

County Commissioners' Clerks & Engineers' Administrative Professionals Association of Ohio

State and Federal Law Updates and a County's Annual Audit

Stacie Scholl, Central Region

December 2, 2024 Efficient • Effective • Transparent

Agenda



Ohio Compliance Supplement

State Compliance applicable to the County
Ohio Public Records Law
Audit Findings



Federal Uniform Guidance Updates

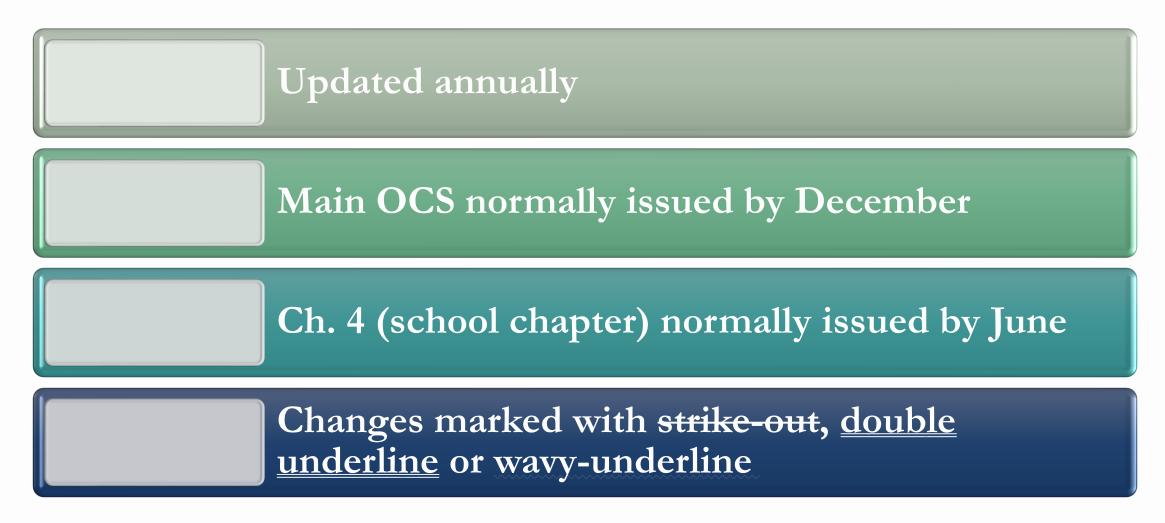


Fuel Inventory/Usage and Fuel Card/Account

What is the OCS?



Updates - When/How Often? How to Identify Changes?



What is the effective date?



Engagements of FYE 12/31/23 – 11/30/24

Where is the OCS?



AUDITS V LOCAL GOVERNMENTS V

OPEN GOVERNMENT V

TRAINING V

RESOURCES V

CONTACTS V ABOUT V NEWSROC

♠ Reference Materials

Clients & IPA Firms

GASB 84

GASB FAQs

Library FAQs and Program Codes

Other Accounting FAQs

Financial Statement Shells & Footnotes

- GAAP
- GASB 44 Tables
- OCBOA
- Regulatory

Ohio Compliance Supplement Manuals

2025

Ohio Compliance Supplement Implementation Guide (pdf)

- The Compliance ACE is available in Exhibit 3
- Legal Matrix

Ohio Compliance Supplement Manual (pdf)

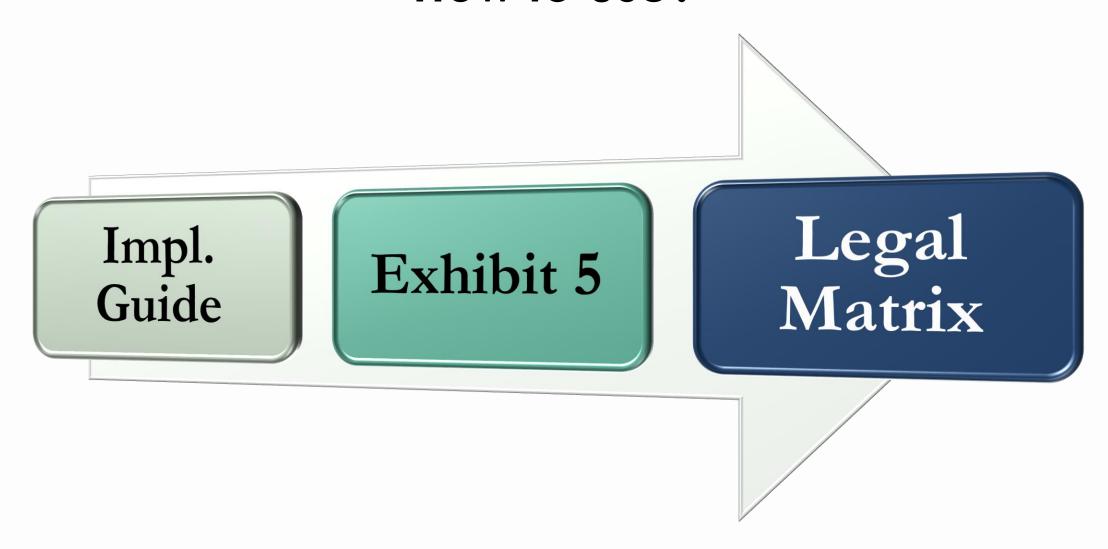
- Chapter 1 Direct Laws (pdf) (docx)
- Chapter 2 Indirect Laws and Statutorily Mandated Tests (pdf) (docx)
- Chapter 3 Stewardship (pdf) (docx)

Optional Procedures Manual (docx)

http://www.ohioauditor.gov/references/compliancemanuals.html

Efficient Effective Transparent

How to Use?



