](#)) Administrative funds are available to offset the added cost localities incur in implementing the Children's Services Act. Use of these funds is flexible, and may be used for administrative and coordinating expenses, or even direct services to eligible youth and families.

Federal Expenditure Reporting Requirements - CSA pool funds are comprised of Federal, State, and local monies collectively. In collaboration with the Department of Education, the Office of Children's Services sends a statement to each locality of their respective federal reimbursement for inclusion in their Schedule of Expenditures of Federal Awards (SEFA) under CFDA 93667.

Special Requirement - Separate Accounting

State and local revenues and expenditures applicable to the Children's Services Act must be identified separately from other funds within the local government's accounting system (Section 4.5.3 of the CSA Manual).

**Required Audit Procedure:** Determine whether the method used by the local government to account for Children's Services Act funds is adequate to separately account for such funds.

Allowance or Permitted Requirement - Pool Funds

Pool funds must be expended for public or private non-residential or residential services for troubled youth and families. (Code of Virginia 2.2-5211) Pool funds may only be used for services for specific eligible children and their families. Administrative costs, interagency coordinators, and services billable to other funding sources are not allowable.

**Required Audit Procedure:** Select a sample of Pool Fund disbursement transactions from throughout the year under audit. For each transaction selected, determine whether the:

- (a) payment was supported by a written contract or service agreement,
- (b) services were provided to a specific eligible youth or family (a single voucher may cover services for more than one youth; however, the contract or purchase order must specify a child-specific unit price),
- (c) maintenance and support expenses to foster youth did not exceed the amount determined by the local social services board and is consistent with the written contract or service agreement,
- (d) payment was made as authorized by CPMT policies and procedures. Ensure that local CPMT policies and procedures are consistent with the Code of Virginia statutes and the CSA Policy Manual.

- (e) the authorized service was not eligible for another funding source, for example Medicaid funding prior to using CSA funding to pay for the services, and
- (f) expenditure appears reasonable given the purpose of the Children’s Services Act and the purpose of pool funds

NOTE: The Office of Children’s Services (OCS) has developed a “Can CSA Pay” tool ([Can CSA Pay? Flowchart](#)) to assist CPMT’s with determining the appropriate use of pool funds.

#### Eligibility Requirement - Pool Funds

Pool funds may only be used to provide services to children/youth and their families who are eligible for services as set forth in the Code of Virginia Section 2.2-5212. Eligibility for CSA funding is defined by Code and governed locally by the Community Policy and Management Team (CPMT) policies and procedures. Further information on the eligible CSA population can be found in Section 4.1 (Eligible Populations) of the [CSA Manual](#).

In January 2011, pursuant to SEC policy the special education mandate cited in §2.2-5211, B1 may be utilized to fund non-residential services in the home and community for a student with a disability when the needs associated with his/her disability extend beyond the school setting and threaten the student’s ability to be maintained in the home, community, or school setting (i.e. Wrap Around Services). Beginning with the FY13 program year, state share appropriation to be allocated to localities providing Wrap Around Services for Students with Disabilities was earmarked by the Governor (Chapter 665 of the 2015 Acts of Assembly) not to exceed \$2.2M. Only localities with approved allocations by the state office will have expenditures in this reporting category. Those localities, along with the amount of their allocations, can be identified by viewing their respective CSA Transaction History Reports, which can be accessed through the CSA website via the following web-link:

<http://www.csa.virginia.gov/publicstats/pool/poolreports/ViewTransHist.cfm?fy=2016>

All youth and families eligible for the CSA-funded treatment services are required to be assessed by the Family Assessment and Planning Team (FAPT) or an approved collaborative, multidisciplinary team process and shall consider the criteria set out in subdivisions A 1 and A2 of [2.2-5212](#). Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy

and management team, cases for which service plans are developed outside of this family assessment and planning team process or approved collaborative, multidisciplinary team process shall not be eligible for State pool funds. Code of Virginia Section [2.2-5209](#); (Section 3.2.2 of the [CSA Manual](#)). IEP services (private school placements) are exempt from the FAPT process, unless required by local policy.

Section [2.2-5206](#) of the Code of Virginia requires the local Community Policy and Management Team (CPMT) to develop procedures to access CSA Funds for eligible populations.

**Required Audit Procedure:** Review the local government's system for determining eligibility and evaluate for adequacy. Select a sample of program participants from the vouchers supporting the Pool Reimbursement Requests tested below (or from other sources as deemed appropriate by the auditor). For each participant selected, determine whether the individual is classified on the Reimbursement Request as part of the mandated or non-mandated population pursuant to 2.2-5212. Examine documentation in the youth's case file and determine whether:

- (a) the youth meets the state eligibility criteria,
- (b) the youth meets the state criteria for inclusion in the mandated population, if the individual was included in the mandated population on the Reimbursement Report,
- (c) service plans were developed and approved by the family assessment and planning team process or approved collaborative, multidisciplinary team process (except for cases involving foster care maintenance only or IEP services),
- (d) expenditures were authorized by the community policy and management team,
- (e) when required, service providers meet licensing requirements.

CSA has developed a [Uniform Documentation Inventory](#) to assist CPMT's with the development and maintenance of case documentation.

#### Reporting Requirement - Pool Reimbursement Requests

Local governments receiving pool funds must submit electronic Pool Reimbursement Requests not less often than quarterly. Documentation must be maintained to support expenditure amounts reported, and to demonstrate that each pool fund expenditure was made on behalf of a specific eligible child (or list of specific children). The pool

fund reimbursement claim should exclude any payment whose services were paid using Medicaid (or any other funding source). Cost for which reimbursement is being claimed must be reported pertaining to the fiscal year in which the service was provided. Final claims for reimbursements for prior year payments will not be accepted after the first quarter (September 30) of the next fiscal year. (Section 4.5.2 of the [CSA Manual](#)) Adequate separation of duties should exist between Report Preparer and Fiscal Agent and passwords should be kept confidential.

**Required Audit Procedures:** Select a sample of Pool Reimbursement Requests from throughout the year under audit.

- (a) Determine that requests were filed at least quarterly.
- (b) Determine accuracy of amounts reported by tracing receipts and expenditures to the locality's general ledger or reviewing the locality's reconciliation of amounts reported to the general ledger.
- (c) Perform a service year test ensuring reimbursement requests pertain to the year in which the services were provided.
- (d) Verify that all expenditures were reported in the appropriate reporting categories.
- (e) Verify that the individual preparing the pool fund expenditure report is not the same individual as the locality assigned fiscal agent approver.

### **3-13 Highway Maintenance Funds**

*(Contact: Virginia Department of Transportation, Todd M. Halacy; Phone 804-786-3438, email [Todd.Halacy@VDOT.Virginia.gov](mailto:Todd.Halacy@VDOT.Virginia.gov)). [Only Contact information updated for FY2016]*

Sections 33.2-319 and 33.2-366 of the [Code of Virginia](#) requires an annual categorical report accounting for all expenditures of highway maintenance funds and an annual audit of this report. Accordingly, the auditor must perform the procedures contained in this section regardless of materiality.

The state Department of Transportation makes payments to all cities, certain towns, and the Counties of Arlington and Henrico for the maintenance of highways. These funds may also be used for construction and reconstruction. (Highway maintenance expenditures for purposes of this program include expenditures for maintenance, construction and reconstruction, and therefore the term “maintenance” is inclusive of these categories of expenses.) Section 33.2-319 of the Code of Virginia establishes the criteria for determining which local governments and highways are eligible for these funds. These eligibility requirements are summarized together with the required treatment for the funds in the Urban Manual ([http://www.virginiadot.org/business/resources/local\\_assistance/Urban\\_Construction\\_and\\_Maintenance\\_Program\\_Guidance.pdf](http://www.virginiadot.org/business/resources/local_assistance/Urban_Construction_and_Maintenance_Program_Guidance.pdf)) published by the Department of Transportation. The auditor should familiarize himself with this manual prior to commencing test work.

Effective beginning fiscal year 2006, local governments are required to report their highway maintenance expenditures on the enhanced Weldon-Cooper Center financial survey. In prior years, localities annually reported transportation expenditures to the Weldon Cooper Center to provide information for VDOT to report to the Federal Highway Administration. The Weldon Cooper survey is now enhanced and includes the necessary categories for reporting the maintenance expenditures. The Weldon Cooper Center Local Finance Survey replaces the U-3 Form, used in prior years.

The local government is required to complete the enhanced financial survey when the Weldon Cooper Center requests it. This will normally be done after January 1 each year. Therefore, the auditor is responsible for performing the following audit procedures on the annual Weldon Cooper Center Local Finance Survey submitted for the year prior to the current audit year. Fiscal year 2007 is the first effective audit year.

Special Requirement - Separate Accounting

Revenues and expenditures applicable to street maintenance payments must be accounted for in a separate fund or separate accounts within the local government's accounting system (Urban Manual).

**Required Audit Procedure:** Determine whether the method used by the local government to account for street maintenance payments is adequate to separately account for such funds. Also, using the Schedule of State Disbursements to Localities

(L052 Report) provided by the Auditor of Public Accounts, trace all Urban Street payments to the local government's general ledger and determine proper recording.

Allowability Requirement - Program Costs

Costs reported on the annual Weldon Cooper Center Local Finance Survey must be allowable costs for the maintenance, construction, or reconstruction of eligible streets (Urban Manual).

**Required Audit Procedure:** Obtain a copy of the annual Weldon Cooper Center Local Finance Survey for testing. Obtain a copy of, or access to, all schedules, worksheets, and other documentation supporting the costs claimed on the Weldon Cooper Center Local Finance Survey. Select a representative sample of charges claimed on the Weldon Cooper Center Local Finance Survey and examine supporting documentation to determine whether:

- (a) costs were incurred for the maintenance, construction or reconstruction of the street(s) as defined by the Urban Manual,
- (b) costs are "acceptable" costs under the program as defined by the Urban Manual,
- (c) the street is an eligible street included on the Department of Transportation's annual listing of eligible streets (Urban Inventory), and
- (d) charges that have been allocated to eligible maintenance, construction and reconstruction, are supported by adequate documentation to justify the amounts allocated (i.e. time logs, equipment use logs and rental rates, indirect cost plans, etc.)

(Note: The annual listing of eligible streets (Urban Inventory) required to perform step (c) can be obtained from the local government's public works department or VDOT's Local Assistance Division.)

Reporting Requirement - Annual Report

Local governments receiving street maintenance funds must submit an annual Weldon Cooper Center Local Finance Survey to the state Department of Transportation accounting for payments received and related expenditures (Section 33.2-319 of the Code of Virginia and Urban Manual). Payments and expenditures claimed on the annual report must reconcile to the local government's accounting system and must be supported by detailed documentation.

**Required Audit Procedures:** Obtain the annual Weldon Cooper Center Local Finance Survey for the audit year. Determine timeliness of submission. Also, obtain (or prepare if so specified in the audit contract) a reconciliation of revenues (total allocation) and expenditures per the Weldon Cooper Center Local Finance Survey to the locality's general ledger or highways cost accounting system. Review the reconciliation for reasonableness. If amounts are reconciled to the cost accounting system, the auditor also must review the internal controls over that system.

**3-14 Route 28 Highway Transportation Improvement District**

*(Contact: Virginia Department of Transportation, Laura Farmer, Director of Financial Planning Division, Phone 804-786-3096, email [Laura.Farmer@VDOT.Virginia.gov](mailto:Laura.Farmer@VDOT.Virginia.gov). [No Updates needed for FY2016])*

Section 15.2-4606:8 of the Code of Virginia and Section 404 of the District Contract require an annual audit of the State Route 28 Transportation Improvement District's financial obligations and revenues. Accordingly, the auditors must perform the procedures contained in this section regardless of materiality. **These procedures apply only to the audits of Fairfax and Loudoun counties.**

In accordance with Section 15.2-4603 of the Code of Virginia, the Fairfax and Loudoun county board of supervisors approved a resolution (called the local contract) to create the State Route 28 Highway Transportation Improvement District (District). The purpose of the improvement district is to undertake the improvement of the primary highways located within its boundaries. In accordance with the Code of Virginia, a District Commission was created to exercise the powers of the district. The District Commission is made up of members of board of supervisors of Loudoun and Fairfax Counties and the chairman of the Commonwealth Transportation Board.

A District Advisory Board was also created in accordance with the Code of Virginia. The advisory board is made up of members appointed by the two governing bodies and elected members who reside within the district. The purpose of the advisory board is to identify transportation needs within the district. The advisory board presents an annual report to the District Commission on its findings.

Because the District Commission has no taxing power, the Code of Virginia permits it to request Fairfax and Loudoun counties to levy and collect an annual special improvements tax. The proceeds are paid to the District Commission to pay for road improvements.

