# REPORT OF THE AUDIT OF THE GRAVES COUNTY CLERK

For The Year Ended December 31, 2020



# 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

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## MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jesse Perry, Graves County Judge/Executive The Honorable Kim Gills, Graves County Clerk Members of the Graves 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 County Clerk of Graves County, Kentucky, for the year ended December 31, 2020, 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 this 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 and budget laws. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a 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 this 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.

209 ST. CLAIR STREET FRANKFORT, KY 40601-1817 TELEPHONE 502.564.5841

FACSIMILE 502.564.2912

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The Honorable Jesse Perry, Graves County Judge/Executive The Honorable Kim Gills, Graves County Clerk Members of the Graves 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 Graves County Clerk 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 the Graves County Clerk, as of December 31, 2020, 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 Graves County Clerk for the year ended December 31, 2020, 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 May 11, 2021, on our consideration of the Graves County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is 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. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Graves County Clerk's internal control over financial reporting and compliance.

Based on the results of our audit, we have presented the accompanying Schedule of Findings and Responses, included herein, which discusses the following report comment:

2020-001 The Graves County Clerk's Fourth Quarter Financial Report Was Significantly Misstated

Respectfully submitted,

Mike Harmon Auditor of Public Accounts

May 11, 2021

## GRAVES COUNTY KIM GILLS, COUNTY CLERK <u>STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS</u>

## For The Year Ended December 31, 2020

Receipts

State Grant: Libraries & Archives Grant10,800State Fees For Services13,298Fiscal Court11,736Licenses and Taxes: Motor Vchicle- Licenses and Transfers\$ 1,620,038 \$ 1,620,038 Usage TaxLicenses and Transfers\$ 1,620,038 \$ 1,620,038 Usage TaxUsage Tax\$,433,027 \$ 1,433,027 Tangible Personal Property TaxTangible Personal Property Tax3,628,530 \$ 11,546Other- Fish and Game Licenses2,329 \$ 5,680 \$ pouse AbuseDeed Transfer Tax118,314 \$ 267,634 \$ Delinquent Tax DepositsFees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544 \$ 6,636 \$ 11,255,624Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544 \$ 6,300 \$ 9,300 \$ 9,300 \$ 9,300 \$ 9,300 \$ 9,301 \$ 9,302 \$ 11,574 \$ Chattel Mortgages and Financing Statements \$ 96,300 \$ 9,300 \$ 9,0000 \$ 9,0000 \$ 9,00000 \$ 11,574 \$ 2,299 \$ Affordable Housing Trust \$ 38,856 \$ All Other Recordings \$ 13,299 \$ Affordable Housing Trust \$ 38,856 \$ All Other Recordings \$ 13,292 \$ 18,186	Federal Grant: State Board of Elections - CARES		\$	30,382
Fiscal Court 11,736 Licenses and Taxes: Motor Vehicle- Licenses and Transfers \$ 1,620,038 Usage Tax 5,433,027 Tangible Personal Property Tax 3,628,530 Title Fees 11,546 Other- Fish and Game Licenses 2,329 Marriage Licenses 5,680 Spouse Abuse 1,890 Deed Transfer Tax 118,314 Delinquent Tax Deposits 166,636 11,255,624 Fees Collected for Services: Recordings- Deeds, Easements, and Contracts 55,544 Real Estate Mortgages 111,574 Chattel Mortgages and Financing Statements 96,300 Powers of Attorney 3,299 Affordable Housing Trust 38,856 All Other Recordings Charges for Other Services- Copy Work 6,213				10,800
Licenses and Taxes: Motor Vehicle- Licenses and Transfers \$ 1,620,038 Usage Tax 5,433,027 Tangible Personal Property Tax 3,628,530 Title Fees 11,546 Other- Fish and Game Licenses 2,329 Marriage Licenses 5,680 Spouse Abuse 1,890 Deed Transfer Tax 118,314 Delinquent Tax 267,634 Delinquent Tax 267,634 Delinquent Tax 267,634 Delinquent Tax 0,267,634 Delinquent 1,255,624 Fees Collected for Services- Copy Work 0,213	State Fees For Services			13,298
Motor Vehicle-Licenses and Transfers\$ 1,620,038Usage Tax5,433,027Tangible Personal Property Tax3,628,530Title Fees11,546Other-Fish and Game Licenses2,329Marriage Licenses5,680Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services:Recordings-Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services-193,478Charges for Other Services-6,213	Fiscal Court			11,736
Tangible Personal Property Tax3,628,530Title Fees11,546Other-11,546Fish and Game Licenses2,329Marriage Licenses5,680Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services:Recordings-Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services-6,213	Motor Vehicle-	\$ 1,620,038		
Title Fees11,546Other-Fish and Game Licenses2,329Marriage Licenses5,680Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services:11,255,624Recordings-Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Usage Tax	5,433,027		
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Fish and Game Licenses2,329Marriage Licenses5,680Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,63611,255,624Fees Collected for Services: Recordings- Deeds, Easements, and ContractsDeeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Title Fees	11,546		
Marriage Licenses5,680Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Other-			
Spouse Abuse1,890Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Fish and Game Licenses	2,329		
Deed Transfer Tax118,314Delinquent Tax267,634Delinquent Tax Deposits166,636Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Marriage Licenses	5,680		
Delinquent Tax267,634Delinquent Tax Deposits166,63611,255,624Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Spouse Abuse	1,890		
Delinquent Tax Deposits166,63611,255,624Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Deed Transfer Tax	118,314		
Delinquent Tax Deposits166,63611,255,624Fees Collected for Services: Recordings- Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Delinquent Tax	267,634		
Recordings-Deeds, Easements, and Contracts55,544Real Estate Mortgages111,574Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	-	166,636	11	,255,624
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Chattel Mortgages and Financing Statements96,300Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Deeds, Easements, and Contracts	55,544		
Powers of Attorney3,299Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Real Estate Mortgages	111,574		
Affordable Housing Trust38,856All Other Recordings193,478Charges for Other Services- Copy Work6,213	Chattel Mortgages and Financing Statements	96,300		
All Other Recordings193,478Charges for Other Services- Copy Work6,213	Powers of Attorney	3,299		
Charges for Other Services- Copy Work 6,213	Affordable Housing Trust	38,856		
Copy Work 6,213	All Other Recordings	193,478		
Copy Work 6,213	Charges for Other Services-			
Postage <u>12,922</u> 518,186	Copy Work	6,213		
	Postage	12,922		518,186