Legal Matrix

Notes:	Legal Matrix (November 2023) 1) Entities are in alphabetical order. 2) Excel is limited to only one hyperlink for each cell. If more than one footnote is applicable, you will have to find it manually below this table. 3) We had to apply footnotes to checkmarks whether the section applies or not. So pay close attention to the footnotes to determine applicability.				
Step No.	Requirement	Community School	Conservancy District	cog	County ³⁶
	General Budgetary Requirements (1-1 through 1-3)		√2		
1-1	ORC 5705.38: Annual appropriation measures - classification		~		✓
1-2	ORC 5705.41(D); and 5705.42: Restriction upon appropriating/expending money - certificate of fiscal officer		~		✓
1-3	ORC 5705.40: Amending or supplementing appropriations; contingencies		~		✓
1-4	ORC 5705.09: Establishing funds and 5705.12 Permission to establish special funds				✓
1-5	ORC <u>131.01</u> 133.01, 1545.23, 3315.20, 5155.33, Various 5705 Sections, 5735.28: Distribution of levy revenue		✓		✓
1-6	ORC 5705.0506 and 5705.1416: Transfer of funds ⁴⁷		✓		~
1-7	AOS Bulletin 1997-003 and various ORC Sections: Advances ⁷		✓		·

How is the OCS Organized?

Chapter 1

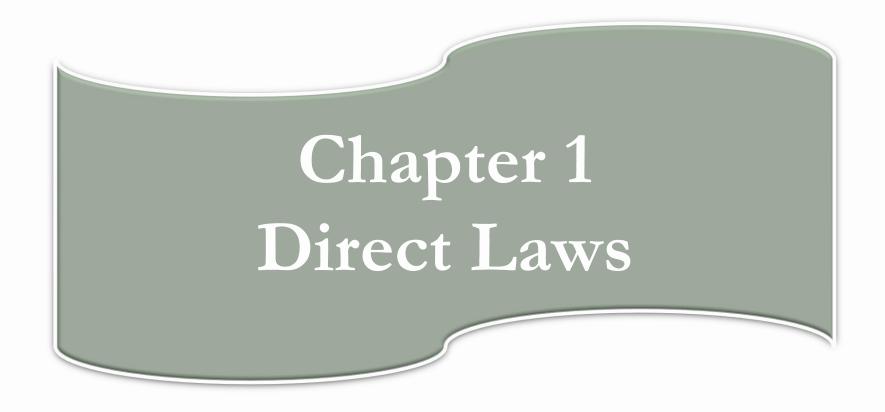
Chapter 2

Chapter 3

Chapter 4

Optional
Procedures
Manual (OPM)

Implementation Guide (IG)



Chapter 1

General Budgetary Requirements - Ohio Rev. Code § 5705

- Annual Appropriation Measures & Amendments- 5705.38, 5705.40
- Restrictions upon appropriating/expending money- P.O.s- 5705.41(D) & 5705.42
- Fund Establishment- 5705.09 & 5705.12
- Distributing revenue derived from tax levies, proceeds from sale of bond issue, proceeds from sale of permanent improvement- Various sections
- Transfers- 5705.05-.06, 5705.14-.16
- Advances- AOS Bulletin 1997-003
- Reservation of balance accounts & funds- 5705.13, 5705.222, 5705.29
- County Children Services Fund- 5101.44

Restrictions upon appropriating/expending money

No orders or contracts involving the expenditure of money are to be made unless there is a certificate of the fiscal officer that the amount required for the order or contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances. [Ohio Rev. Code § 5705.41(D)(1)]

Exceptions:

- Then & Now Certificates
- Blanket Certificates
- Super Blanket Certificates
- Continuing Contracts
- Per Unit Contracts
- Contract or Lease running past year made
- County Commissioner

 Authorization

Chapter 1 Blanket vs. Super Blanket Certificates

Characteristics	"Blanket" Certificate	"Super Blanket" Certificate
Maximum Amount	A sum not exceeding an amount established by resolution or ordinance adopted by members of the legislative authority	A sum that is lawfully appropriated, authorized, or directed for a permitted purpose. This amount can be different from the amount set for regular blanket certificates.
Time Period	May not extend beyond year-end of the current fiscal year	May not extend beyond the fiscal year (For counties, may not extend beyond the quarterly spending plan established by the county commissioners)
May be used for	Any expenses requiring certification	Recurring and reasonably predictable operating expenses (for example, professional services, fuel, oil and food items)
Must be limited to a specific line-item appropriation account?	Yes	Yes
Allowable number outstanding at one particular time from a particular line-item appropriation account	One	Unlimited