During 1988, the District Commission contracted with the Commonwealth Transportation Board to carry out its improvements (called the district contract). The district contract was amended and restated on August 30, 2002 and again on May 1, 2012. In its contract with the Commonwealth Transportation Board and the Fairfax County Economic Development Authority (the Authority), the District Commission agreed to pay over all of the special improvements tax to a Fiscal Agent for use in paying the District's obligation for the cost of the Route 28 improvements. The Commonwealth Transportation Board originally issued revenue bonds to finance these improvements. These bonds were defeased on October 10, 2002 and refunded with current interest rate refunding bonds maturing during the years 2002 through 2018. Also in October 2002, the Board issued new money capital appreciation bonds, in accordance with Section 302(c) of the District Contract. The new bonds mature in years 2019 through 2032. In May 2012, the Commonwealth Transportation Board defeased all of the callable 2002 bonds with current interest bonds maturing during the years 2013 through 2032. The 2002 non-callable capital appreciation bonds maturing during the years 2019 through 2027 remain outstanding.

Additionally, the Authority entered into a November 2006 contract amendment to issue \$87,000,000 in bonds (Authority bonds), and accept a \$20,000,000 interest-free loan and a \$5,000,000 grant from the Transportation Partnership Opportunity Fund (TPOF), to provide additional construction funds to complete the project (district contract Section 302 (e)). However, during the update of the FY2008 Six-Year Improvement Program, VDOT replaced the TPOF loan in the amount of \$20 million with an allocation of \$23.9 million in state funds.

Chapter 770 of the Acts of Assembly of 2002 (Third District Act Amendment) provides that the District shall not be abolished as long as there is an outstanding District obligation. The auditor should familiarize himself with the district contract, prior to commencing test work. The auditor also may want to review the local contract, which was also amended and restated on August 30, 2002, that initially created the improvement district.

In February of 2014, the District Commission received an additional \$5,000,000 grant from the Transportation Partnership Opportunity Fund (TPOF) to assist in constructing a bridge widening over the Dulles Toll Road.

Reporting Requirement - Annual Report to the District Commission

The District Advisory Board shall present an annual report to the District Commission on the transportation needs of the district and on the activities of the board (Section 15.2-4605 of the Code of Virginia).

**Required Audit Procedure:** Determine whether the District Advisory Board presented its annual report to the District Commission on the transportation needs of the District and on the activities of the board.

Special Requirement - Contract Amendments

The District Commission may not amend the local contract without approval of the other parties to the District Contract (District Contract Section 504). The parties to the District Contract are the Commonwealth Transportation Board, the Fairfax County Economic Development Authority, and the State Route 28 Highway Transportation Improvement District Commission.

**Required Audit Procedure:** Determine whether the proper parties approved amendments made to the local contract.

Special Requirement - Request for Annual Special Improvements Tax Levy

The District is obligated to pay no more than 75% of the final aggregate cost of the Rt. 28 improvements, as set forth in the district contract. In order to pay this obligation, the District Commission shall request the respective boards of supervisors by April 1 of each year to levy and collect a special improvements tax sufficient to meet the district's obligation to the Transportation Board (District Contract Sections 401, 402 and 406).

**Required Audit Procedure:** Obtain the Commission's request to boards of supervisors for the levy of the special improvements tax and determine whether:

- (a) the Commission's request for the levy and collection of the special improvements tax was made by April 1 of the prior fiscal year,

- (b) the special assessments tax rate was sufficient to meet the district's obligation as set forth in Section 401 of the district contract, and
- (c) there were any zoning changes that affected the classification of property within the primary highway transportation improvement district. If so, determine whether the Commission requested the board of supervisors to adjust the rate of the special improvements tax, and increases in the rate did not exceed the maximum allowed by Section 15.2-4608 of the Code of Virginia.

Special Requirement - Annual Special Improvements Tax Levy

Upon the request of the District Commission, the boards of supervisors shall levy and collect an annual special improvements tax on the assessed fair market value of the taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in that portion of the improvement district within its jurisdiction. The tax shall be collected at the same time and in the same manner as county taxes are collected (Section 15.2-4607 of the Code of Virginia). As of September 2002, the Commission shall request that the counties set the special improvement tax rate at the maximum rate permissible under the Code of Virginia Section 15.2-4607 and district contract Section 401(b). The district contract fixes the maximum special improvements tax rate at .20 per \$100 of assessed fair market value for the term of the contract (Section 401(f)(ii)).

The special improvements tax rate shall be assessed at the maximum rate until the following two occurrences:

- (a) Available special tax revenues in each of the two fiscal years immediately preceding the fiscal year in which the reduction occurs have been greater than 1.1 times the combined debt service in each of those fiscal years, calculated as required in Section 401 (a) AND
- (b) It is anticipated by the District Commission that available special tax revenues in each subsequent fiscal year will be greater than 1.1 times the combined debt service as calculated. (District Contract Section 401 (b))

Following these occurrences, the rate may be reduced to a level sufficient, in the judgment of the District Commission, to pay 1.1 times the combined debt service.

**Required Audit Procedure:** Obtain a listing of taxable real estate subject to the special improvements tax and the special improvements tax rate for the year under audit and:

- (a) make an overall proof of the original levy by multiplying the assessed value of property and leasehold interests by the related special improvements tax rate. Compute the net levy by adjusting the original levy for supplemental assessments, if applicable
- (b) determine whether the special improvements rate was levied at the maximum rate permissible, set at \$.20 per \$100 of assessed fair market value (Section 401 (f)),
- (c) if the special assessments tax rate was assessed at below the maximum rate, ensure the conditions set forth in the District Contract Section 401 (b) have been met, AND
- (d) select a representative sample of property and leasehold interests within the primary highway transportation improvement district and determine whether the special improvements tax levy was properly assessed and collected.

**Special Requirement - Authority Revenue Stabilization Fund**

Any available excess revenues on hand immediately after the final debt service payment in any fiscal year shall be allocated to the creation and funding of an Authority Revenue Stabilization Fund (the Fund) until the Fund reaches \$8,500,000 (District Contract Section 401(c)). After all Authority Bonds have been issued, the Fund shall be increased or decreased so that it equals the maximum annual debt service on all Authority Bonds. Once the Fund is fully funded, any excess revenues will be applied to the District Project Completion Fund (District Contract Section 401).

**Required Audit Procedure:**

Determine:

- (a) whether the Authority Revenue Stabilization Fund has been established and is held by the Authority bond trustee
- (b) whether excess revenues (amounts exceeding required debt service payments) were paid to the fund after the required debt service payments in a fiscal year, and
- (c) if the fund is fully funded, determine whether any excess revenues have been applied to the District Project Completion Fund.

Special Requirement - Separate Accounting

The proceeds of the special assessment tax collected by the counties shall be kept in a separate account (Section 15.2-4607 of the Code of Virginia).

**Required Audit Procedure:** Determine whether the county separately accounted for the proceeds from the special improvements tax levy.

Special Requirement - Payment of Taxes to the Transportation Board

The District shall direct Fairfax and Loudoun Counties to pay the designated Fiscal Agent all Special Tax Revenues by the first day of each month. (District Contract Section 402)

**Required Audit Procedure:** Determine whether the proceeds from the special improvements tax were paid to the Fiscal Agent by the first day of each month.

Special Requirement - Reporting of Tax Revenues

The Fiscal Agent shall maintain adequate records of the outstanding balance of the District Obligation and forward to the District Commission and the Commonwealth Transportation Board, a financial report and statement setting forth such information by February 15 and August 15 of each year. The statement shall indicate the amount of the District Obligation for the current fiscal year. The Fiscal Agent shall deposit in a special account all Special Tax Revenues received. (District Contract Section 403(a))

**Required Audit Procedure:** Obtain the two financial reports from the Fiscal Agent for the audit period and agree the amount of Special Tax Revenue reported on the reports to the county's records. Identify and resolve all reconciling differences.

Special Requirement - Annual Audit

The District must have an annual audit of its financial obligations and revenues (District Contract Section 404).

**Required Audit Procedure:** Obtain the locality prepared schedule disclosing unremitted special tax revenue at July 1, collections, transfers to the Fiscal Agent, and the unremitted balance at June 30. Determine whether amounts agree to accounting records.

Special Requirement - Residential Rezoning Lump-Sum Payments

Fairfax and Loudoun counties may change the zoning classification for any property within the District from commercial or industrial use to residential use upon the written request of the landowner. Before the county may authorize the rezoning, the landowner is required to pay a lump-sum amount representing the present value of the special improvement taxes estimated to be the lost revenues as a result of such change in classification. This lump-sum payment is assumed to mitigate the financial impact on the District's tax base needed to pay debt service on the Route 28 transportation revenue bonds. (District Contract Section 407)

**Required Audit Procedure:** Obtain a list of all properties within the District for which the counties have changed zoning classifications from commercial or industrial use to residential use and:

- (a) determine whether the lump-sum payments were computed and collected as prescribed in the District Contract., and
- (b) obtain the locality prepared schedule disclosing discrepancies between the residential rezoning payments and the computation formula. Ensure copy of this schedule is mailed to Laura Farmer, Director of Financial Planning Division, Virginia Department of Transportation, 1221 East Broad Street, 4<sup>th</sup> Floor; Richmond, VA 23219

**3-15****Social Services**

*Agency Contact: Department of Social Services, Jack B. Frazier, Deputy Commissioner of Operations, phone 804-726-73844; e-mail jack.b.frazier@dss.virginia.gov*

*For Auditing Questions, contact George D. Strudgeon, Auditor of Public Accounts, Audit Director - Compliance Assurance, phone 804.225.3350; e-mail*

*george.strudgeon@apa.virginia.gov*

*(Last Updated – August 2016; minor updates for explanatory information)*

**Program Overview**

The Virginia Department of Social Services (VDSS) oversees the operation of social service programs in accordance with Title 63.2 of the Code of Virginia. Local Departments of Social Services (LDSS), serving every county and city in the Commonwealth, administer the “Benefit” and “Service” programs under the supervision of VDSS. The Virginia model for social services delivery is “state supervised” and “locally administered.”

Through LDSS, VDSS administers over 40 programs that provide benefits and services to eligible at-risk families, children, and adults. Federal, state, and local governments share the costs of administering these social services programs. These programs are described below.

**Benefit Programs** include Medicaid; Family Access to Medical Insurance Security (FAMIS); Supplemental Nutrition Assistance Program (SNAP); the Virginia Independence Program (VIP), which is funded by the Temporary Assistance for Needy Families (TANF) block grant and includes the work-related Virginia Initiative for Employment not Welfare (VIEW) component and a cash assistance component; General-Relief, which is limited to unattached minors; Emergency Assistance; and Energy Assistance. LDSSs determine eligibility and provide ongoing case management. Eligibility for most benefit programs is determined at the local level using guidelines and procedures contained in the VDSS program manuals. Medicaid and FAMIS eligibility may be determined at the LDSS or at a Central Processing Unit (CPU) operated by the Department of Medical Assistance Services (DMAS); however, ongoing case management is provided by the LDSS.

Localities generally determine eligibility for benefit programs by collecting and verifying applicant data and then determining eligibility and calculating the benefit amount either manually or in an automated system, depending upon the program. Eligibility for benefit programs (except the Medicaid; Aged, Blind and Disabled; and Long-Term Care categories) is determined using the Virginia Case Management System (VaCMS) Application Benefits Delivery Automation Project (ADAPT) or the Energy Assistance System (EAS). Eligibility for the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families Program (TANF) will be transitioning off ADAPT to the VaCMS in the Fall of 2016 as will the Low-Income Home Energy Assistance program transition off the EAS. Assistance is paid based on eligibility information entered into these systems by the LDSS staff.

The actual distribution of benefits varies by program. For example, under the General Relief and Emergency Assistance programs, the LDSS distributes benefits directly to the recipients through the LDSS' warrant registers. However, under the TANF, SNAP, and Energy Assistance programs, even though LDSSs determine eligibility, the VDSS

distributes benefits to eligible households and vendors. Medicaid and FAMIS coverage is paid by DMAS to participating providers based on the eligibility determination performed by the LDSS or the DMAS CPU.

Additionally, LDSSs are responsible for providing workforce programs to participants who do not meet the work exemption criteria in the SNAP and TANF cash assistance programs. The SNAP workforce program is called the SNAP Employment and Training (SNAPET) Program and the TANF cash assistance workforce program is called the Virginia Initiative for Employment not Welfare (VIEW) program. Finally, LDSSs are responsible for ongoing case management activities for all benefit programs.

While currently not organizationally associated with the Division of Benefit Programs, child care assistance is defined as a public assistance program according to the Code of Virginia §63.2-100, as are the other programs supervised by the Division of Benefit Programs. In the fall of 2011, the VDSS began implementation of an automated eligibility determination system for child care assistance. The automated system replaced the manual process of determining eligibility and case and client information recorded in the Virginia Client Information System (VACIS). The new system, called the Virginia Case Management System (VaCMS), includes the functionality of online screening and application, eligibility determination, financial management and child care vendor management.

