REPORT OF THE AUDIT OF THE GALLATIN COUNTY SHERIFF

For The Year Ended December 31, 2015



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

www.auditor.ky.gov

209 ST. CLAIR STREET FRANKFORT, KY 40601-1817 TELEPHONE (502) 564-5841 FACSIMILE (502) 564-2912

EXECUTIVE SUMMARY

AUDIT OF THE GALLATIN COUNTY SHERIFF

For The Year Ended December 31, 2015

The Auditor of Public Accounts has completed the Gallatin County Sheriff's audit for the year ended December 31, 2015. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the receipts, disbursements, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$8,823 from the prior year, resulting in excess fees of \$54,520 as of December 31, 2015. Receipts decreased by \$9,546 from the prior year and disbursements decreased by \$723.

Report Comments:

2015-001	The Sheriff's Office Lacks Adequate Of Segregation Of Duties Over Receipts, Disbursements, And
	Bank Reconciliations
2015-002	The Sheriff Ran A Charitable Account Through His Office That Did Not Serve A Public Purpose
	Associated With A Regular Function Of The Sheriff's Office
2015-003	The Sheriff Overspent His Budget

Deposits:

The sheriff's deposits were insured and collateralized by bank securities.

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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Ken McFarland, Gallatin County Judge/Executive The Honorable Josh Neale, Gallatin County Sheriff Members of the Gallatin County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the accompanying Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the Sheriff of Gallatin County, Kentucky, for the year ended December 31, 2015, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Guide for County Fee Officials* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



The Honorable Ken McFarland, Gallatin County Judge/Executive The Honorable Josh Neale, Gallatin County Sheriff Members of the Gallatin County Fiscal Court

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statement, the financial statement is prepared by the Gallatin County Sheriff on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the Gallatin County Sheriff, as of December 31, 2015, or changes in financial position or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the Gallatin County Sheriff for the year ended December 31, 2015, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated February 3, 2017 on our consideration of the Gallatin County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance.

The Honorable Ken McFarland, Gallatin County Judge/Executive The Honorable Josh Neale, Gallatin County Sheriff Members of the Gallatin County Fiscal Court

Other Reporting Required by Government Auditing Standards (Continued)

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

2015-001	The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts, Disbursements, And Bank
	Reconciliations
2015-002	The Sheriff Ran A Charitable Account Through His Office That Did Not Serve A Public Purpose
	Associated With A Regular Function Of The Sheriff's Office
2015-003	The Sheriff Overspent His Budget

Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

February 3, 2017

GALLATIN COUNTY JOSH NEALE, SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2015

Receipts

State - Kentucky Law Enforcement Foundation Program Fund (KLEFPF)		
State Fees For Services: Finance and Administration Cabinet Sheriff Security Service	\$ 55,453 13,844	
Prisoner Transport	159	69,456
Fiscal Court		290,000
County Clerk - Delinquent Taxes		11,721
Commission On Taxes Collected		252,380
Fees Collected For Services:		
Auto Inspections	3,630	
Accident and Police Reports	5,931	
Serving Papers	20,426	
Commissions on Telecommication Taxes	2,296	
Carrying Concealed Deadly Weapon Permits	2,860	35,143
Other:		
Add-On Fees	33,073	
Glencoe Agreement	13,653	
School Resource Officer	22,500	69,226
Interest Earned		32
Total Receipts		754,590

GALLATIN COUNTY JOSH NEALE, SHERIFF

STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2015 $^{\circ}$

(Continued)