Chapter 1 Distributing revenue derived from tax levies

General Fund Monies

- the general levy for current expense within the ten mill limitation
- any general levy for current expense authorized by vote in excess of the ten mill limitation, and from sources other than the general property tax, unless its use for a particular purpose is prescribed by law

Exception for Counties

Counties are precluded from using general levy revenue for current expenses for the construction, reconstruction, resurfacing, and repair of roads and bridges. [Ohio Rev. Code § 5705.05]

Chapter 1



Transfer of funds

- Counties are precluded from transferring general levy revenue for current expenses to other county funds for the construction, reconstruction, resurfacing, and repair of roads and bridges.
- Auto Registration Distribution & Gasoline Excise Tax Transfers
- County Board of Developmental Disabilities Fund Transfers
- Public Assistance Fund Transfers

Chapter 1

Debt Requirements

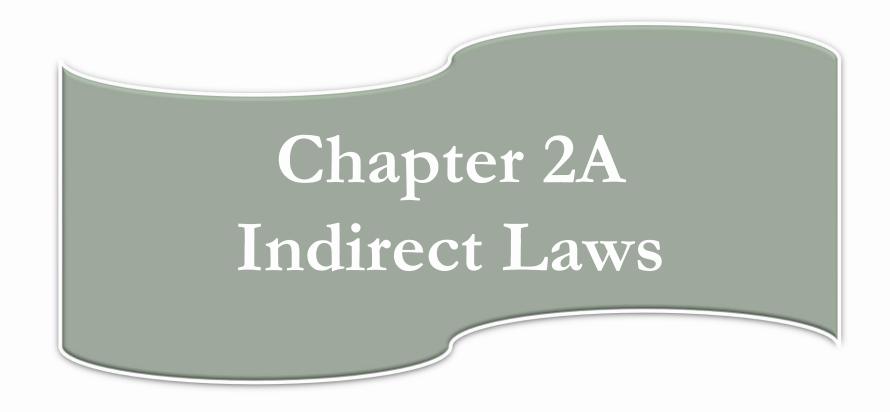
- Advance Payments to Local Authorities- ORC 132.34
- Issuing or Retiring Debt- Various
- Anticipation Notes- Various
- Governments Investing in their own securities- Various

Financial Reporting

- Annual Financial Reporting- Hinkle System- ORC 117.38
- Health Care Self Insurance- ORC 9.833, 305.172, & 5705.13
- Liability Self Insurance- ORC 2744.081

Payroll Requirements

- Vacation & Sick Leave- Various
- Income Tax Collection- 26 U.S.C.
- Definitions, Rates, of Contributions, etc.- Various



Budgetary Requirements

- Appropriations limited by estimated revenue- ORC 5705.28, 5705.39, 5705.40
- Restrictions on appropriating/expending money- 5705.41A &B, 5705.42

Contracts

Public Deposits

- Security for repayment of public deposits
- Eligible Investments & Other Requirements

Procurements/Construction/Bidding

- ORC § 9.17- Procurements- Competitive bidding threshold- \$75,000 (10/3/2023 to 12/31/24) and \$77,250 (2025), unless otherwise provided by law
- Purchase can't be divided into component parts to avoid bidding requirement
- ORC 307.86 to 307.92- Construction & Reconstruction Competitive Bidding Required
 - Roads- Estimated Cost exceeds \$70,000 per mile (7/1/23 to 6/30/24) and \$73,500 (7/1/24 to 6/30/25)
 - Bridges & Culverts- Estimated cost of work exceeds \$233,000 (7/1/23 to 6/30/24) and \$244,650 (7/1/24 to 6/30/25)
 - If less than these thresholds- Could undertake project by force account



Procurements/Construction/Bidding-Exceptions

Declaration of Emergency Purchase of supplies or services

Single Supplier Source

Purchase from other governments

JFS & DD Program Services purchased from nonprofit corp. or assoc. under federally funded program

Services

Purchase of insurance/co ntracts negotiated under ORC 307.86

Computer related items administered by the Ohio prosecuting attorneys association & federally funded

Purchase of childcare services for county employees

Procurements/Construction/Bidding-Exceptions

Acquisition of property for offices, storage, parking pursuant to 307.86(I)

Programs or services under 307.86]

Programs for children at risk

EMS services
by contract
with a Joint
Emergency
Services
District

Used supplies purchased at a public auction

Accountant, architect, attorney, etc. professional services listed in 307.86 Professional design services (Other requirements apply) Competitive
Sealed
Proposals can
be used
instead of
bidding in
certain
circumstances

Separate bids and contracts required for each class of work on buildings and other structures