### **Community and Volunteer Services (CVS)**

VDSS maintains close relationships with community organizations, faith-based organizations, non-profits and local departments of social services. These relationships enable the Virginia Social Services System to pool resources to provide a safety net for services for those most in need. CVS seeks out ways to partner with the Commonwealth and, private, volunteer and community organizations to share information and fortify the Virginia Social Services System (VSSS) statewide network of services.

### **Regional Offices**

VDSS has five regional offices: the Northern Virginia Office in Warrenton; the Eastern Office in Virginia Beach; the Central Office in Henrico; the Piedmont Office in Roanoke; and the Western Office in Abingdon. Directors in each location work collaboratively

with state staff housed in both the Home and Regional Offices to support Virginia Social Services System initiatives.

**Subrecipient Monitoring (SM)**

The purpose of subrecipient monitoring is to help ensure that VDSS awards are used in accordance with federal and state laws and regulations, and for the purpose for which they were intended. Entities that receive such awards are referred to as subrecipients. Examples include:

- Local Departments of Social Services;
- Local and state governments agencies (e.g. counties, health departments, school systems; boards of education);
- Non-profit agencies;
- For-profit agencies; and
- Colleges and universities.

**CVS monitoring efforts include:**

- VDSS' agency-wide subrecipient monitoring processes
- Annual Financial Report Submission Requirements for Local Government, Community Action Agencies and Non-Profit Organizations
- Local Government Central Service Cost Allocation Plan Reviews

**VDSS' Agency-Wide Subrecipient Monitoring Processes**

The Virginia Department of Social Services has financial assistance relationships with a wide variety of organizations – local government agencies, county or city local departments of social service, public authorities, non-profit and for-profit entities, as well as colleges and universities. These agencies vary from very large organizations such as a large county or city government or a state university to very small non-profit agencies. Regardless of the size or type of agency, a financial assistance arrangement exists when another entity expends state or federal funds received from the VDSS to carry-out a state or federal program. In this case, the entity receiving the funds from VDSS is known as the subrecipient.

Monitoring is the review process used to determine a subrecipient's compliance with the requirements of a state or federal program, applicable laws and policies/regulations, and expected results and outcomes. Monitoring also includes the

review of internal controls to determine if the subrecipient's financial management and accounting system are adequate to account for program funds in accordance with state or federal requirements.

The VDSS Agency Subrecipient Monitoring Plan and divisional plans are located on the VDSS Local Agency website at

<http://spark.dss.virginia.gov/divisions/cvs/subrecipient/index.cgi>

### **Service Programs**

Include Adult Protective Services, Adult Services, Auxiliary Grants, Child Protective Services, Permanency, Interstate Compact on the Placement of Children, and others. Funds for service programs are provided to LDSSs to administer the programs and provide the actual services. Therefore, localities are required to include both administrative and non-administrative costs associated with these programs in their Schedule of Expenditures of Federal Awards (SEFA). Furthermore, all expenditures related to these programs should be used in determining major programs for the Single Audit. If a service program is determined to be a major program at the local level, the auditor must test all compliance requirements that have a direct and material effect on the program.

Information on child welfare cases is recorded in the Online Automated Services Information System (OASIS) and data on Adult Services and Adult Protective Services cases can be found in the Adult Services / Adult Protective Services (ASAPS) information system. The local Treasurer disburses checks (warrants) for these programs.

Separate warrant registers are maintained for each social services program. LDSSs maintain warrant registers to support payments they make by issuing benefit checks. The warrant registers supporting payments made by the local treasurer are totaled monthly and keyed/uploaded into the Locality Automated System for Expenditure Reimbursement (LASER).

LDSSs maintain warrant registers in a manner that is applicable to their particular accounting system. The warrants for specific social service programs can be grouped and sequenced by check number. If the checks are generated by the locality's accounting system, the warrant register may be compiled in a different manner.

The LDSS financial/accounting department compiles the balances from the warrant registers by budget and account to be uploaded to LASER or the balances are compiled manually and the checks are reconciled to the manual system. These balances are classified into the applicable social services program account number sequence. The balances are to be footed and reconciled to the balances of the benefit checks generated either by the localities or the LDSS accounting system. The LDSS compiles the applicable expenses by budget and account number to be manually keyed or electronically uploaded to the applicable LASER accounts.

### **Program Funding**

Most social services programs are funded by federal and state governments. Some programs like Adult Protective Services, Adult Services, General Relief and Auxiliary Grants for the blind, aged, and persons with disabilities, require a local match. The unemployed parent component of the TANF program (TANFUP) is funded with 100 percent state general funds to avoid having these cases counted in the federal work participation rate. The local government does not have to participate in the General Relief program. If the local government chooses to participate, it must provide a matching share (37.5 percent of the benefit costs); however, due to budget reductions all components of the General Relief program except for Unattached Children have been discontinued. Participation in the Adult Services and Adult Protective Services Programs are mandatory to the extent funding is available. The Auxiliary Grant program is mandatory. Local governments provide a 20% matching share for this program. In addition, local governments may offer locally based social services programs.

### **General Ledger Reconciliation**

Amounts reported in LASER must be reconciled monthly to be in compliance with Section 3.60, LASER Expenditure Reconciliation and Certification, of the LDSS *Finance Guidelines Manual for Local Departments of Social Service*. If the LDSSs fail to complete monthly LASER reconciliations or submit the Certification Form in a timely manner, they are subject to VDSS withholding reimbursement of administrative expenses for the following LASER period. The reconciliation is to the system that generates the checks. The local government's general ledger should also be reconciled to the local social services warrant registers.

### **Expenditure Reimbursements and Reporting**

VDSS reimburses LDSSs for the state and federal share of expenses using LASER. LDSSs process monthly local reimbursements using information keyed/loaded **into LASER**. **VDSS reviews the local reimbursement request on-line and then** reimburses the locality for its share of expenditures via electronic funds transfer. In the past for the Child Care Program, LDSSs uploaded case/client expenditure information into the Interim Child Care (ICC) System to reconcile with LASER before reimbursement was approved. Using the new system, the details of expenditures are already contained within the system and VDSS issues payments directly to child care vendors.

The LASER Local Reimbursement Report is the primary financial report for all social services programs as it satisfies most federal and state reporting requirements. LASER reports can provide month-to-date and year-to-date program totals. Other LASER reports show details of expenditure variances between months, quarters, and years, which assist auditors in determining the relative materiality of each program.

VDSS reimburses each LDSS for a portion of the administrative costs associated with social services programs. As a result, the LDSS should generally only report administrative costs associated with TANF, SNAP, Energy Assistance, General Relief, and Medicaid on their SEFA. Likewise, generally only the administrative costs would be used in determining major programs for the Single Audit. If a benefit program is in fact determined to be a major program at the local level, then normally the only compliance tests performed at the local level are those that relate to the administrative function. However, if the locality receives a special grant from the VDSS funded by federal dollars, the LDSS will need to include any expenses that it incurred under the special grant in the SEFA. In general, expenses reimbursed through LASER from federal funds should be included in the SEFA and need to be used in determining major programs for the Single Audit.

VDSS publishes the *Finance Guidelines Manual for Local Departments of Social Services* that provides budget, financial reimbursement, and general service guidelines for LDSSs that administer public assistance and social services programs under the supervision of VDSS. VDSS also publishes the *LASER "How To" Instructions, ADAPT Reference Guide*, a series of program manuals, and various electronic broadcasts that explain eligibility criteria and other program requirements for various social services programs. The

auditor should familiarize him/herself with these reference materials before beginning test work.

### **Improper Payments**

Occasionally, improper payments are made to individuals. Improper payments occur when payments are made (1) to an ineligible recipient, (2) in an amount greater than the recipient is entitled to (overpayment), or (3) in an amount less than the recipient is entitled to (underpayments). Payments to ineligible recipients, fraudulently obtained benefits, and overpayments must be recorded in the ADAPT or Energy Assistance Systems. Prior to implementation of the VaCMS, improper payments made in relation to the Child Care Assistance Program were entered in the Interim Child Care System and LASER. The LDSS must exercise due diligence in attempting to recover these payments. LDSSs are responsible for collecting overpayments. Certain overpayments must be repaid to VDSS as provided for in the various program manuals and the Acts of the Assembly. The auditor should review the procedures for collecting overpayments and ensure that collected funds are promptly and properly recorded and processed. See item 336 of Virginia Acts of Assembly Chapter 874.

### **Special Requirements**

Special requirements applicable to specific state supervised and locally administered benefit and service programs are discussed in this section. The discussions of special requirements precede the outlines of required or suggested audit procedures. Systems controls, special requirements and outlines of required audit procedures are combined and discussed as the last topic.

### **Child Welfare Trust Accounts**

Local treasurers hold special welfare funds for foster children and other individuals. Section 63.2-320 of the Code of Virginia authorizes LDSSs to accept and expend funds for children placed by or entrusted to the board when there is no appointed guardian. Some of these individuals receive payments from the Social Security Administration, Veteran's Administration, or parental support. The LDSS posts these and other payments to the individual's account(s) and the local Treasurer posts these transactions to the local government's account. The statute provides for final disposition of remaining funds in the child's account when the local board discharges the child from its care. However, Section 63.2-320 does not authorize local boards to open bank accounts for these funds. Instead, local boards must follow the law provided in Section

63.2-314, which requires that local boards deposit all funds to the local treasuries of their respective county, city or local district board. The statute further states that these moneys are not assets of the locality or the local welfare board, but rather agency or trust funds held for the children. Federal law specifies that these funds belong to the children, and establishes specific guidelines on the types and titling of bank accounts.

All Child Welfare Trust accounts should be established in a bank or a savings and loan institution. Some local treasurers combine accounts and maintain detailed ledgers showing each child's balance. Other local treasurers maintain separate accounts for each child. Either method is acceptable with one exception. The federal government requires treasurers to maintain a separate dedicated account for certain social security payments.

### **Social Security Recipients**

The Social Security Administration provides two types of payments for children, regular monthly payments and back payments. The LDSS may authorize disbursement of payments to the child or on the child's behalf for the current or future maintenance of the child. Certain large past-due SSI payments to blind or disabled children covering more than six months of benefits must be paid directly into a separate "dedicated account" in a financial institution. The LDSS may disburse funds in the dedicated account only for limited purposes, usually education or medical, and there are no time limits on disbursing the funds. Federal law requires separate bank accounts for these two types of payments. Public Law (P.L.) 104-134, Section 1631(a)(2)(F) describes the types of accounts required and their titling. Specifically, federal law requires payees to establish and maintain a dedicated account in a financial institution for certain past-due benefit payments made on or after August 23, 1996, for persons with disabilities or blind SSI recipients under age 18. This dedicated account must be separate from the account(s) for the deposit of regular monthly SSI payments. The LDSS may not deposit any other funds into the dedicated account except certain subsequent SSI underpayments and past-due benefits. Local Treasurers must deposit the regular SSI monthly payments in the Special Welfare Account and large retroactive amounts received by a disabled child in the dedicated account.

Federal law states that SSI Dedicated Account may be a savings account; a checking account; or a money market account established in a financial institution. Although not specified in the law, the account should be interest bearing. Federal law does not

permit investing in certificates of deposit, mutual funds, stocks or bonds for these funds. These instruments are not considered financial institutions' accounts. Treasurers may set up a separate SSI Dedicated Funds Account for each child or use a collective SSI Dedicated Funds Account. However, federal law only permits collective dedicated checking or savings accounts if they meet existing federal policy and the new requirements for dedicated accounts described above.

#### **SNAPET Reporting Validation**

This requirement only pertains to localities that operate a SNAP Employment and Training (SNAPET) program. Expenditures reported in LASER for SNAPET/Transportation expenditures must be reconciled to ensure that they are captured in the proper federal reporting category. SNAPET purchased or contracted services must be reported in LASER cost code 84403. Actual SNAPET participant expenses must be reported in LASER cost code 84404. Appropriate documentation for these and all other expenditures must be retained for audit and review. See the Finance Guidelines Manual for Local Departments of Social Services for detailed requirements for cost codes 84403 and 84404.

#### **EBT Staff Fraud Prevention**

Electronic benefits transfer (EBT) is the distribution of SNAP benefits with an electronic funds card. The electronic funds card is similar to a debit card in that transactions can be made electronically. However, unlike a debit card, electronic funds cards can only be used to purchase approved food items in federally approved retail outlets and Farmer's Markets. The electronic funds card has replaced paper coupons. Xerox is providing EBT services for SNAP in Virginia. Each LDSS is responsible for maintaining separation of duties between the Eligibility Workers, Issuance Clerks, and Fiscal Staff for EBT processes to prevent staff fraud. **The auditor must perform the procedures outlined in this section regardless of materiality.**

#### **Procurement**

In many local governments, the procurement for service programs such as child care and foster care training are performed by the LDSS rather than through a central procurement office. The auditor should be aware of the procurement of these programs and determine whether they complied with applicable procurement regulations (Virginia Public Procurement Act (VPPA) or Local Procurement Policies and Procedures).