Disbursements

Operating Disbursements and Capital Outlay:		
Personnel Services-		
Deputies' Salaries	\$ 411,279	
Part-Time Salaries	33,919	
Employee Benefits-		
Employer's Share Social Security	37,739	
KLEFPF Retirement	3,674	
Contracted Services-		
Advertising	347	
Materials and Supplies-		
Office Materials and Supplies	3,438	
Uniforms	4,547	
Auto Expense-		
Gasoline	39,993	
Maintenance and Repairs	28,420	
Other Charges-		
Law Enforcement Officer	21,044	
Postage	627	
Telephone	15,613	
Miscellaneous	9,324	
Capital Outlay-		
Office Equipment	9,324	
Total Disbursements		\$ 619,288
Net Receipts		135,302
Less: Statutory Maximum		76,841
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Excess Fees		58,461
Less: Training Incentive Benefit		3,941
Francis Francis Day County for 2015		E 4 E 2 O
Excess Fees Due County for 2015		54,520 54,520
Payment to Fiscal Court - February 5, 2016		54,520
Balance Due Fiscal Court at Completion of Audit		\$ 0

GALLATIN COUNTY NOTES TO FINANCIAL STATEMENT

December 31, 2015

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the sheriff as determined by the audit. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement with the fiscal court on or before September 1 of each year. KRS 64.830 requires an outgoing sheriff to settle excess fees with the fiscal court of his county by March 15 immediately following the expiration of his term of office.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Under this regulatory basis of accounting receipts and disbursements are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2015 services
- Reimbursements for 2015 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2015

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the county treasurer in the subsequent year.

C. Cash and Investments

KRS 66.480 authorizes the sheriff's office to invest in obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

GALLATIN COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2015 (Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems (KRS). This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute five percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute six percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 17.67 percent for the first six months and 17.06 percent for the last six months.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2014, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Members contribute five percent (nonhazardous) of their annual creditable compensation and one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the Board based on an actuarial valuation. The employer contributes a set percentage of the member's salary. Each month, when employer contributions are received, an employer pay credit is deposited to the member's account. A member's account is credited with a four percent (nonhazardous) employer pay credit. The employer pay credit represents a portion of the employer contribution.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (member's age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

CERS also provides post-retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

Years of Service	% Paid by Insurance Fund	% Paid by Member through Payroll Deduction
20 or more	100%	0%
15-19	75%	25%
10-14	50%	50%
4-9	25%	75%
Less than 4	0%	100%

GALLATIN COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2015 (Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits (Continued)

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003, earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. This dollar amount is subject to adjustment annually based on the retiree cost of living adjustment, which is updated annually due to changes in the Consumer Price Index.

KRS issues a publicly available annual financial report that includes financial statements and required supplementary information on CERS. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Gallatin County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240, the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the sheriff's deposits may not be returned. The Gallatin County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 66.480(1)(d) and KRS 41.240. As of December 31, 2015, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Lease Agreement

The sheriff's office was committed to a lease agreement for a copier. The agreement required a monthly payment of \$129 for 60 months to be completed on October 30, 2017. This lease agreement was replaced on September 1, 2015 with another lease agreement for 2 copiers, requiring a monthly payment of \$209 for 63 months to be completed on November 30, 2021. The total remaining balance of the agreement was \$12,331 as of December 31, 2015.

Note 5. Donations Account

The Gallatin County Sheriff's office maintains a donations account consisting of proceeds from fundraisers and other donations to be used for an annual Christmas shopping trip for needy children (Shop With A Cop Program). The balance on January 1, 2015 was \$294. Receipts during the year totaled \$3,997 and disbursements totaled \$3,905 leaving a balance of \$386 as of December 31, 2015.

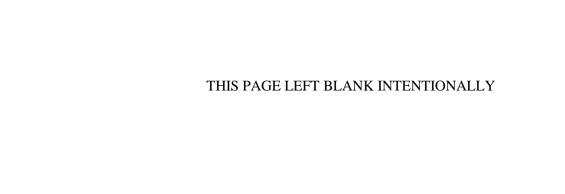
GALLATIN COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2015 (Continued)

Note 6. Asset Forfeiture Account

The Gallatin County Sheriff's office maintains an asset forfeiture account for the receipt and disbursement of funds resulting from drug related seizures and forfeitures. These funds are used to purchase law enforcement equipment and to conduct drug related investigations. The beginning balance on January 1, 2015 was \$6,493. During calendar year 2015, there were receipts of \$6,985 and disbursements of \$13,209, leaving a balance of \$269 as of December 31, 2015.