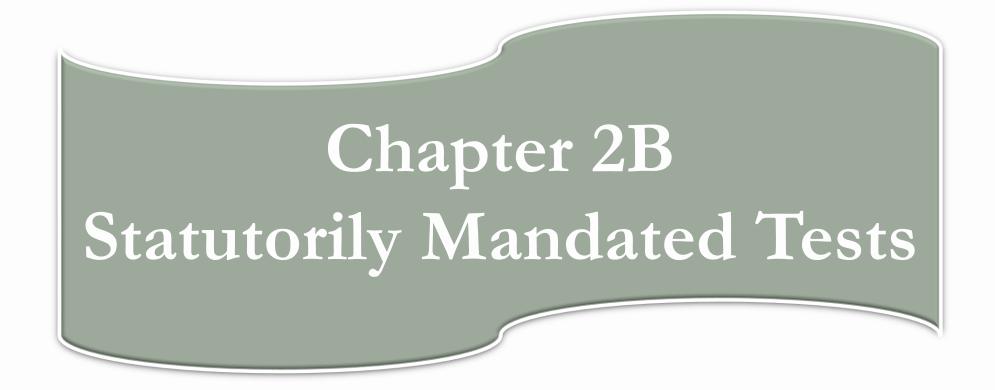
- Classes:
 - Plumbing & gas fitting
 - Stream and hot-water heating; ventilating apparatus; steam-power plant;
 - Electrical equipment
- For each class- Award to the lowest and best separate bidder
- If the County can bid the entire project in one bid & that bid is lower than the bids are if separately bid by branches or classes, the County may then bid the project as one single bid.
- Other exceptions
- The contract must be made directly with the bidder(s) upon the terms, conditions, and limitations of the bid.

Prevailing Wages

- Thresholds in which prevailing wage laws should be followed:
 - New construction of any public improvement-\$250,000
 - Reconstruction, enlargement, alteration, repair, remolding, renovation, or painting of a public improvement- \$75,000
 - New construction of public improvement \$78,258
 - Reconstruction, enlargement, alteration, repair, remolding, renovation, or painting of a public improvement that involves roads, streets, alleys, sewers, ditches, and other works connected to road or bridge construction- \$23,447

Exceptions:

- Federal Funded projects, if Davis Bacon minimum wage requirements apply
- Other exceptions



Force Accounts Security controls over County electronic transactions Landfill Financial Assurance Responsibility & Certificates Education Requirements Prohibitions from holding office & Fraud Hotline Fraud, Abuse, Conflict of Interest, Ethics Ohio Sunshine Laws & STAR Rating System

Force accounts for Counties

- A county engineer, when authorized by the county commissioners, may utilize county labor & materials when undertaking the construction, reconstruction, improvement, maintenance, or repair of roads and bridges/culverts. Before undertaking force account activity an estimate of the cost of the road work and bridges/culverts must be compiled using the force account project assessment form. If the estimated cost of the total project, including labor, is less than \$73,500 per mile for road work or \$244,650 for bridges/culverts, county labor and materials can be utilized. [Ohio Rev. Code § 5543.19 (A)]
- ODOT website link to Force Account Limits: https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/maintenance-operations/force-account
- ODOT Projects- Other criteria to be considered which are outlined in OCS.
- Projects over a mile- Force Account limits applied proportionally for partial miles.
- Projects under a mile- Treat as if it were a mile.

Fraud and abuse; conflict of interest; ethics

- ORC 117.103(B)(1) The auditor of state shall create training material detailing Ohio's fraudreporting system and the means of reporting fraud, waste, and abuse.......
- The Auditor of State developed fraud training material and issued Bulletin 2024-005 on June 27, 2024 to all public officials enumerating the process and specified timeframe within which all public employees and elected officials must complete the training.
- Fraud Reporting Form filled out by all employees and filed with County to be reviewed during next audit



Ohio Sunshine Laws

- Sunshine Laws and StaRS FAQs
- Sunshine Laws Incorporates:
 - Ohio Public Records Act (ORC 149.43)
 - Ohio Open Meetings Act (ORC 121.22)
- AOS tests during all public office audits/engagements

Ohio Public Records Act- ORC § 149.43

This Act requires that a public office make public records available for inspection or copying. The time required for a response depends on the type of request.

- 1. If a request is to INSPECT public records, the response must be prompt.
- 2. If COPIES are requested, those copies must be provided within a reasonable period of time.