### **Audits of States, Local Governments, and Non-Profit Organizations**

The annual submission of audit reports to VDSS enables the department to assure compliance with the Single Audit Act of 1984 and its amendments of 1996, and the Uniform Guidance requirements in the Code of Federal Regulations Part 200. It also allows VDSS to determine whether corrective action plans adequately address exceptions cited in auditor reports. Completed audit reports should be sent directly to the VDSS Division of Community and Volunteer Services to allow for a timely review.

Federal Register, Vol. 78, No. 248, December 26, 2013, Part III, Office of Management and Budget, 2CFR Chapter 1, Chapter 11, Part 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule” or better known as the “Super Circular” or Uniform Guidance. Uniform Guidance supersedes and streamlines requirements from OMB Circulars A-21, A-87, A-110, A-122 (which have been placed in OMB guidance); A-89, A-102, A-133 and the guidance in Circular A-50 of the Single Audit Act. The Super Circular was issued on 12/26/2013 and with implementation date of 12/26/2014. For audit periods beginning 12/26/2014 and forward the threshold for submitting Local Government Single Audit Reports has increased to \$750,000 total federal expenditures from \$500,000 and shall be submitted to the Census Bureau, Federal Audit Clearinghouse (FAC). Thus, the threshold is \$500,000 for the FYE 6/30/2015 audits with beginning date of 7/1/2014 and will increase to \$750,000 for the FYE 6/30/2016 audits with beginning date of 7/1/2015. Non-Profit Organizations Single Audit Reports with beginning date of 1/1/2015 and FYE of 12/31/2015 shall also have \$750,000 threshold for submission to the FAC.

### **Required Audit Procedures**

This section outlines required audit procedures for various programs, including those with special requirements.

**Required Audit Procedures:** Select a random sample of VIEW purchased service transactions to determine whether the services are in accordance with policy and appropriate based on the individual VIEW Participants Activity and Service Plan.

### **Child Welfare Trust Accounts Required Audit Procedure:**

Determine how the locality accounts for Child Welfare Trust Funds. Determine whether:

- (a) all Child Welfare Trust Funds bank/investments accounts are under the local Treasurer's control,
- (b) the local Treasurer has established separate accounts for all Child Welfare Trust funds, and these trust fund accounts are not commingled with any other funds or accounts of the locality,
- (c) the Treasurer either maintains separate accounts for each child, or maintains detailed subsidiary ledgers to identify each child's balance in pooled accounts,
- (d) all Child Welfare Trust Fund Accounts are suitably titled to indicate the children are the fund owners, and only the payee can authorize access to the child's funds,

Below are two examples of acceptable titling.

**County Department of Social Services  
for CHILD NAME  
Trust Fund Account**

or

**County Department of Social Services  
for SSI Recipient  
Dedicated Funds Account**

- (e) all accounts with sustained balances are interest bearing, and
- (f) the local LDSS has the responsibility to ensure the accounts are reconciled.

**Special Welfare and Dedicated SSI Accounts Required Audit Procedure:** Review the special welfare and dedicated SSI account ledgers maintained by the LDSS or treasurer to identify special welfare accounts. Select a sample of cases receiving supplemental support payments from outside sources. Determine whether:

- (a) the receipts are credited accurately and timely to the special welfare account or the dedicated account of the appropriate individual,
- (b) interest is properly credited to the account when earned,

- (c) the local treasurer is reimbursed monthly for program expenditures incurred in the current month, and only in the current month,
- (d) reimbursements are reported on LASER and/or the Local Reimbursement Reports as refunds to expenditures,
- (e) unexpended special welfare funds and dedicated funds are returned to individuals who leave the agency's custody, refunded to applicable funding sources (for example Social Security), or escheated to the state (unclaimed property),
- (f) each special welfare account and dedicated account is reconciled monthly with the treasurer's records,
- (g) special welfare funds were spent in accordance with any special stipulations,
- (h) SSI Dedicated funds were spent in accordance with Social Security Administration stipulations (usually education or medical expenses), and
- (i) special welfare accounts and SSI Dedicated accounts without recent transaction activities are necessary.

**Social Security Recipients Required Audit Procedure:**

Determine whether the Treasurer has established a separate account(s) for SSI dedicated funds, and whether these funds are commingled with other Child Welfare Trust funds or other funds or accounts of the locality. Also determine that SSI Dedicated funds are held in an interest bearing savings account, checking account, or a money market account established in a financial institution.

(Note: Many local governments report special welfare funds as agency funds in their financial statements. Other local governments currently do not include these funds in the financial statements. However, the required audit procedures listed above must be performed regardless of whether they are included in the locality's financial statements.)

**EBT Required Audit Procedures:** Determine whether the duties of eligibility workers, issuance clerks and fiscal staff are separated for each SNAP EBT account. The auditor should review the following EBT form for the selected SNAP cases to determine whether duties are properly separated.

1. Internal Action and Vault Card Authorization (Form 032-03-387/1)

See the EBT Policies and Procedures Guide, available at the local social services department, for additional information.

**SNAPET Reporting Validation Suggested Audit Procedure:** Obtain source documentation for all expenditures reported under LASER cost codes 84403 and 84404 to verify that expenditures were properly reported.

**Procurement Suggested Audit Procedures:** The payments to a vendor for service program benefits should be aggregated to determine the applicable procurement requirements. The auditor should test payments to these vendors and determine if the LDSS complied with applicable procurement regulations (Virginia Public Procurement Act (VPPA) or Local Procurement Policies and Procedures). Failure to comply with procurement requirements on federal expenditures may result in questioned costs.

**Required Audit Procedure:** Obtain (or prepare if so specified in the audit contract) a reconciliation of expenditures per the social services warrant registers and Local Reimbursement reports to the local government's financial records. Review reconciliation for reasonableness and verify that the warrant registers, local reimbursement/LASER reports and the local government's financial records are in agreement. Test applicable expenses for appropriate documentation and verify that the local matching dollars reported in LASER for the LDSS equal the local matching dollars reported in the local government's financial records.

**Information Systems Security Controls Required Audit Procedures:**

**Local Security Officer (LSO)**

Each Local Department is required to appoint and train two Security Officers to act as the single focal point for access control. These LSOs require a working knowledge of the Local Security Manual and the Security Access Management System (SAMS).

**Required Audit Procedures:** Determine that the Local Department has appointed a primary LSO and at least one alternate LSO. Determine if the Local Department has a program to train both the primary and alternate LSOs in their security officer functions.

**Annual Review of Access**

Each LSO should be annually reviewing all employees' access to each application with employees' supervisors to ensure that the access is properly aligned with job responsibilities.

**Required Audit Procedures:** Review local employees with access to OASIS, VaCMS, ADAPT, and Energy Assistance to determine if they have a current access request form on file, and if the access in the system matches the form. Also determine if this access was reviewed within the last year.

**Acceptable Use Policy**

Each Local Department is responsible for having employees read and acknowledge their understanding of the VDSS Acceptable Use Policy. The VDSS Acceptable Use Policy can be obtained from the security officer or found on the VDSS **Local Agency Web Site** at: [http://spark.dss.virginia.gov/divisions/dof/is/intro\\_page/policies/acceptable\\_use\\_policy\\_6-10-2011.pdf](http://spark.dss.virginia.gov/divisions/dof/is/intro_page/policies/acceptable_use_policy_6-10-2011.pdf)

**Required Audit Procedures:** Determine that the Local Department has documentation indicating that employees and volunteers have acknowledged reading and understanding the VDSS Acceptable Use Policy.

**VDSS Information Security Policy**

All employees, contractors, vendors, volunteers and work experience personnel shall receive security awareness training. This training will occur upon initial hiring or prior to his or her access to VDSS systems. All users will receive annual security training at a date to be determined by the VDSS Central Office security staff.

**Required Audit Procedure:**

Request the LSO produce the Incomplete Initial and Annual Training report in the Security Access Management System (SAMS). There should be no names on the report. If there are, then verify that the employee does not use any computer system, to include email.

**Emails** containing VDSS and client information must be sent via secure means. Emails containing sensitive data that are sent over the Internet must be encrypted. Abusive,

harassing or threatening emails must be reported to management and should never be responded to.

**Required Audit Procedure:** Through observation and conversation determine user awareness and compliance with these requirements.

#### **VDSS Information Security Policy**

Computer Access Request Forms documenting a user's access authority must be available for all users.

**Required Audit Procedure:** Review a sample of Computer Access Request Forms and verify management approval for user access privileges. Verify these requests against SAMS or the applicable application (ADAPT, OASIS, VaCMS, and SPIDeR).

#### **Terminated Users**

When a user leaves the LDSS, their access privileges must be immediately removed from all systems they were authorized to use.

**Required Audit Procedures:** From local personnel records, select former LDSS personnel to determine if their access privileges to all VDSS systems were removed within three working days of employment termination. The Computer Access Request Form should identify all access privileges granted to a user.

#### **Continuity of Operations**

Each agency should have a documented Business Continuity Plan. The requirements for the Business Continuity Plan are described on the Virginia Department of Emergency Management (VDEM)'s website at <http://www.vaemergency.gov/em-community/plans/coop/local-gov>.

The agency's Business Continuity Plan should reference [VDEM's Local Government basic COOP plan template](#).

#### **Required Audit Procedures:**

1. Determine that there is a current documented Business Continuity Plan based on the Department Plan Template (updated within the previous 12 months)

2. Determine that the plan established COOP program procedures addressing three types of disruptions:
  - Loss of access to a facility (as in a fire);
  - Loss of services due to a reduced workforce (as in pandemic influenza); and
  - Loss of services due to equipment or systems failure (as in information technology (IT) systems failure).
3. Determine that the plan prioritizes recovery tasks and assigns responsibilities and detail procedures to implement actions to continue essential functions within the recovery time objectives established by the COOP Team to maintain essential functions for up to 30 days.

**3-16****Cable Television Services**

The 2003 General Assembly passed new legislation on the cable television services provided by local governments. Section 15.2-2108.4 of the Code of Virginia has placed limitations on municipalities providing cable television services. Effective December 31, 2002, any county, city, or town that wants to provide cable television services must ensure they adhere to the legislative requirements before providing this service. These requirements include holding a public hearing; conducting a feasibility study; and calling for a referendum on whether the municipality shall provide the cable television services. These specific requirements are not applicable to any municipality authorized to provide cable television service prior to December 31, 2002.

Prior to December 31, 2002, the City of Bristol was authorized by Section 56-265.4:4 of the Code of Virginia to provide cable television service; therefore, they are grandfathered into this new legislation. The following requirements are currently only applicable to the City of Bristol. All local governments authorized at a later date to provide cable television service will also need to meet these audit requirements.

The legislation requires an annual audit of the municipality's cable television service records; therefore, the auditor must perform the procedures contained in this section regardless of materiality.

Special Requirement – Separate Accounting

Section 15.2-2108.9 of the Code of Virginia requires local governments that provide cable television service to establish an enterprise fund to account for the operations and adopt a separate operating and capital budget for the service.

**Required Audit Procedure:** Determine whether the local government accounts for the cable television service in an enterprise fund. Also, determine whether the local government adopted a separate operating and capital budget for the service.

Special Requirement – Transferring Funds

The locality providing cable television service is prohibited from transferring any funds from other departments to the Cable Television Enterprise Fund established by this legislation. The locality is also prohibited from cross subsidizing its cable television services with tax dollars; income from other municipal or utility services; below-market rate loans from the locality; or any other means.

**Required Audit Procedure:** Review the accounting records to determine whether the locality made any inappropriate transfer of funds to the Cable Television Enterprise Fund.

3-17

**Stormwater Management Program**

*(Contact: Virginia Department of Environmental Quality, Valerie Thomson, Director of Administration, 804-698-4157, e-mail Valerie.Thomson@deq.virginia.gov)*

*[Appropriation Act reference updated for FY2016.]*

Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Department of Environmental Quality (DEQ) by October 1 of each year, in a format specified by DEQ, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs.

Section 15.2-2114 of the Code of Virginia indicates that income derived from a utility or system of charges shall be a dedicated special revenue, may not exceed the actual costs incurred by a locality, and may be used only to pay or recover costs for the following:

- The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
- The cost of administration of such programs;
- Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
- Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;
- Monitoring of stormwater control devices and ambient water quality monitoring; and
- Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

Item 363 H.1-2 of Chapter 665 of the 2015 Acts of Assembly includes audit requirements for these programs.