Note 7. City of Glencoe Contract

The sheriff's office entered into an agreement with the City of Glencoe, Kentucky on May 1, 2011, to provide police patrol within the city limits of Glencoe at a cost of \$6,000 per quarter paid to the sheriff's office for random hours of patrol. Beginning July 1, 2015, the amount to be paid by the city of Glencoe was renegotiated to the current amount of \$100 per month, in addition to quarterly payments of any and all sums procured as a result of HB 413 fees paid to the city. The sheriff's deputies performing the work under this contract are paid directly by the sheriff's office.



REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Ken McFarland, Gallatin County Judge/Executive The Honorable Josh Neale, Gallatin County Sheriff Members of the Gallatin County Fiscal Court

> Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the Gallatin County Sheriff for the year ended December 31, 2015, and the related notes to the financial statement and have issued our report thereon dated February 3, 2017. The Gallatin County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Gallatin County Sheriff's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Gallatin County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Gallatin County Sheriff's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying comments and recommendations, we identified a certain deficiency in internal control that we consider to be a material weakness and another deficiency that we consider to be a significant deficiency.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comments and recommendations as item 2015-001 to be a material weakness.



Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statement Performed In Accordance With *Government Auditing Standards* (Continued)

Internal Control over Financial Reporting (Continued)

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiency described in the accompanying comments and recommendations as item 2015-003 to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Gallatin County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying comments and recommendations as items 2015-002 and 2015-003.

Purpose of this Report

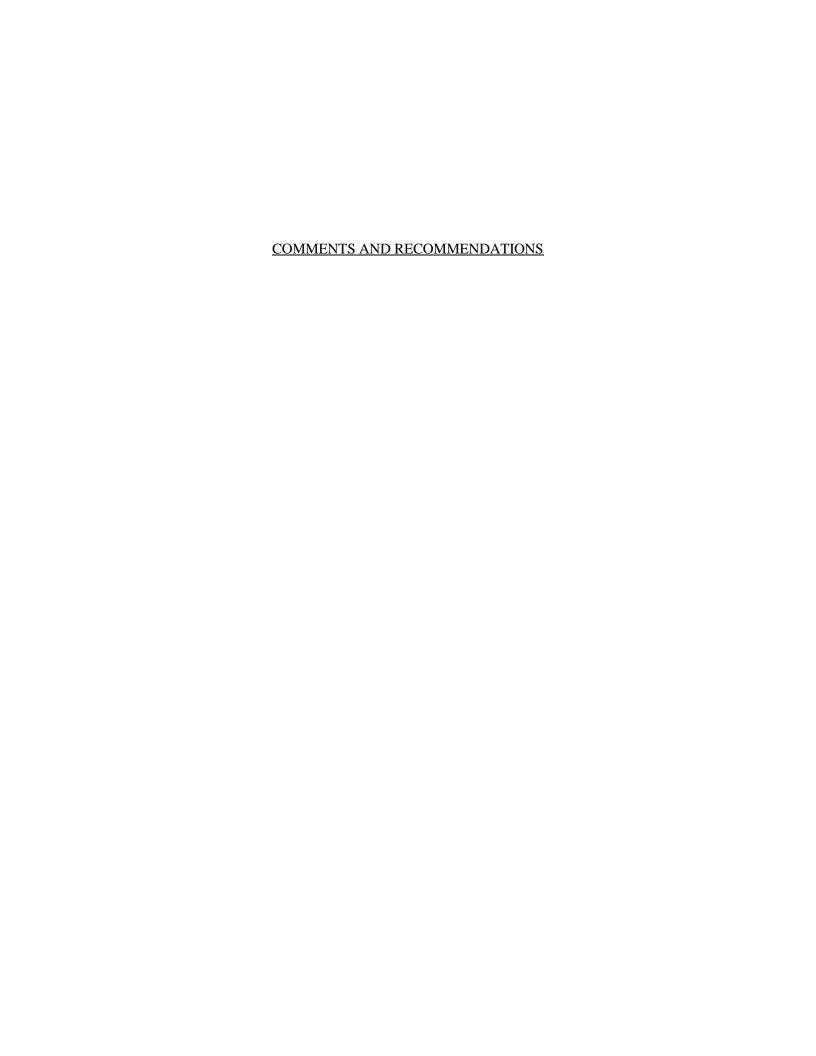
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