## GRAVES COUNTY KIM GILLS, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2020 (Continued)

Receipts (Continued)

Other:		¢ 10.047	
Center for Tech and Civic Life Miscellaneous		\$ 19,247 955	\$ 20,202
			\$ _0,202
Interest Earned			285
Total Receipts			11,860,513
Disbursements			
Payments to State:			
Motor Vehicle-			
Licenses and Transfers	\$ 1,223,238		
Usage Tax	5,270,036		
Tangible Personal Property Tax	1,347,997		
Licenses, Taxes, and Fees-			
Fish and Game Licenses	2,271		
Delinquent Tax	35,776		
Legal Process Tax	32,465		
Affordable Housing Trust	38,856	7,950,639	
Payments to Fiscal Court:			
Tangible Personal Property Tax	286,338		
Delinquent Tax	28,174		
Deed Transfer Tax	112,398	426,910	
		,	
Payments to Other Districts:			
Tangible Personal Property Tax	1,849,044		
Delinquent Tax	162,388	2,011,432	
Payments to Sheriff		26,855	
Payments to County Attorney		42,909	
Tax Bill Preparation		8,550	
Delinquent Tax Deposit Refunds	103,123		
Other Refunds	32,205	135,328	
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## GRAVES COUNTY KIM GILLS, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2020 (Continued)

Disbursements (Continued)			
Operating Disbursements and Capital Outlay:			
Personnel Services-			
Deputies' Salaries	\$ 439,052		
Employee Benefits-			
Employer's Share Social Security	39,970		
Contracted Services-			
Libraries & Archives Grant	10,800		
Materials and Supplies-			
Office Supplies	97,319		
Election Expenses	70,886		
Storage Rental	1,250		
Other Charges-			
Conventions and Travel	260		
Postage	32,073		
Bank Charges	547		
Insurance and Bonds	2,820		
Miscellaneous	 36	\$ 695,013	
Capital Outlay-			
Office Equipment		 7,504	
Total Disbursements			\$ 11,305,140
Net Receipts			555,373
Less: Statutory Maximum			100,265
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Excess Fees			455,108
Less: Expense Allowance		3,600	
Training Incentive Benefit		2,156	5,756
Excess Fees Due County for 2020			449,352
Payment to Fiscal Court - February 3, 2021			449,352
Balance Due Fiscal Court at Completion of Audit			\$ 0

#### GRAVES COUNTY NOTES TO FINANCIAL STATEMENT

## December 31, 2020

#### 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 county clerk as determined by the audit. KRS 64.152 requires the county clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis 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 2020 services
- Reimbursements for 2020 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2020

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 county clerk'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).