**Required Audit Procedure:** Determine whether fees collected for local stormwater programs are utilized only for allowable expenses listed above in compliance with the provisions of Section 15.2-2114 of the Code of Virginia.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 4

#### QUALITY CONTROL PROGRAM

##### 4-1 General

This chapter discusses the Auditor of Public Accounts' quality control program. It includes the policies and procedures the Auditor of Public Accounts uses during quality control reviews. This chapter also includes procedures the Auditor of Public Accounts uses when we find substandard audit quality.

The Auditor of Public Accounts established its quality control program to monitor the quality of local government audits. The quality control program also monitors compliance with generally accepted auditing standards, Government Auditing Standards, issued by the Comptroller General of the United States, and the Uniform Guidance Audit Requirements, 2 CFR Part 200—*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, all of which have been incorporated by reference into these audit specifications.

##### 4-2 Quality Control Reviews

Quality control reviews consist of a detailed review of the auditor's working papers to determine adherence to applicable standards. They provide an independent review of the auditor's reports and the working papers supporting those reports.

The Auditor of Public Accounts selects a sample of audits each year for quality control reviews. All local government audit firms are subject to review and may include audits selected for the following reasons.

- Significant or repetitive deficiencies found during the previous quality control reviews.
- Concerns raised by local government officials, state agencies, or federal agencies regarding the quality of the audit.
- Audits selected at the discretion of the Auditor of Public Accounts.

The Auditor of Public Accounts notifies firms selected for quality control reviews in writing. Firms will receive notifications as far in advance as possible to allow the firm to prepare for the review.

The reviewer visits the certified public accountant's office and examines the auditor's working papers and certain policies and procedures developed by the audit firm to determine whether:

- (1) the audit complies with the Specifications for Audits of Counties, Cities and Towns, issued by the Auditor of Public Accounts;
- (2) the audit complies with Government Auditing Standards, issued by the Comptroller General of the United States;
- (3) the audit complies with Title 2 *U.S. Code of Federal Regulations* (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- (4) the annual financial report complies with generally accepted accounting principles for governmental entities; and
- (5) the auditor has performed the agreed upon procedures for the Comparative Report Transmittal Forms as set forth in the Uniform Financial Reporting Manual, issued by the Auditor of Public Accounts.

The reviewer uses a quality control program developed by the Auditor of Public Accounts to assist in the review. A copy of the review program is available upon request.

Audit documentation must meet the standards established by the AICPA and Government Auditing Standards. Consequently, audit documentation should provide a clear record of work performed and should contain sufficient information so that supplementary oral explanations are not required. Failure to document required procedures may result in a qualified opinion concerning adherence to standards.

4-3

#### **Reporting on the Results of Quality Control Reviews**

Upon completion of the initial fieldwork, the Auditor of Public Accounts will provide draft copies of the quality control report to appropriate members of the audit firm for review and comment. The audit firm will have a period, not to exceed sixty days, to

respond to the draft before the issuance of the final report. At the request of the auditor, the Auditor of Public Accounts will hold a formal exit conference to discuss any findings. This Office will incorporate any valid changes resulting from the auditor's comments or exit conference into a second draft of the report.

The final quality control review report addresses the overall adequacy of the audit. Firms can receive a rating of pass, pass with deficiency(ies) or fail. When the Auditor of Public Accounts finds significant deficiencies based on the quality control review, the report will include the findings on matters that require corrective action.

Copies of the final reports will go to the audit firm, local government officials for the applicable audit, the Board of Accountancy, and the Virginia Society of Certified Public Accountants.

The Auditor of Public Accounts maintains copies of the final quality control review reports on file as a matter of public record.

4-4

**Procedures for Substandard Audits**

The Auditor of Public Accounts will communicate all quality control review findings to the auditor. If the auditor receives a rating of fail, then the Auditor of Public Accounts will consider referral to the state or federal grantor agencies and/or the Board of Accountancy as described below.

When the Auditor of Public Accounts notifies the locality's governing body, the notification letter will summarize the findings and identify those areas where the locality has the most risk. The letter also may recommend that the local government require the auditor to perform additional work to reduce the locality's risk.

Where findings relate to state or federal compliance issues, the Auditor of Public Accounts may notify the appropriate state or federal regulatory agencies of its findings. Again, the notification letter will attempt to identify areas where the agency is at risk.

If the Auditor of Public Accounts determines that the audit firm has severe deviations from applicable auditing standards, they may refer the audit to the Board of Accountancy for investigation and possible action.

**4-5 Relationship to Other Quality Review Programs**

Government Auditing Standards, issued by the Comptroller General of the United States, requires organizations conducting government audits to have an external quality control review at least once every three years. This quality control review must include at least one governmental audit in its scope.

The American Institute of Certified Public Accounts and the Virginia Society of Certified Public Accountants, as an administering entity, conduct Practice Monitoring Programs (such as Peer Review) that meet the requirements of Government Auditing Standards for audit firms in public practice. The quality control reviews conducted by the Auditor of Public Accounts should not be confused with the American Institute's, Virginia Society's, or other programs designed to meet the external quality control review requirements of Government Auditing Standards. Both the purpose of the reviews and the methods used to conduct the reviews differ.

The programs conducted by the American Institute or Virginia Society assess the adequacy of the audit firm's overall system of quality control. They typically include a study and evaluation of the firm's quality controls and a review of selected engagements for compliance with the firm's policies and procedures. The Auditor of Public Accounts' review involves the selection of limited audits and determines adherence to standards rather than adherence to firm policies. Consequently, the findings for the two reviews may differ in content and significance.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 5

#### TREASURER'S TURNOVER AUDITS

##### 5-1 General

This chapter provides background information and required audit procedures for treasurer turnover audits. Turnover audits are conducted whenever a treasurer leaves office. The purpose of the turnover audit is to establish the outgoing treasurer's accountability at the date he or she leaves office. As used in this chapter, the term "treasurer" also applies to directors of finance or other officials performing the duties of the treasurer.

Before starting the turnover audit, the auditor should become familiar with these audit specifications. The auditor also should thoroughly review the local government's most recent audit report to determine the overall scope of the treasurer's responsibilities.

Section 58.1-3136 of the Code of Virginia requires that a turnover audit be performed upon the death, resignation, removal, retirement or other termination of a county or city treasurer. The turnover audit must include all funds handled by the treasurer, although different auditors typically audit state and local funds as described below.

The Code of Virginia requires the Auditor of Public Accounts to audit state funds held by the treasurer whenever a treasurer leaves office. Accordingly, local governments should notify the Auditor of Public Accounts as soon as they become aware of the turnover. The local government hires an independent certified public accountant to audit local and other funds held by the treasurer. Other funds consist of funds for which the treasurer acts as fiscal agent or custodian that are not part of the local government.

Section 58.1-3136 of the Code of Virginia requires turnover audits performed by independent certified public accountants to be performed in accordance with the specifications of the Auditor of Public Accounts. The Auditor of Public Accounts' specifications for turnover audits are contained within this chapter.

The purpose of the turnover audit is to determine the outgoing treasurer's accountability for assets and to turn over the assets to the new treasurer. The outgoing

treasurer is personally responsible for any shortages in funds over which he or she is accountable. Once the assets have been turned over, the new treasurer becomes liable for any and all assets.

Before a treasurer leaves office he must turn over all books and records pertaining to his office to the incoming treasurer. (In case of the treasurer's death, the individual representing the deceased treasurer's estate assumes this duty.) Section 58.1-3138 of the Code of Virginia requires the incoming treasurer to issue a receipt for the records received. The turnover schedules described in this chapter constitute this receipt.

The receipts provide a permanent record of all assets and liabilities turned over to the incoming treasurer. Both the outgoing and incoming treasurers must sign the receipts. The outgoing treasurer's signature relieves them of responsibility for the assets listed. The incoming treasurer's signature indicates his or her assumption of the liability for the assets being turned over to them.

The outgoing treasurer brings this accounting to the circuit court. The clerk of the circuit court publishes a notice of final discharge in accordance with § 58.1-3145 of the Code of Virginia. After the final notice is published, the court enters an order discharging the outgoing treasurer from all liability. The incoming treasurer is then responsible for the assets turned over to him, including the collection of unpaid taxes.

The local government is responsible for hiring an independent certified public accountant to audit local and other funds held by the treasurer. Local governments often employ the auditor responsible for the financial statement audit to conduct the turnover audit. However, they may contract with other auditors.

5-2 **Statutory Authority for Turnover Audits**  
**Code of Virginia**

**§ 58.1-3136. Audits of treasurers upon termination of office.**

Notwithstanding any other provision of law, upon the death, resignation, removal, retirement or other termination of a treasurer, an audit of all accounts of his office pertaining to state funds shall be performed by the Auditor of Public Accounts at no cost to the county or city. An audit of all such accounts pertaining to local and other funds shall be performed by the Auditor of Public Accounts or an independent certified public accountant, at the option of the local governing body, and the cost thereof shall be paid by such governing body. Audits not performed by the Auditor of Public Accounts shall be performed according to his specifications and a copy of the audit report shall be filed with the Auditor for his approval.

**§ 58.1-3138. Delivery of books, tax tickets, and other materials to successor treasurer or court clerk.**

Whenever a vacancy in the office of treasurer is filled by appointment, the court or judge making the appointment shall, at the time the appointment is made, if the vacancy exists by reason of the death, resignation or removal from office of the treasurer, order such treasurer or his personal representative, as the case may be, to deliver all books and papers in his possession as treasurer, including all tax tickets for taxes and levies for the current year for which he has not accounted and paid into the treasury, to the officer so appointed. The appointed officer shall prepare and issue a receipt to such treasurer or his personal representative for the material received. When no appointment is made or the officer appointed fails to qualify, the court shall order the deposit of such materials to be made with the clerk of the circuit court, who shall give a receipt therefore and hold such materials subject to the order of the court.

When the term of office of a treasurer expires by limitation he shall deliver forthwith to his successor in office all the books and papers in his possession, including all tax tickets for taxes and levies for the current year for which he has not accounted and paid into the treasury, and take a receipt therefore. The receipt so furnished to any treasurer or his representative shall be allowed as a credit for the amount thereof in the settlement of his account and the amount of tax tickets and levies covered by such receipt shall be charged against his successor in office.

**§ 58.1-3145. How treasurer may secure final discharge from liability.**

Any treasurer or, if he has died, his personal representative, at any time after the expiration of his term shall produce before the circuit court of the county or city of which he is treasurer the respective certificates of the Comptroller, of the governing body of such county or city and of the school board of such county or city. These certificates shall show the final settlement of his account as treasurer and the proper accounting for and turning over of all the moneys or other property, including the tax tickets for the current year, that had or should have come into his hands as such treasurer during the term and the receipt of his successor in office, provided for in § 58.1-3138. The court shall then enter an order requiring the clerk of the court to publish, once a week, for four successive weeks, in some newspaper to be designated in the order and by posting at the front door of the courthouse of the county or city, a notice that such treasurer will, on the day to be named in the order, move the court to enter an order of final discharge to such treasurer. These provisions shall not apply to treasurers who retain their office at the end of the term.

**5-3 Attestation Standards and Examination Contract**

**Requirement:** Auditors must perform the treasurer turnover audit in accordance with the Statements on Standards for Attestation Engagements (SSAE) issued by the AICPA and the Specifications for Treasurer's Turnover Audits issued by the Auditor of Public Accounts.

For the attest engagement, the Auditor must examine the Treasurer's final settlement schedules. These schedules, included in the turnover examination report, are designed

to demonstrate the treasurer's accountability at the turnover date and to provide a detailed listing of assets turned over to the incoming treasurer. Because of this special purpose, the settlement schedules are not intended to be a presentation in conformity with generally accepted accounting principles. The settlement schedules are prepared on the cash basis of accounting. The Code of Virginia prescribes the cash basis of accounting for treasurers in their capacity as custodian of local and state funds.

Turnover examinations must be conducted in accordance with Statements on Standards for Attestation Engagements (SSAE) issued by the AICPA and the requirements set forth in this chapter. The required procedures contained in this chapter do not constitute an examination in accordance with attestation standards. Consequently, the auditor must perform such additional procedures, as he deems necessary to satisfy those standards. In addition, the auditor must perform any additional procedures required by the audit contract.

Auditors should obtain a mutual understanding about the objectives and subject matter of the examination with the local government. The examination contract should incorporate any additional local government expectations.

**5-4**      **Working Papers**

Turnover audits are subject to the quality control reviews described in Chapter 4 of the *Specifications for Audits of Counties, Cities, and Towns*. Auditors must make their working papers available for review by the Auditor of Public Accounts upon request.

**5-5**      **Receipt of Office Assets and Cut-Off Procedures**

**General Information:** The auditor should make an attempt to be present on the turnover date to receipt the treasurer's assets and to ensure that a proper cutoff is achieved. An accurate cutoff is necessary to determine the outgoing treasurer's accountability at the turnover date. The outgoing treasurer should prepare deposit slips covering cash on hand to be deposited in the bank the next business day.