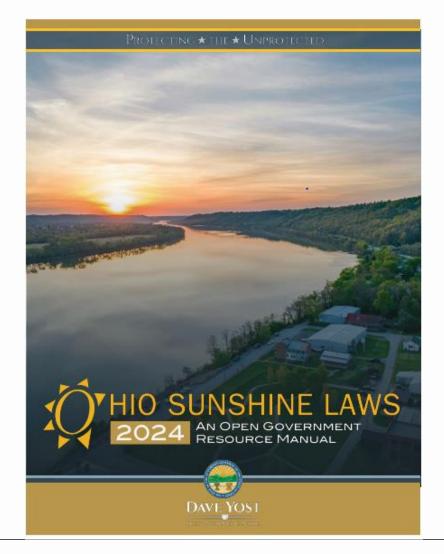
Ohio Open Meetings Act- ORC § 122.22



- Meetings of any public body much open to the public
- Minutes of regular & special meetings are to be promptly recorded and open to public inspection
- Executive sessions-
 - Entered into and returned from during the public meeting
 - ORC 121.22(G)outlines items to be discussed in executive session
 - All actions and decisions <u>must</u> occur during an open meeting
 - Minutes only reflect general subject matter of executive session discussions
- Must have reasonable method of notifying public of scheduled meetings

Ohio Sunshine Law Manual

https://www.ohioattorneygeneral.gov/yellowbook



StaRS- Star Rating System

StaRS Levels:	
	Open and Transparent Government - Meets all Sunshine Law requirements.
	Achievement in Open and Transparent Government - Implemented 1-2 best practices
	Outstanding Achievement in Open and Transparent Government - Implemented 3-4 best practices
***	Highest Achievement in Open and Transparent Government - Implemented 5 or more best practices
Non-Compliant	Non-compliant - Sunshine Law requirements are not fully achieved.

StaRS- Best Practices



PUBLIC RECORD REQUEST LOG



STANDARD REQUEST FORM



ACKNOWLEDGEMENT TO REQUESTOR



RECORDS CUSTODIAN & CONTACT INFO PUBLICIZED



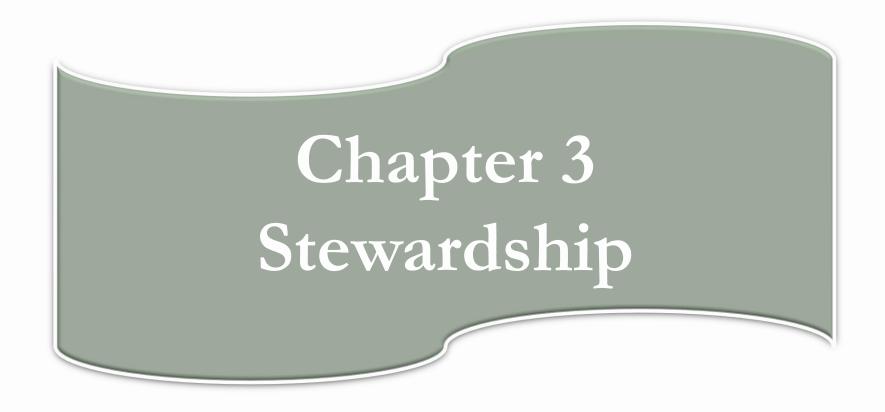
CRPT FOR ALL ELECTED OFFICIALS WITH 1ST YEAR OF TERM



ONLINE PRESENCE-MEETING & OFFICE OPERATION DETAILS

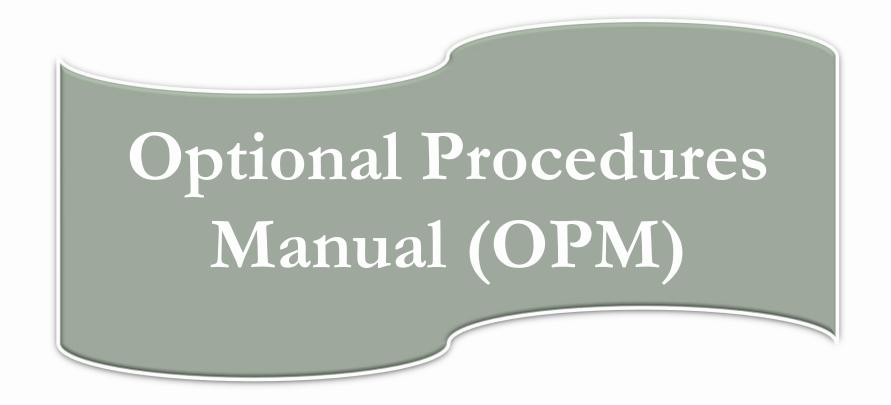


ONLINE ACCESS TO OFFICIAL DOCUMENTS



Chapter 3

Deposits of Public Monies Appointments, compensation, contracts, etc. Prohibited Political Activity Bonding Requirements Establishment and account treatment of commissaries Courts- Multiple compliance requirements Furtherance of Justice Funds Cafeteria Plans- Health Insurance Law Enforcement Trust & Drug Law Enforcement Funds



OPM

Certificate of Revenue Ten Mill Limitation Allocating Interest Among County Funds County Credit & Procurement Cards Reverse Internet Auction Issuing Municipal Securities Books kept by Court of Common Pleas & Probate Courts Fines & penalties paid to law library resource funds Allocating Audit Costs Continuing Professional Training (CPT) pilot program funding for law enforcement agencies

Optional Procedures Manual

County credit and procurement cards

- Clarifying guidance regarding difference between credit card & procurement cards
- Credit Card usage and internal controls followed regarding card purchases are to be in accordance with County Commissioner approved policies and ORC 301.27.
- Card holder/Office holder and surety are liable when:
 - Card not used in accordance with ORC 301.27 or adopted policy
 - Sales tax, late fees, penalties or finance charges (unless approved by Commissioners)
- Procurement card (P-card) requirements outlined in 301.29.
- A cash withdrawal which is not properly authorized is not made for a proper public purpose.