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

The clerk's office has elected to participate, pursuant to KRS 78.530, in the County Employees Retirement System (CERS), which is 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.

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

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 be allocated as follows: five percent will go to the member's account and one percent will go to the KRS insurance fund.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, 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. Nonhazardous covered employees contribute five percent of their annual creditable compensation. Nonhazardous members also contribute one percent to the health insurance fund which is not credited to the member's account and is not refundable. 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 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.

The county's contribution rate for nonhazardous employees was 24.06 percent for the year.

#### Other Post-Employment Benefits (OPEB)

#### A. <u>Health Insurance Coverage - Tier 1</u>

CERS 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%

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.

GRAVES COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2020 (Continued)

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

## Other Post-Employment Benefits (OPEB) (Continued)

#### A. <u>Health Insurance Coverage - Tier 1</u> (Continued)

Benefits are covered under KRS 161.714 with exception of COLA and retiree health benefits after July 2003.

## B. Health Insurance Coverage - Tier 2 and Tier 3 - Nonhazardous

Once members reach a minimum vesting period of 15 years, 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 by 1.5 percent. This was established for Tier 2 members during the 2008 Special Legislative Session by House Bill 1. During the 2013 Legislative Session, Senate Bill 2 was enacted, creating Tier 3 benefits for members.

The monthly insurance benefit has been increased annually as a 1.5 percent cost of living adjustment (COLA) since July 2003 when the law changed. The annual increase is cumulative and continues to accrue after the member's retirement.

Tier 2 member benefits are covered by KRS 161.714 with exception of COLA and retiree health benefits after July 2003. Tier 3 members are not covered by the same provisions.

#### C. Cost of Living Adjustments - Tier 1

The 1996 General Assembly enacted an automatic cost of living adjustment (COLA) provision for all recipients of KRS benefits. During the 2008 Special Session, the General Assembly determined that each July beginning in 2009, retirees who have been receiving a retirement allowance for at least 12 months will receive an automatic COLA of 1.5 percent. The COLA is not a guaranteed benefit. If a retiree has been receiving a benefit for less than 12 months, and a COLA is provided, it will be prorated based on the number of months the recipient has been receiving a benefit.

#### D. Cost of Living Adjustments - Tier 2 and Tier 3

No COLA is given unless authorized by the legislature with specific criteria. To this point, no COLA has been authorized by the legislature for Tier 2 or Tier 3 members.

#### E. Death Benefit

If a retired member is receiving a monthly benefit based on at least 48 months of service credit, KRS will pay a \$5,000 death benefit payment to the beneficiary designated by the member specifically for this benefit. Members with multiple accounts are entitled to only one death benefit.

#### KRS Annual Financial Report and Proportionate Share Audit Report

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.

GRAVES COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2020 (Continued)

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

#### KRS Annual Financial Report and Proportionate Share Audit Report (Continued)

KRS also issues proportionate share audit reports for both total pension liability and other post-employment benefits for CERS determined by actuarial valuation as well as each participating county's proportionate share. Both the Schedules of Employer Allocations and Pension Amounts by Employer and the Schedules of Employer Allocations and Pension Amounts by Employer and the Schedules of Employer Allocations and the related actuarial tables are available online at <a href="https://kyret.ky.gov">https://kyret.ky.gov</a>. The complete actuarial valuation report, including all actuarial assumptions and methods, is also available on the website or can be obtained as described in the paragraph above.

## Note 3. Deposits

The Graves County Clerk maintained deposits of public funds with federally insured banking institutions as required by the Department for Local Government's (DLG) *County Budget Preparation and State Local Finance Officer Policy Manual*. The DLG Manual strongly recommends perfected pledges of securities covering all public funds except direct federal obligations and funds protected by federal insurance. In order to be perfected 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 fiscal court 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. These requirements were met.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the county clerk's deposits may not be returned. The Graves County Clerk does not have a deposit policy for custodial credit risk, but rather follows the requirements of the DLG *County Budget Preparation and State Local Finance Officer Policy Manual.* As of December 31, 2020 all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Grants

A. Libraries & Archives Grant - State

The Graves County Clerk's office received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$10,800. Funds totaling \$10,800 were expended during the year. The unexpended grant balance was \$0, as of December 31, 2020.