The treasurer is responsible for notifying the banks and other financial institutions of the turnover. The outgoing treasurer should not be permitted to sign any checks after the turnover date. As a result, it is especially important that the incoming treasurer notify the banks of the change in authorized check signers.

**Required Audit Procedures:** Verify that the treasurer has notified the banks of the turnover and change in authorized check signers.

The auditor must assure that a proper cutoff of deposits, cash disbursements (checks), and revenues has occurred as of the close of business on the outgoing treasurer's turnover date.

The auditor must be present in the treasurer's office at, or promptly following, the turnover date to receipt all office assets. The auditor must count and schedule all cash, certificates of deposit, investments, dog tags, other tags and decals, county motor vehicle licenses, state jury warrants, paid warrants, bonds and coupons, and other assets of the treasurer (exclusive of uncollected taxes tested below). The outgoing treasurer, or his authorized representative, should be present at the time and must sign the auditor's count sheets thereby certifying to the accuracy of the count of cash and other assets.

The auditor shall obtain a listing of all banks and other financial institutions used by the outgoing treasurer. The auditor must reconcile, or test the treasurer's reconciliation, of all bank accounts used by the treasurer. The auditor also must confirm all bank accounts used by the treasurer.

The auditor should obtain the listings of unpaid taxes. In the event detailed listings of unpaid taxes are not available, the auditor may need to refer to the tax assessment books. The auditor must determine the balance of uncollected taxes.

The auditor must review or prepare the reconciliation of the detailed listing of unpaid taxes or the totals per the assessment book to the appropriate general ledger accounts. After an accurate balance is obtained, the auditor must schedule unpaid taxes by category. The outgoing treasurer, or his authorized representative, must sign the auditor's count sheets thereby certifying to the balance of unpaid taxes.

**General Information:** The Auditor of Public Accounts examines the state funds handled by the treasurer. The Auditor of Public Accounts will prepare the necessary schedule and provide it for the local auditor to include in the bound report.

## 5-6 Uncollected Taxes

### General Information:

Property taxes are the largest source of revenues in most local governments. Property taxes typically consist of real estate taxes, personal property taxes, machinery and tools taxes, merchants' capital taxes, and mobile homes taxes. They also consist of real estate and personal property taxes on public service corporations.

The commissioner of the revenue maintains the original assessment books showing the value of property. The commissioner forwards copies of the assessment books to the treasurer who records the levy in the local government's books and mails the tax bills. The treasurer typically collects the taxes and maintains the subsidiary listings for taxes receivable.

Taxes receivable consist of both current and delinquent taxes. Delinquent personal property taxes typically remain on the books for five years. Delinquent real estate taxes remain on the books for twenty years or until the property is sold for back taxes.

The auditor is not required to test state taxes receivable. The Auditor of Public Accounts audits state funds handled by the treasurer and prepares the necessary schedules. At the completion of the audit, the Auditor of Public Accounts provides the schedules to the local auditor for inclusion in the bound report.

## 5-7 Completion of the Examination

Requirements: The auditor must obtain or prepare turnover schedules and receipts of assets as described in section 5-8. If the treasurer prepares the turnover documents, the auditor must verify the accuracy of the schedules and receipts by agreeing them to appropriate documentation. The auditor must obtain the signature of the incoming and outgoing treasurers acknowledging their acceptance of the accuracy of the balances transferred between them on the turnover documents. A notary must witness the treasurers' signatures. The auditor should distribute a copy of the turnover schedules and receipts to each of the treasurers. The auditor should also prepare a

copy of the turnover schedules and receipts for inclusion in the turnover examination report.

The auditor shall obtain from the Auditor of Public Accounts the turnover Audit Report that includes the Turnover Receipts of Assets from Outgoing Treasurer to Incoming Treasurer for inclusion in the turnover report.

**5-8**      **Contents of the Turnover Report**

The county or city treasurer's turnover report should contain the examination report, the treasurer's schedule of assets and liabilities, and the turnover receipts. The examination report with turnover documents must be submitted to the Auditor of Public Accounts.

Sample formats for the examination report and turnover schedules are available on the Auditor of Public Accounts website at

[http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)

Other formats are acceptable to this Office if they contain all of the relevant information.

The outgoing treasurer is responsible for the final turnover schedules. However, some local governments prefer to have their auditors prepare the required schedules. When contracting for audit services, the contract documents should specify whether the auditor will prepare the required schedules or simply report on them. Regardless of who prepares the schedules, the outgoing and incoming treasurers must sign the turnover receipt documents and a notary must witness the signatures. If the outgoing treasurer has died, the turnover documents should be signed by the treasurer's representative in accordance with § 58.1-3138 of the Code of Virginia.

**Examination Report:** The accountant's examination report expresses an opinion on whether the turnover schedule and receipts of assets are presented fairly, in all material respects.

**Turnover Schedule:** The Schedule of the Treasurer's Assets and Liabilities represents a summary of cash, other asset, and liability balances held by the treasurer at the turnover date.

**Turnover Receipts of Assets:** The turnover receipts of assets provide a detailed listing of the treasurer's assets being turned over to the incoming treasurer. There are several different turnover receipts as listed below. The outgoing and incoming treasurers must sign each applicable receipt, and a notary must witness these signatures.

Required Turnover Receipts of Assets

- § Turnover Receipt of Cash and Cash Items on Hand from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Cash on Deposit from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Cash Equivalents and Investments from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Uncollected Real Estate Taxes from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Uncollected Personal Property Taxes from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Uncollected Public Service Taxes from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Uncollected State Taxes from Outgoing Treasurer to Incoming Treasurer (*The Auditor of Public Accounts provides this Schedule*)
- § Turnover Receipt of Other Assets from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Unused Receipt Books from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Unsold Dog License Tags from Outgoing Treasurer to Incoming Treasurer
- § Turnover Receipt of Unsold Vehicle License Decals from Outgoing Treasurer to Incoming Treasurer

**5-9**      **Reporting**

The auditor should follow the AICPA's standards of reporting on attestation engagements.

Attestation standards require the auditor to render an opinion on the specified subject matter. For treasurer turnover engagements, the subject matter is the Schedule of the Treasurer's Assets and Liabilities and the Turnover Receipts of Assets. In rendering this opinion, the auditor must determine whether the schedule and related turnover receipts present fairly, the treasurer's assets turned over to the incoming treasurer on the cash basis of accounting at the turnover date. The accountant's examination report must also reference these specifications.

Additionally, the accountant's report should include a reference to the work of other auditors. As previously discussed, the Auditor of Public Accounts examines the Commonwealth funds held by the treasurer and issues a schedule of accountability. The auditor must include this schedule in the turnover report.

In the event the examination discloses fraud or illegal acts, the auditor must follow applicable GAGAS attestation standards for reporting on such instances in the auditor's examination report relevant information about:

- § fraud
- § noncompliance with provisions of laws or regulations and provisions of contracts or grant agreements that have a material effect on the subject matter or an assertion on the subject matter and any other instances that warrant the attention of those charged with governance
- § abuse that is material to the subject matter or an assertion on the subject matter, either quantitatively or qualitatively

In the event the examination discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the constitutional officer's control and a constitutional officer or employee of the local government may be involved, the auditor must advise the local government officials to report the fraudulent transactions to the Auditor of Public Accounts, the State Inspector General, and the Superintendent of the Department of State Police in accordance with Section 30-138 of the Code of Virginia.

One copy of the turnover report package must be submitted to the Auditor of Public Accounts as soon as practical after the audit is complete.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 6

#### AUDIT OF CIRCUIT COURT CLERKS

The following steps should only be performed if the firm has been engaged to complete the fiscal year audit of the locality's Circuit Court Clerk pursuant to Section 15.2-2511 of the Code of Virginia.

##### Audit Procedures: General Environment

6-1 [Planning](#)

##### Audit Procedures: Financial Module

6-2 [Access Security](#)

6-3 [Accounts Receivable](#)

6-4 [Banking](#)

6-5 [Daily Collections and Journal Vouchers](#)

6-6 [Disbursements](#)

6-7 [Manual Receipts](#)

##### Audit Procedures: Cases/Instruments Module

6-8 [Civil](#)

6-9 [Criminal](#)

6-10 [Deeds / Land Records](#)

6-11 [Wills and Administrations](#)

##### Audit Procedures: Liabilities/Trust Funds Module

6-12 [Liabilities](#)

6-13 [Trust Funds](#)

##### Audit Procedures: Documentation and Reporting

6-14 [Audit Documentation Confidentiality](#)

6-15 [Reporting](#)

#### General Environment

*The Circuit Court is the court of record with general jurisdiction in Virginia. This general jurisdiction includes original jurisdiction in all criminal cases involving possible sentences to the state penitentiary and in civil cases where claims exceed \$25,000.*

*Appellate jurisdiction of the Circuit Court extends to all cases (civil and criminal) in which appeal may be taken from the judgment of a District Court, as provided by law. Cases appealed to the Circuit Court from the District Court are tried as new cases in the Circuit Court.*

*As the court of record, the Circuit Court is responsible for filing documents that require formal recording by law. Thus, Circuit Courts in Virginia process and file marriage licenses, deeds, wills, corporate charters, and various other documents.*

*The Circuit Court Clerk is a constitutional official elected by the public for a term of eight years. (Section 24.2-217 of the Code of Virginia) The Clerk is responsible for the court's administrative matters and acts as custodian of the court's records. The Clerk also has the authority to probate wills, grant administration of estates, and appoint guardians. The duties and responsibilities of the clerk are outlined in Chapter 2, Article 2 of Title 17, Code of Virginia (1950), as amended.*

Manuals Available through Office of the Executive Secretary Supreme Court of Virginia;  
Circuit Court Financial Management System Users Guide  
Appendix A – Chart of Accounts / Reason Codes  
Appendix B – Security  
Appendix C – Fee Schedule  
Chapter 7 – Report Index  
Circuit Court Case Management System Users Guide  
Chapter 11 – Report Descriptions  
Deed Manual  
Probate Manual  
Miscellaneous Manual  
Criminal Manual  
Civil Manual  
Court Appointed Counsel Guidelines and Procedures Manual  
Chart of Allowances (allowable payments for services rendered)

Manuals are available at the Clerk's office or through the Supreme Court of Virginia website  
<http://www.courts.state.va.us/legal.html>

Individual Reports noted at audit steps are available from the Clerk in either hardcopy or electronic format.

**REQUIRED AUDIT PROCEDURE:**

All audit procedures are required to be addressed without regard to materiality or assessment of acceptable risk. Sample sizes are to be determined based on the auditor's evaluation of the internal controls in place, volume of activity, dollar amount and considering any prior period audit recommendations.

**6-1 Planning**

Develop an understanding of the Internal Control procedures as they relate to all daily, weekly and monthly required financial procedures. Clerks of Court are responsible for having sufficient controls and procedures in place to satisfy statutory requirements and prevent fraud, misuse, or loss of funds and assets. Evaluate the efficacy of these controls within the operation of the office.

Review the *General Ledger Report (BR29)* for the audit end date for unusual account codes, activity or negative ending balances. Determine the need for any additional analytical reviews.

Determine any reported findings from the last audit through review of the APA report located at [http://www.apa.virginia.gov/APA\\_Reports/Reports.aspx](http://www.apa.virginia.gov/APA_Reports/Reports.aspx) or from other prior auditors. Plan appropriate follow up testwork.

## Financial Module: General Information

Clerks use automated systems consisting of multiple modules including case management, financial management, records management and case imaging. These systems may be provided by the Supreme Court of Virginia, private vendors or a combination of both. Case management provides an automated means of recording cases, establishing dockets, and documenting judgments. Financial management provides an automated accounting system (FMS) to record, adjust and report financial transactions. These financial transactions include receipts, journal vouchers, disbursements, and setting up receivable and liability accounts. Records management provides indexing and public access to recorded documents. Imaging software can be used to eliminate paper files. Users Guides for all systems provided by the Supreme Court are available through the Office of the Executive Secretary, Supreme Court of Virginia. Each clerk is responsible for access security to all systems and for all activity of their court to include personal liability for financial loss.

Revenue sources include taxes and fees collected on recorded deeds, fees and taxes on wills and administrations probated, fees for the processing of civil cases, fees for other services provided such as marriage licenses and secure remote access, fines, costs and other miscellaneous collections.