Optional Procedures Manual

Reverse Internet Auction

- May purchase the services or supplies by reverse auction in lieu of written proposals
- Solicit proposals through a request for proposals
- A political subdivision may award a contract to the offeror whose proposal the County determines to be the most advantageous to the County, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

Optional Procedures Manual

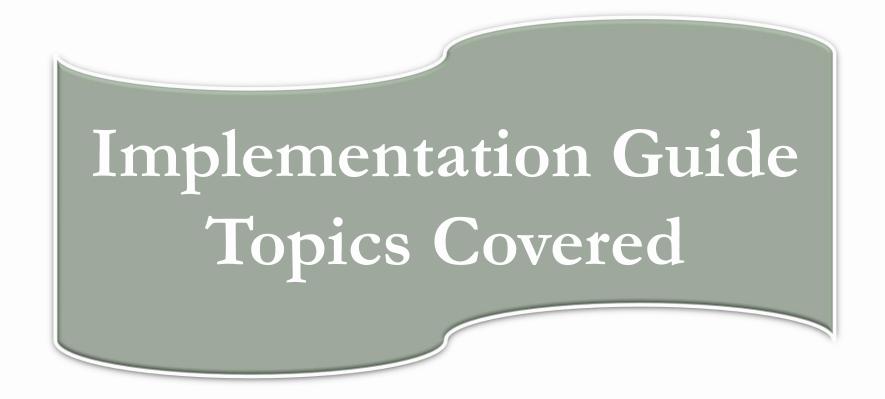
Allocating Audit Costs

• See AOS infographic →

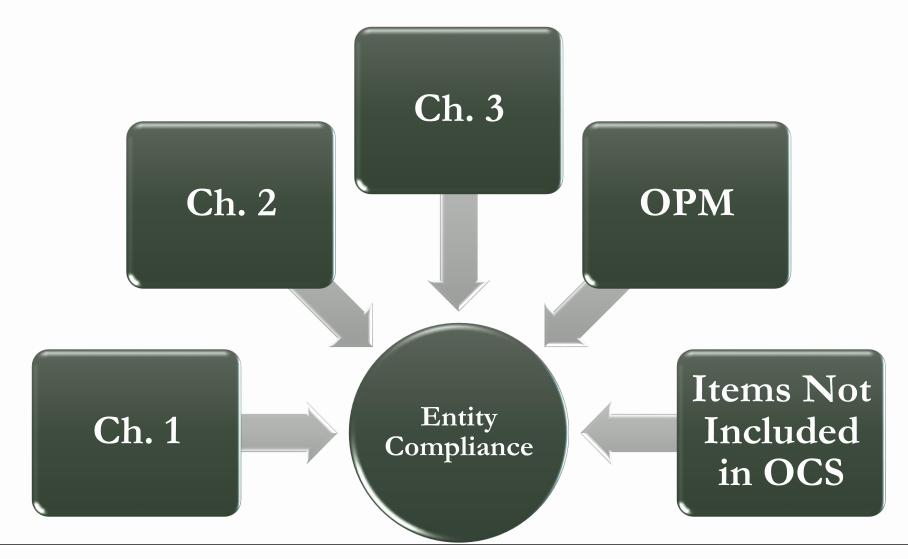
Continuing Professional Training (CPT) pilot program funding for law enforcement agencies

• Updated as a result of HB's 45 & 33, OAC 109:2-18-04 & 05, and Attorney General Bulletin.