B. State Board Of Election Grant - Federal

The Graves County Clerk's office received a federal CARES grant through the state for \$30,382 to help defray the cost of the 2020 elections due to special circumstances created by the corona virus.

C. Center for Tech and Civic Life Grant - Non-Profit

The Graves County Clerk's office received a grant from a non-profit in the amount of \$19,247 to help defray the cost of the 2020 elections due to special circumstances created by the corona virus.

## GRAVES COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2020 (Continued)

#### Note 5. Escrow Account

The county clerk maintains an escrow account for outstanding checks that did not clear the bank. As of January 1, 2020, the balance was \$1,246. During the calendar year, funds of \$140 were received and funds of \$43 were expended, leaving a balance of \$1,343 as of December 31, 2020.

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*  THIS PAGE LEFT BLANK INTENTIONALLY



## MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jesse Perry, Graves County Judge/Executive The Honorable Kim Gills, Graves County Clerk Members of the Graves 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 Graves County Clerk for the year ended December 31, 2020, and the related notes to the financial statement and have issued our report thereon dated May 11, 2021. The Graves County Clerk'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 Graves County Clerk's internal control over financial reporting (internal control) as a basis for designing 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 Graves County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Graves County Clerk's internal control.

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. 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.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We identified a certain deficiency in internal control, which is described in the accompanying Schedule of Findings and Responses as item 2020-001 that we consider to be a significant deficiency.

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Graves County Clerk'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 financial statement. 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

#### Views of Responsible Official and Planned Corrective Action

The Graves County Clerk's views and planned corrective action for the finding identified in our audit are described in the accompanying Schedule of Findings and Responses. The Graves County Clerk's response was not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on it.

## **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

May 11, 2021

SCHEDULE OF FINDINGS AND RESPONSES

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## GRAVES COUNTY KIM GILLS, COUNTY CLERK SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2020

## INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

## 2020-001 The Graves County Clerk's Fourth Quarter Financial Report Was Significantly Misstated

This is a repeat finding and was included in the prior year audit report as finding 2019-001. The county clerk's fourth quarter financial report was significantly misstated by \$261,326. The county clerk omitted transactions occurring after the end of the year but related to the fee year, such as motor vehicle taxes, delinquent taxes, and tangible taxes. The county clerk also missed accounting for grant funds received and expended during the year. The fourth quarter financial report did not include \$53,208 in receipts or \$314,534 in disbursements for calendar year 2020. Due to not including transactions occurring after the end of the year, the fourth quarter financial report submitted to the Department for Local Government was significant misstated and also resulted in excess fees due to the fiscal court being overstated by \$261,326. The county clerk did not realize she should be reporting transactions after the end of the year on the fourth quarter financial report.

Good internal controls include procedures to ensure financial reports are complete and accurate. Financial reports should agree to the ledgers and be reconciled to the bank.

Additionally, the form required by the Department for Local Government as shown in the *County Budget Preparation and State Local Finance Officer Policy Manual* includes reporting transactions related to the fee year that occur after the end of the year, columns on quarterly report labeled accounts receivable should be used for deposits made after the end of the year and unpaid obligations should be used for disbursements made after the end of the year, especially distributions for December tax collections. This is not an over/under budget column.

We recommend the county clerk prepare a complete and accurate fourth quarter financial report by utilizing the accounts receivable and unpaid obligations columns on the quarterly financial report for items occurring after the end of the year.

County Clerk's Response: The bookkeeper was not aware that any sums that became due in January 2021 for obligations as a result of transactions that took place in December 2020 were to be included on the 4<sup>th</sup> Qtr budget submitted to Fiscal Court. It has been explained that these amounts are to be listed in the accounts receivable column on the 4<sup>th</sup> Qtr budget. However, the bookkeeper did provide a copy of a budget submitted and approved by Fiscal Court on February 8<sup>th</sup> to the auditor, which did include the misstated amounts.