The clerk utilizes the "cash basis" of accounting and records activities in several accounts to include:

- Commonwealth Revenues - Taxes on recordation, fines and costs, probate, etc.
- Local Revenues - Taxes on recordation, fines, fees, etc.
- Fees – collections provided by statute for services performed by the clerk
- Collections for Others - Consist of collections for officers of other localities and other miscellaneous collections.
- Condemnation Funds - Represent amounts paid into the court by the Virginia Department of Transportation or municipalities in settlement of condemnation suits.
- Monies Under the Control of the Court - Represent amounts paid into the court generally as insurance settlements or pursuant to court order to be held for infants, minors or persons under a disability. These funds are held by the Clerk and may be disbursed only upon an order by the court.
- Depository Bonds - Represent amounts paid to the Clerk as surety that an individual will appear for trial, meet certain conditions such as for a marriage celebrant perfect a civil appeal or deposit interpleader funds.
- Restitutions - Represent court ordered payments to be accumulated by the Clerk and paid out per Judge's order
- Unspecified funds - Moneys paid to the Clerk for which there is no supporting documentation (e. g. case paper, court order). In addition, refunds payable are classified as "unspecified funds".
- Non-reverting funds – Fees collected by Clerks for statutory specific use of the court to include Secure Remote Access, fees for copies and recording devices.

Circuit Court Clerks are required to manage accounts receivable by establishing individual accounts for all defendants assessed fines, costs and restitution and it is the Commonwealth Attorney's duty to cause proper proceedings to be instituted for the collection and satisfaction of all owed amounts. If the Commonwealth's Attorney does not undertake collection, he shall either:

- contract with private attorneys or collection agencies, or
- enter into an agreement with the local governing body, or

- use collection services of the Department of Taxation, or
- enter into an agreement with the county or city treasurer

*If the collection agency collects the payment from the defendants, the agency remits the amount collected less any collection fee to the Clerk. The Clerk must allocate this net amount received to the various fine and cost accounts.*

*If the Clerk collects the payments from the defendants after the account has been turned over to a collection agency, the Clerk must allocate the payment to the various fines and cost accounts and disburse the collection fee to the appropriate agency.*

*All unpaid accounts are submitted to the Department of Motor Vehicles for license suspension and each unpaid case must be submitted to the Department of Taxation for Setoff Debt Collection for at least three years.*

### **6-2 Access Security**

Determine all the automated systems used by the Clerk and ensure the Clerk has developed and maintains adequate control and security over the Court's automated information systems. Consider security for internal access to systems including financial, case management, imaging, recording and indexing. Also, consider security over external access to records using Secure Remote Access (SRA) and Officers of the Court Remote Access (OCRA).

### **6-3 Accounts Receivable**

Test the *Interface Reports (IN05 and INJ5)*, specifically the 'Interface Case Not Found' and 'DMV Interface Exceptions' sections. Review these report sections for the end of the month in which the audit period ends and determine whether the Clerk is properly monitoring them and taking corrective action as needed.

Test the Missed Payments Section of the *Individual Account Status Report (BU06)*. For those Clerks without the optional Time to Pay (TTP) default feature, select a sample of cases from report for the end of the month in which the audit period ends and determine if the Clerk is properly monitoring the report and taking corrective action.

Using the *Concluded Cases without FMS Receivable Report (CR32)*, test the guilty cases without corresponding FMS receivable accounts. Select a sample of cases concentrating on cases other than those identified as master or sub-accounts. Review the reason the CMS case does not have a corresponding receivable account in FMS and determine the propriety.

Determine that the Clerk is using the Department of Taxation's Integrated Revenue Management System (IRMS) for Setoff Debt Collections. All certified staff should be able to log on with an active password and there should be financial activity in FMS Account 405 (TSO Collections). Request the Clerk provide the year-to-date statistical report for the audit period. Determine the propriety of any defaults noted. Note: A default could mean a loss of revenue to the Commonwealth and locality.

Determine the method of collection for delinquent accounts (Section §19.2-349 of the Code of Virginia). If the Virginia Department of Taxation or Commonwealth's Attorney in-house collection is used, no further work is necessary. If a private collection agent is used, perform the following test work:

Test Collection Agent Receipts. Select a sample of receipts and determine whether:

- A. The proceeds were receipted into Account 404 (DC33 Receipts).
- B. Collections were distributed to individual accounts within 2 days of receipt.

Review the private collection agent contract as follows:

- A. Review the contract between the Commonwealth's Attorney and the private collection agent and determine whether it is current.
- B. Determine whether the Clerk has a copy of the contract on file.
- C. Determine the collection fee percentage. (Should not be higher than 35 %.)
- D. Compare the collection fee percentage from the contract to the percentage listed on the *Collection Ratios Report (BR22)*. If any unexplained differences are noted, contact the Department of Judicial Services, Supreme Court of Virginia to determine propriety (804 - 371-2424).
- E. Determine if there is a balance in account 412 Collection Agency Fee and if it was allocated in a timely manner. Through discussion and review, determine if the Clerk reverses any of the automated system JVs allocating commission. If so, determine if the methodology is reasonable. Determine if disbursements were made on weekly basis to the private collection agent.

#### **6-4 Banking**

Identify all banks used by the Clerk and determine if they are listed on the most recent qualified depository listing maintained by the Virginia Department of the Treasury pursuant to The Virginia Security for Public Deposits Act (Section § 2.2-1815 of the Code of Virginia).

Ensure all of the Clerk's checking accounts are properly reconciled as of the audit end date. Test the reconciliation for accuracy and completeness. Based on the auditor's evaluation of internal controls in place, the auditor should consider reviewing multiple months throughout the audit period

Perform an un-scheduled cash count of the Clerk's change fund.

#### **6-5 Daily Collections and Journal Vouchers**

Select a sample of days to test as follows:

- A. Agree the computed revenue amount per the Cash Reconciliation Worksheet section of the *Daily Report (BR02)* to the deposit per the bank statement noting the deposit was intact and timely. (Section § 17.1-271 of the Code of Virginia)
- B. Verify whether the Clerk and/or other assigned supervisory personnel signed the *Cover Sheet -Daily Report (BR02)*.

- C. For any days with differences between the original amount and the deposit amount, determine if the correcting journal voucher(s) was supported by proper documentation, performed correctly, and properly recorded on the Cash Reconciliation Worksheet section of the *BR02*.
- D. If the difference is the result of a voided receipt, ensure all copies of the receipt were retained.

Using the month end journal voucher summary reports (*Journal Voucher Report BR40*), select a sample of Voided Receipts and test as follows:

- A. Agree the computed revenue amount per the Cash Reconciliation Worksheet section of the *Daily Report (BR02)* to the deposit per the bank statement noting the deposit was intact and timely. (Section § 17.1-271 of the Code of Virginia)
- B. Verify whether the Clerk and/or other assigned supervisory personnel signed the *Cover Sheet- Daily Report (BR02)*.
- C. Determine if the journal voucher was supported by proper documentation, performed correctly, and properly recorded on the Cash Reconciliation Worksheet section of the *BR02*.
- D. All copies of the receipt were retained.

Review the *General Ledger Fiscal Year-to-Date Report (BR-29)* for the audit period noting if activity existed in the Account 411 Cash Over/Short. Based on the activity and any trends noted in the account, determine whether selecting a sample of transactions is necessary. If needed, select a sample and test individual transactions for propriety.

### **6-6 Disbursements**

Using the month-end *Disbursement Register Report (BR41)*, select a sample of disbursements and test as follows:

- A. The disbursement is coded to the proper account.
- B. The disbursement is supported by proper documentation and appropriate procedures (case papers, transmittal).
- C. If Clerk uses a manual check-writing system, the disbursement was recorded in FMS timely.

Review disbursements made from accounts 415 Secure Remote Access and 416 Officer of the Court Access. Determine propriety in accordance with Section § 17.1-276 of the Code of Virginia.

### **6-7 Manual Receipts**

Evaluate the overall security and use of manual receipts to include:

- Determine the adequacy of security over the unused manual receipts.
- Determine the adequacy of supervisory review of manual receipts.

Select a sample of manual receipts and test as follows:

- A. Trace to subsequent entry in FMS and ensure entry agrees to the manual receipt (Section § 19.2-360 of the Code of Virginia).
- B. Ensure receipt is entered no later than the next business day.

### **Audit Procedures: Cases and Instruments**

*Criminal Cases originate in the District Courts and move to the Circuit Court through appeal, or certification or through Direct Indictments filed by the Commonwealth Attorney. Upon conviction, all appropriate costs and fines are assessed to the defendant to include costs from lower court (if applicable). Jurisdictional designations determine the account codes used for fines and attorney costs and all unpaid amounts are recorded as judgments in favor of the jurisdiction cited.*

*Civil cases appealed from District Courts and cases originating in the Circuit Court must have filing fees and taxes paid before they can be placed on the docket.*

*Clerks are charged with the recording and maintenance of all writings relating to or affecting real estate, all writings relating to or affecting personal property, and instruments affecting liens. Documents relating to land records cannot be recorded until all taxes and fees have been paid based on the type and amount of the document.*

*Clerks of Court are given quasi-judicial powers in matters of probate and in the qualification of fiduciaries. Duties include (but are not limited to) probate, recordation, retention, indexing, and qualification of personal representatives, guardians, conservators and trustees. Each of these duties has specific requirements as well as multiple recordable documents with fees and taxes associated. No documents can be recorded or personal representative qualified until all taxes and fees have been paid.*

### **6-8 Civil**

Select a sample of civil cases filed during the audit period and determine whether:

- A. State taxes and fees were properly assessed and collected as required by Sections §58.1-1727 through 1729 of the Code of Virginia.
- B. Clerk's fees were properly assessed and collected as required by Sections §17.1-275A.13 and 13a of the Code of Virginia.
- C. Specific fund and local fees were properly assessed and collected.
  - Sheriff fee - FMS Acct 206 (§17.1-272)
  - Legal Aid Services fee - FMS Acct 123 (§17.1-278)
  - Law Library fee - FMS Acct 219 (§42.1-70 and local ordinance)
  - Court House Maintenance fee - FMS Acct 229 (§17.1-281; §17.1-275B and local ordinances)
  - Tech Trust Fund - FMS Acct 106 (§17.1-279)
  - Court Technology Fund - FMS Acct 170 (§17.1-132)

NOTE: An exemption may exist for paying the above taxes and fees as allowed by Section §17.1-606 of the Code of Virginia.

### **6-9 Criminal**

Select a sample of criminal cases concluded with dispositions of guilty during the audit period and test each case as follows:

- A. Fines and costs were properly assessed and entered into FMS.
- B. Unpaid amounts were entered into the Judgment Docket. (Section §8.01-446 of the Code of Virginia)
- C. The due date was properly calculated. (Section § 19.2-354 of the Code of Virginia)
- D. If a partial payment plan was set up, all applicable fields were properly completed in FMS (e.g. TTP Start, Term, Amount, and Incarcerated status).

Select a sample of local cases from the *Court Appointed/Public Defender Report (CR42)* and test as follows.

- A. Locality was billed for the cost (Section § 19.2-163 of the Code of Virginia)
- B. Defendant was properly assessed for the Attorney fees.
- C. Fine was properly assessed. (Section § 19.2-340 of the Code of the Virginia)

### **6-10 Deeds / Land Records**

Select a sample of deeds / land records recorded during the audit period and test as follows. See deed calculator at the following link: <http://www.courts.state.va.us/courts/circuit/>

- A. Instrument recorded is not taxable or is exempt from taxes (Section §58.1-811 of the Code of Virginia).
- B. State taxes have been properly assessed and collected based on the consideration paid of the property conveyed (Section §58.1-801 of the Code of Virginia and, if applicable, Section §58.1-817 of the Code of Virginia - for the \$1 Virginia Outdoors Foundation easement fee). See list of localities with easements: <http://www.virginiaoutdoorsfoundation.org/news/vof-easement-statistics/easementsacres-by-locality/>
- C. Local taxes (where applicable) have been properly assessed and collected in an amount equal to one-third of the amount of state recordation tax (Section §58.1-814 of the Code of Virginia).
- D. Additional tax has been properly assessed and collected on deeds of conveyance based on consideration (Section §58.1-802 of the Code of Virginia).
  - One half of taxes collected were paid to the State.
  - One-half of taxes collected were paid to the Treasurer of the locality.
- E. Clerk's fees for recording, indexing, and plat fees were properly charged and collected (Section §17.1-275A (2) of the Code of Virginia).
- F. Fees for transferring land to one person or persons before charged to another were properly assessed and collected (Section §58.1-3314(3) of the Code of Virginia).

If the Clerk uses a separate financial system to receipt taxes and fees on Deeds:

- G. Determine whether the assessment was properly reported in the Financial Management System (FMS).

## **6-11 Wills and Administrations**

Select a sample of wills / administrations recorded during the audit period and test as follows:

- A. State tax was assessed and collected based on the value of the estate (Section §58.1-1712 of the Code of Virginia).
- B. Local tax (where applicable) was assessed and collected based on the value of the estate (Section §58.1-1718 of the Code of Virginia).