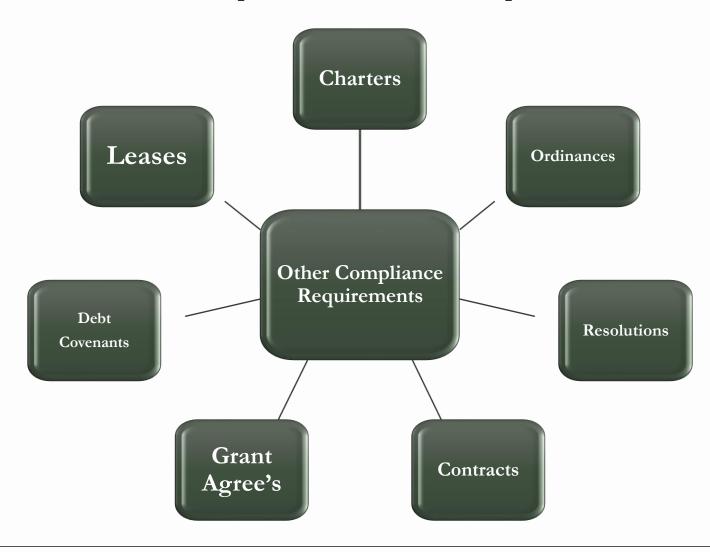


County Compliance With Laws & Reg's



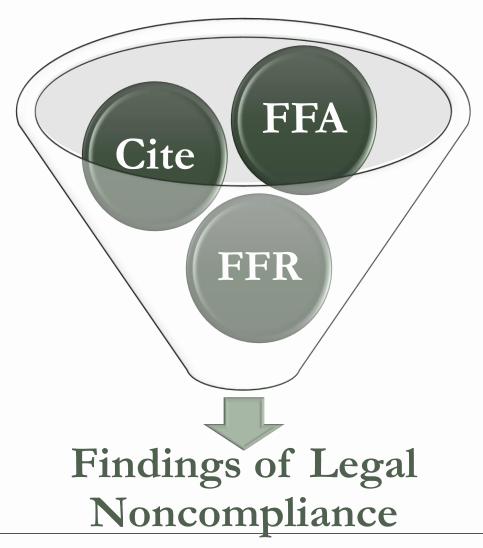
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Other Compliance Requirements



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Audit Findings



Noncompliance Citations

Federal & State Constitutions

United States
Code & Rules

Ohio Revised Code

Ohio Admin. Code

County Resolutions Federal & State Court Decisions

Federal & State Regulations

Ohio Ethics Commission Opinions

Tax Levy
Ballot
Language

Findings for Adjustment (FFA)

Receipts posted to fund having no authority to receive them

Disbursements not authorized from one fund, but permissible from another



ORC 9.24(H)(3)

Finding for Recovery (FFR)

ORC 117.28

Public money has been illegally expended;

Public money that has been collected has not been accounted for;

FFR may exist when:

Public money that is due has not been collected;

Public property has been converted or misappropriated.

Appendix A – Budgetary (Applies to Ch. 1, Section A)

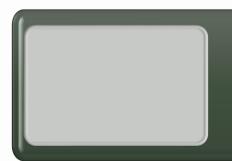
Budgetary & Certain Related Requirements

• Legal level of budgetary control (applies to section 1-1)



Transfers & Advances (referenced in 1-6 & 1-7 & 1-13)

- Some transactions that might not be 'transfers'
- Transfers clarification



Direct Charges (referenced in 1-2 & 2A-2)

• Payments not requiring fiscal officer certification/encumbering

Other Topics Covered in Implementation Guide

Direct &
Material Laws
& Reg's

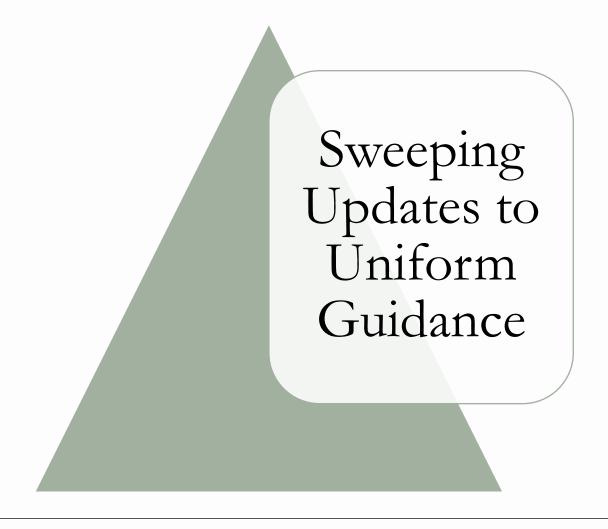
Compliance
Risk &
Controls

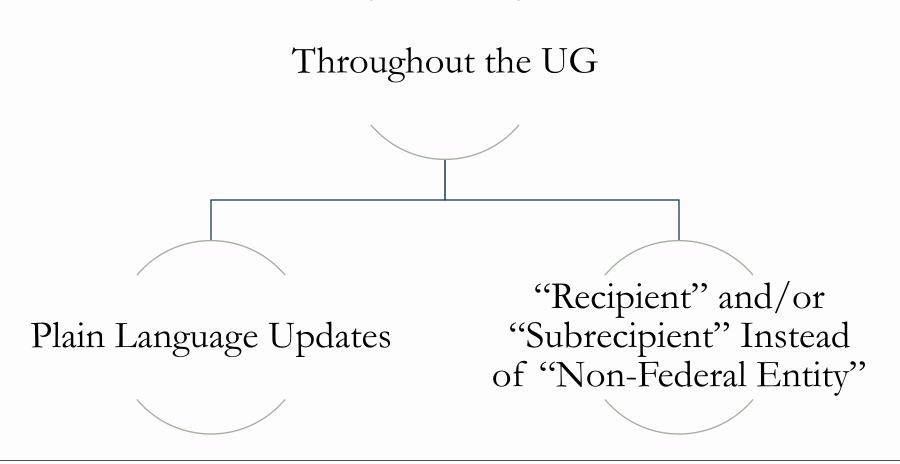
Home Rule Powers Substantive Local Self-Gov. Powers