February 3, 2017



GALLATIN COUNTY JOSH NEALE, SHERIFF COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2015

FINANCIAL STATEMENT FINDINGS:

2015-001 The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts, Disbursements And Bank Reconciliations

The sheriff's office lacks adequate segregation of duties over the accounting and reporting functions of receipts, disbursements, and bank reconciliations. The sheriff's bookkeeper collects receipts, posts receipts to the ledger, takes deposits to the bank, prepares and signs checks, posts disbursements to the ledger, and completes the bank reconciliations, which results in a lack of segregation of duties. Due to the sheriff's lack of oversight over controls, no independent reviews are performed. The sheriff reviews invoices and initials them for the bookkeeper to prepare checks, but he does not compare the invoices to the checks before he signs them, resulting in an ineffective review or approval of disbursements. This condition is a result of a limited budget, which restricts the number of employees the sheriff can hire or delegate duties to. A lack of segregation of duties could result in undetected misappropriation of assets and inaccurate financial reporting to external agencies such as the Department for Local Government. The segregation of duties over various accounting functions such as opening mail, preparing deposits, recording receipts and disbursements, and preparing monthly reports, or the implementation of compensating controls is essential for providing protection from asset misappropriation and inaccurate financial reporting. segregation of duties protects employees in the normal course of performing their daily responsibilities. The sheriff should separate the duties involved in receiving cash, preparing deposits, writing checks, posting to ledgers, preparing monthly bank reconciliations, and comparing financial reports to ledgers. If this is not feasible due to a limited budget, cross checking procedures could be implemented and documented by the individual performing the procedure. Reviews should be evidenced with initials on the daily collection reports, deposit tickets, ledgers, and bank reconciliations.

Sheriff's Response: None.

2015-002 The Sheriff Should Ran A Charitable Account Through His Office That Did Not Serve A Public Purpose Associated With A Regular Function Of The Sheriff's Office

The sheriff deposits and expends donations for the Shop With A Cop program administered through the donations account managed in his office. The Shop With A Cop program is popular throughout the Commonwealth. Local law enforcement agencies normally administer it. Per KRS 61.310, sheriffs may accept donations to be used for the public purposes of the office. This program does not further a public purpose of the sheriff's office. The sheriff may participate in the Shop With A Cop program on personal time, and the program may be operated externally and separate from the sheriff's office by a private or not-for-profit entity. The sheriff should not run charitable accounts through his office that do not serve a public purpose associated with a regular function of the sheriff's office.

Sheriff's Response: None.

GALLATIN COUNTY JOSH NEALE, SHERIFF COMMENTS AND RECOMMENDATIONS For The Year Ended December 31, 2015 (Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2015-003 The Sheriff Overspent His Approved Budget

The sheriff's operating budget was overspent by \$25,424 due to an oversight that the sheriff and bookkeeper did not notice. This resulted in excess fees to the fiscal court being lower than budgeted. The State Local Finance Officer requires the fiscal court to approve a calendar year budget for each fee office by January 15 of each year as a component of the county's budget preparation process. KRS 68.210 states that the administration of the county uniform budget system shall be under the supervision of the State Local Finance Officer who may inspect and shall supervise the administration of accounts and financial operations and shall prescribe a system of uniform accounts for all counties and county officials. Good internal controls dictate that comparisons of disbursements to budgeted totals should be done before disbursements are made to ensure budgets are not overspent. We recommend the sheriff ensure disbursements are compared to the approved budget amount, and in the future, if disbursements are going to be over the budgeted amount, then a budget amendment should be submitted to the fiscal court for approval.

Sheriff's Response: None.