Clerk's fees were assessed and collected:

- C. For recording and indexing in the Will Book based on the number of pages recorded (Section §17.1-275A (2) of the Code of Virginia).
- D. For appointing and qualifying any personal representative, committee or other fiduciary (Section §17.1-275A (3) of the Code of Virginia). No one shall be permitted to qualify and act as an executor or administrator until the tax imposed by Section §58.1-1712 of the Code of Virginia has been paid (Section §58.1-1715 of the Code of Virginia). Ensure that fees were receipted at the time of qualification, not after. (NOTE: Banks are exempt from paying the probate taxes and Clerk's fees before qualifying, Section § 6.2-1003 of the Code of Virginia.)
- E. For transferring land to one person or persons before charged to the decedent (Section §58.1-3314(3) of the Code of Virginia).
- F. Determine if a final inventory was required: If so, review the inventory and determine if additional probate tax is due (Section §58.1-1717 of the Code of Virginia).

If the Clerk uses a separate financial system to receipt taxes and fees on wills:

- G. Determine whether the assessment was properly recorded in FMS.

### **Audit Procedures: Liabilities/Trust Funds**

*In addition to the collection of fines, costs, fees, taxes and the funds held as bonds in criminal and civil cases, the Clerk is responsible for other funds since the Circuit Court has jurisdiction over all equity matters. These include, but are not limited to, divorce cases, disputes concerning wills and estates, and controversies involving property. The remedy sought in these actions involves the right to recover damages, usually in monetary terms. Thus, the Clerk of Court is responsible for holding funds for other parties both temporarily and long term. For funds deposited with the Clerk as Trust Fund Administrator or General Receiver, to be held under the control of the court pursuant to Va. Code 8.01-582 or 8.01-600, the Clerk must invest, disburse, account for and otherwise properly manage the funds as they represent a personal liability to the Clerk. The Clerk must hold funds as directed by court order and escheat all funds that become unclaimed.*

## **6-12 Liabilities**

Determine if the balances of state and local revenues on hand at audit end date were properly disbursed to the State and Local Treasurers. (Sections § 16.1-69.48 (A) and (B) and 17.1-286 of the Code of Virginia)

Using the audit period end date *Liabilities Index (BR008)* report, select a sample from each 5XX series (excluding Account 511 Trust Funds). Determine the status of the account and whether the Clerk is

justified holding the funds based on approved court orders, established retention requirements, pending case (future court date assigned) or other special circumstances.

- FMS 501 Collections for Others
- FMS 502 Criminal Bonds (Section §19.2-143 of the Code of Virginia)
- FMS 503 Civil Bonds
- FMS 509 Escrow
- FMS 515 Refunds
- FMS 517 Condemnation Funds
- FMS 518 Fiduciary
- FMS 520 Restitution Payables
- FMS 521/522 Chancery/Law Deposits
- FMS 523 Garnishments

For any of the above funds the Clerk has invested, select a sample of these accounts for the audit period end date; trace and agree to the applicable bank statement.

Using the audit period end date *Individual Account Status Report (BU06)*, investigate the reason for any accounts listed as credit balances, sum uncertain restitution, or accounts under review. Determine whether the Clerk is properly monitoring the report and taking corrective action as needed.

Review three monthly remittances of sheriff's fees to the local Treasurer and determine if the fees are remitted within the first ten days of the month. (Section § 15.2-1609.3 of the Code of Virginia)

Using the June 30th *Property Unclaimed Over One Year Report (BR16)* and the Clerk's corresponding Unclaimed Property Report, select those accounts from the *BR16*, which were not reported to the Division of Unclaimed Property. NOTE: Failure to report unclaimed property in accordance with the Code may subject the Clerk to an interest penalty (Section §55-210.26:1 of the Code of Virginia),). Determine whether the Clerk is justified in holding these accounts based on court order, established retention requirements, pending case (future court date assigned) or other special circumstances.

Using the June 30th *Property Unclaimed Over One Year Report (BR16)*, the *Liabilities Index (BR08)* and *Individual Account Status (BU06)* reports and the Clerk's corresponding Unclaimed Restitution Report, determine that all appropriate restitution accounts have been properly escheated to the Criminal Injuries Compensation Fund (Section §19.2-305.1 (F) of the Code of Virginia).

### **6-13 Trust Funds**

Determine the following for the Trust Fund Annual Report filed during the audit period:

- A. Ensure Annual Report is available to the public via hardcopy Trust Fund Order Book or digital format. (Sections §8.01-600(G) and §17.1-125 of the Code of Virginia).
- B. Determine the Clerk filed the Annual Report with the Chief Judge by the Oct 1st deadline (Section §8.01-600 (G) of the Code of Virginia).
- C. Agree the Annual Report balance to the FMS 9XX accounts where the funds are recorded and Account 511 Trust Funds balance. Investigate any negative ending balances in any of the 9XX series accounts.

- D. Agree the Annual Report ending balance to applicable bank statement balance(s). If this does not agree, then select a sample of individual accounts from the Annual Report and agree the system balance to the bank balance.
- E. Determine whether the Annual Report conforms to Section §8.01-600 (G) of the Code of Virginia.
- F. Determine propriety of inactivity in individual accounts – i.e. a lack of interest postings.

Using the Annual Report, perform the following testwork.

Select a sample of new accounts. Determine whether:

- A. The receipt contained all pertinent information.
- B. The receipt amount agreed to the court order.
- C. The court order is included in the Order Book (hardcopy or electronic) and does not contain confidential information
- D. Appropriate Clerks fees were deducted.
- E. Funds were invested within 60 days of receipt (Section §8.01-600 (F) of the Code of Virginia).
- F. The Clerk is justified in holding the account and if the account is being held pursuant to Section §8.01-600 of the Code of Virginia.

Select a sample of interest posting journal vouchers. Determine whether:

- A. The journal voucher was supported by proper documentation (bank statement, interest notification or other official bank documentation).
- B. Interest was posted promptly.
- C. The correct amount of interest was posted to the account. (If the Clerk consolidates funds, re-calculate the interest allocation.)
- D. If the Clerk assesses Clerk's fees, appropriate fees were deducted.
- E. The Clerk is justified in holding the account and if the account is being held pursuant to Section §8.01-600 of the Code of Virginia.

Select a sample of disbursements. Determine whether:

- A. The disbursement agrees to the court Order
- B. The check was posted to the proper subsidiary trust fund account
- C. Appropriate Clerk's fees were deducted
- D. Deducted fees agree to the journal voucher recording the deduction
- E. Funds were paid out within 60 days of the court order (Section §8.01-600(F) of the Code of Virginia).
- F. Disbursement was recorded promptly in FMS.

NOTE: If the Court has ordered a financial institution to act as the General Receiver since last audit, notify the Auditor of Public Accounts.

#### **6-14 Audit Documentation Confidentiality**

As indicated by the auditing standards (AU 339), the auditor has an ethical and, in some situations, a legal obligation to maintain the confidentiality of client information. Because the Circuit Court Clerk's records contain confidential and personally identifiable information, the auditor should adopt reasonable procedures to maintain the confidentiality of that information.

### **6-15 Reporting Requirements**

The auditor is required to submit a letter to the Auditor of Public Accounts, by March 31 each year for all Circuit Court Clerks. The auditor is required to provide assurance as to whether the Clerk accurately recorded transactions on the Court's financial management system, whether the Clerk has maintained a proper system of internal controls and records in accordance with the Code of Virginia, and whether the Clerk has complied with significant state laws, regulations, and policies.

In the letter, the auditor should identify which reported findings, if any, represent a material weakness. In regards to the audit of the Circuit Court Clerk, a material weakness includes an internal control weakness that could lead to the loss of revenues or assets or otherwise compromise fiscal accountability.

If the auditor's letter on the results of the audit include internal control matters that could be reasonably expected to lead to the loss of revenue or assets, or otherwise compromise fiscal accountability, the auditor should obtain a written corrective action plan from the Clerk. The auditor should submit a copy of the corrective action plan with the letter to the Auditor of Public Accounts. (See Chapter 3 of the 2012 Acts of Assembly, Item 73 H2)

A sample letter is available on the APA website in the Local Government Guidelines section, [Circuit Court Clerk's Audit – Sample Letter](#).

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 7

#### TURNOVER AUDIT OF CIRCUIT COURT CLERKS

##### **7-1 General**

The purpose of a turnover audit is to determine the accountability of the outgoing Clerk upon death, resignation, removal, or retirement and to turn over the assets and liabilities to the incoming Clerk. During a turnover audit, the auditor should prepare schedules designed to demonstrate the clerk's accountability at the turnover date and provide a detailed listing of assets and liabilities turned over to the incoming Clerk. Because of this special purpose, the schedules are not intended to be a presentation in conformity with generally accepted accounting principles. The schedules are prepared on the cash basis of accounting.

Upon completion of the audit, the auditor is required to provide prepared Turnover Statements to *both the incoming and outgoing* Clerks. The auditor should retain copies of this information in the work papers and send copies to the Auditor of Public Accounts.

An auditor should be in the office of the Clerk at, or promptly following, the close of business under the outgoing Clerk for the purpose of scheduling all cash, cash items, certificates of deposit, and investments. Both the outgoing and incoming Clerks should be present at the time and should certify to the accuracy of the count of cash and other assets. Prepared Turnover Statements serve as Receipts and should be executed by the outgoing and incoming Clerks for all assets turned over to the incoming Clerk.

Turnover audits are subject to the quality control reviews described in Chapter 4 of the Specifications for Audits of Counties, Cities, and Towns. Auditors must make their working papers available for review by the Auditor of Public Accounts upon request.

##### **7-2 Cut Off Procedures**

The auditor should make an attempt to be present on the turnover date to receipt the clerk's assets and to ensure that a proper cutoff is achieved. An accurate cutoff is necessary to determine the outgoing clerk's accountability at the turnover date. The outgoing clerk should prepare deposit slips covering cash on hand to be deposited in the bank the next business day.

The clerk is responsible for notifying the banks and other financial institutions of the turnover. The outgoing clerk should not be permitted to sign any checks after the turnover date. As a result, it is especially important that the incoming clerk notify the banks of the change in authorized check signers.

##### **Required Audit Procedures:**

- Determine the reason for turnover (i.e. retirement, resignation, death) and the last business day of the outgoing clerk.

- Verify the outgoing clerk's access to all automated systems has been properly deleted.
- Verify the outgoing clerk has been removed as a signatory from all bank accounts used.
- Verify the teste stamps used in the office bearing the outgoing clerk's name have been properly destroyed or modified and new stamps have been received / ordered.
- Determine whether there is a balance in FMS account codes 999, 997 or 399. Determine propriety and possible clerk liability.
- Prepare a schedule of unused manual receipts and unused checks on hand.

### **7-3 Cash in Office**

#### **Required Audit Procedures:**

- As of the close of business on the turnover date, agree the court prepared deposit slip for collections to the end of day PCR Report.
- Count all cash and cash items in the office. Observe vault and office area for any un-deposited funds (including checks attached to instruments that have not been recorded, civil cases not yet entered and garnishment checks awaiting distribution.)
- Prepare a schedule of cash and cash items on hand.

### **7-4 Cash in Banks**

#### **Required Audit Procedures::**

- Compare bank statement balances to FMS balances for all bank accounts used by the Clerk. Review the most recently completed bank reconciliations and obtain copies of bank account statements through the last business day of the audit period for invested funds and non-invested funds. Determine propriety of any differences.
- Prepare a schedule of cash in the bank.

### **7-5 Trial Balance**

#### **Required Audit Procedures::**

Prepare a "Statement of Assets and Liabilities" as of the turnover date using FMS Reports Financial Update Summary (FUS3) and Trial Balance Reports (BR07 and BU11) in conjunction with the schedule of cash and cash items on hand and the schedule of cash in the bank prepared above.

## **7-6 Accounts Receivable**

### **Required Audit Procedures::**

Prepare a schedule of accounts receivable.

## **7-7 Reporting Requirements**

### **Requirements:**

The outgoing and incoming Clerks as well as the auditor should sign and retain a copy of each of the signed turnover schedules to include (but not limited to);

- “Schedule of Unused Manual Receipts and Unused Checks”
- “Schedule of Cash and Cash Items on Hand”
- “Schedule of Cash in Bank”
- “Schedule of Accounts Receivable”
- “Statement of Assets and Liabilities”

In the event the turnover engagement discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the constitutional officer’s control and a constitutional officer or employee of the local government may be involved, the auditor must advise the local government officials to report the fraudulent activity to the Auditor of Public Accounts, the Superintendent of the Department of State Police, and the State Inspector General in accordance with Section 30-138 of the Code of Virginia.

One copy of the auditor’s report with turnover documents must be submitted to the Auditor of Public Accounts as soon as practical after the audit is complete. Sample formats for the turnover report and turnover schedules are available on the Auditor of Public Accounts’ website. Other formats are acceptable to this office if they contain all of the relevant information.

[http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)