Proper Public Purpose Referring Audit Reports

Debt

Public Officers' Bond





Equipment

Capitalization
Threshold Increase
from \$5,000 to
\$10,000

2 CFR 200.1

De Minimis Indirect Cost Rate Increase from 10% to 15% of Modified Total Direct Costs

Modified Total
Direct Costs
(MTDC)

• Includes First \$50,000 of Each Subaward (Previously \$25,000)

2 CFR 200.414(f); 2 CFR 200.1



- Must **Document** Internal Control
- Must Take Reasonable
 Cybersecurity and Other Measures
 to Safeguard Information

2 CFR 200.303

Procurement Updates

Removed Prohibition on Geographical Preferences in Evaluation of Bids or Proposals

Terminology Change: Small Purchases Now Simplified Acquisitions

Must Provide Justification for Rejected Bids

2 CFR 200.317 - .327

Single Audit Threshold • Increase from \$750,000 to \$1,000,000

Type A
Threshold

• Increase from \$750,000 to \$1,000,000

2 CFR 200.501, 2 CFR 200.518

Effective

Effective Dates

Federal Agency Adoption

Required by October 1, 2024

Early Implementation Permitted

2024 OMB Compliance Supplement • "The auditor should perform reasonable procedures to ensure that compliance requirements identified as subject to the audit are current and determine whether there are any additional or modified provisions of federal awards based on the 2024 revisions."

Effective Dates

Audit Requirements

Effective for Audits of Fiscal Years Beginning on or After October 1, 2024

Early Adoption Not Permitted

Fuel Inventory/Usage and Fuel Card/Account



Auditor of State Advisory Memo issued in 2021-Full Bulletin available on website.



Provides general background related to the importance of good internal controls, policies, and procedures related to fuel inventory and usage and fuel card expenditures, as well as specific guidance related to implementing and managing these controls.

Fuel Inventory/Usage and Fuel Card Accounts

Policies & Procedures

- Parameters to ensure public monies are properly accounted for and spent
- Approved by County Commissioners
- Should be communicated to all applicable employees
- Needs to be reviewed regularly & updated- Compare what is happening vs. what the policy states.

Fuel Inventory & Usage

Policy & Procedures

Who is authorized to purchase the bulk fuel?

How are these purchases tracked?

Who has access to use the fuel?

How is the fuel usage tracked?

Who reconciles and monitors the fuel usage, and how is the fuel secured?

Restricted Access

Physical Security

Locked gates

Locking mechanisms on fuel pump

Limit access to authorized personnel

Security cameras

Fuel Inventory & Usage

Inventory

Usage Logs

Management Review of Usage Logs

- Accurate?
- Complete?
- Awareness of operational trends mileage per gallon, usage, number of daily fill-ups, etc.
- Irregular Trends?

Reconciliation

Performed Monthly

Beginning fuel in tank + purchased fuel -fuel used=Ending fuel inventory

Compare to actual fuel in tank- Observation by employee completing reconciliation

Independent Review- Engineer/Board of Commissioners

Fuel Card/Account

Policy and Procedures

- Who is responsible for overseeing the card/account?
- Who has access to use the card/account?
- Does access require pre-approval?,
- What are the spending limits, how is access/use tracked?
- Are receipts required?
- Are receipts reconciled to the monthly bill/invoice?

Restricted Access

- Limit on number of cards and authorized employees
- Centralized storage of the cards
- Log in/log out sheets
- Vendor should match employee ID to list of authorized users.
- Compare "miles per gallon" on fuel cards to mileage logs to ensure miles driven between fueling is reasonable. Helps to ensure personal vehicles are not being fueled.

Fuel Card/Account

Inventory- Fuel card purchases

- Usage Log
 - Date, employee ID, vehicle ID, odometer reading, purpose for use, gallons of fuel purchased
- Require receipts
- Regular review of usage logs by management
 - Complete?
 - Accurate?
 - Irregular trends?

Inventory- Vehicles & Equipment

- Record of date placed in service, fuel capacity, average miles/gallon, type of fuel used
- Management's familiarity with inventory information improves effectives of periodic reviews
- Document last date of service for retired equipment

Reconciliation

- Vendor/Credit Account monthly statement compared to tracking mechanism
- Ensure purchases included on tracking mechanism are properly supported

Travel Reimbursements



Can the County reimburse employees for mileage rather than utilizing County purchased fuel or utilizing fuel cards?



Answer: Yes! Still need to have policies and procedures in place.

Board Approved Travel Reimbursement Policy needs to address the following:

- Requirements & qualifications for reimbursing employees for travel expenses
- Is pre-approval required?
- Mileage reimbursement rate
- Required forms to be completed and support submitted with form (mileage log, receipts, etc.)
- How are reimbursement requests approved?

Reimbursement of actual fuel purchases for personal vehicles not recommended.

Fuel Inventory/Usage and Fuel Card/Account

Regular reviews & questioning of irregularities deters misuse and misappropriation of County assets and ensures County assets are used for a proper public purpose!





Central Region- Auditor of State

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