

**REPORT OF THE AUDIT OF THE
NICHOLAS COUNTY
FISCAL COURT**

**For The Year Ended
June 30, 2022**



**MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS
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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

Independent Auditor's Report

To the People of Kentucky

The Honorable Andy Beshear, Governor

Holly M. Johnson, Secretary

Finance and Administration Cabinet

The Honorable Steve Hamilton, Nicholas County Judge/Executive

Members of the Nicholas County Fiscal Court

Report on the Audit of the Financial Statement

Opinions

We have audited the accompanying Statement of Receipts, Disbursements, and Changes in Fund Balances – Regulatory Basis of the Nicholas County Fiscal Court, for the year ended June 30, 2022, and the related notes to the financial statement, which collectively comprise the Nicholas County Fiscal Court's financial statement as listed in the table of contents.

Unmodified Opinion on Regulatory Basis of Accounting

In our opinion, the accompany financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and changes in fund balances – regulatory basis of the Nicholas County Fiscal Court, for the year ended June 30, 2022, in accordance with accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

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 section of our report, the financial statements do not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the Nicholas County Fiscal Court, for the year ended June 30, 2022, or the changes in financial position and cash flows thereof for the year then ended.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and the *Fiscal Court Audit Guide* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statement section of our report. We are required to be independent of Nicholas County Fiscal Court and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



To the People of Kentucky
 The Honorable Andy Beshear, Governor
 Holly M. Johnson, Secretary
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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 Nicholas County Fiscal Court on the basis of the accounting practices prescribed or permitted by the Department for Local Government to demonstrate 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. 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 and pervasive.

Responsibilities of Management for the Financial Statement

Nicholas County Fiscal Court's management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the Department for Local Government to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws. This includes determining that the regulatory basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances. 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 Responsibilities for the Audit of the Financial Statement

Our objectives are to obtain reasonable assurance about whether the financial statement is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statement.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statement, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statement.
- Obtain an understanding of internal control relevant to the audit 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 Nicholas County Fiscal Court's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statement.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Nicholas County Fiscal Court's ability to continue as a going concern for a reasonable period of time.

To the People of Kentucky
The Honorable Andy Beshear, Governor
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Members of the Nicholas County Fiscal Court

Auditor's Responsibilities for the Audit of the Financial Statement (Continued)

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statement taken as a whole of the Nicholas County Fiscal Court. The Budgetary Comparison Schedules are presented for purposes of additional analysis and are not a required part of the financial statement; however, they are required to be presented in accordance with accounting practices prescribed or permitted by the Department for Local Government to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws.

The accompanying Budgetary Comparison Schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statement. Such information has been subjected to the auditing procedures applied in the audit of the financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Budgetary Comparison Schedules are fairly stated in all material respects in relation to the financial statement as a whole.

Other Information

Management is responsible for the other information included in this report. The other information is comprised of the schedule of capital assets but does not include the financial statement and our auditor's report thereon. Our opinions on the financial statement do not cover the other information, and we do not express an opinion or any form of assurance thereon. In connection with our audit of the financial statement, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statement, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

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Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated January 10, 2023, on our consideration of the Nicholas County Fiscal Court'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 effectiveness of 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 Nicholas County Fiscal Court's internal control over financial reporting and compliance.

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

2022-001 The Nicholas County Fiscal Court Did Not Establish And Maintain Effective Internal Controls Over Financial Reporting Of Federal Awards

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mike H", with a long horizontal line extending to the right.

Mike Harmon
Auditor of Public Accounts
Frankfort, Ky

January 10, 2023

NICHOLAS COUNTY OFFICIALS**For The Year Ended June 30, 2022****Fiscal Court Members:**

Steve Hamilton	County Judge/Executive
Jeff Randolph	Magistrate
Mike Webb	Magistrate
Wayne Shields	Magistrate
Matt Hughes	Magistrate
Kenny Holbrook	Magistrate

Other Elected Officials:

Dawn Letcher	County Attorney
Darren Robinson	Jailer
Martha Moss	County Clerk
Sandye Watkins	Circuit Court Clerk
Jeff Sidles	Sheriff
Jacquelinee Earlywine	Property Valuation Administrator
Emily Gaunce	Coroner

Appointed Personnel:

Julie Watson	County Treasurer
Tammy McConnell	Administrative Assistant

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NICHOLAS COUNTY
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND CHANGES
IN FUND BALANCES - REGULATORY BASIS

For The Year Ended June 30, 2022

NICHOLAS COUNTY
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND CHANGES
IN FUND BALANCES - REGULATORY BASIS

For The Year Ended June 30, 2022

	Budgeted Funds		
	General Fund	Road Fund	Jail Fund
RECEIPTS			
Taxes	\$ 1,213,453	\$	\$
Excess Fees	114,505		
Licenses and Permits	6,692		
Intergovernmental	1,080,542	1,453,138	73,185
Charges for Services	128,421	2,524	11,927
Miscellaneous	1,426,692	68,296	79
Interest	3,266	654	41
Total Receipts	<u>3,973,571</u>	<u>1,524,612</u>	<u>85,232</u>
DISBURSEMENTS			
General Government	912,060	18,000	
Protection to Persons and Property	1,727,225		203,887
General Health and Sanitation	29,761		
Social Services	37,216		
Recreation and Culture	14,000		
Roads		1,376,881	
Debt Service	54,573	10,100	
Capital Projects			
Administration	1,081,546	232,564	18,311
Total Disbursements	<u>3,856,381</u>	<u>1,637,545</u>	<u>222,198</u>
Adjustments to Cash (Uses)	<u>117,190</u>	<u>(112,933)</u>	<u>(136,966)</u>
Other Adjustments to Cash (Uses)			
Financing Obligation Proceeds		54,490	
Gain On Sale Of Investment			
Transfers From Other Funds	480,237		138,500
Transfers To Other Funds	(176,000)		
Total Other Adjustments to Cash (Uses)	<u>304,237</u>	<u>54,490</u>	<u>138,500</u>
Net Change in Fund Balance	421,427	(58,443)	1,534
Fund Balance - Beginning (Restated)	<u>724,727</u>	<u>153,766</u>	<u>1,571</u>
Fund Balance - Ending	<u>\$ 1,146,154</u>	<u>\$ 95,323</u>	<u>\$ 3,105</u>
Composition of Fund Balance			
Bank Balance	\$ 1,139,213	\$ 171,385	\$ 3,105
Less: Outstanding Checks	(21,988)	(76,062)	
Certificates of Deposit	28,929		
Investments			
Fund Balance - Ending	<u>\$ 1,146,154</u>	<u>\$ 95,323</u>	<u>\$ 3,105</u>

The accompanying notes are an integral part of the financial statement.

NICHOLAS COUNTY
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND CHANGES
IN FUND BALANCES - REGULATORY BASIS
For The Year Ended June 30, 2022
(Continued)

Budgeted Funds			
Landfill Fund	Courthouse Maintenance/ Preservation Fund	American Rescue Plan Fund	Mathers Fund
\$ 3,337	\$	\$	\$
75,000			
85,505			
19,807	2,000		
48	157	569	4,811
183,697	2,157	569	4,811
140			
206,253			68,673
14,178			3,529
220,571			72,202
(36,874)	2,157	569	(67,391)
37,500			139,493
		(459,659)	
37,500		(459,659)	139,493
626	2,157	(459,090)	72,102
7,713	76,106	705,986	503,899
\$ 8,339	\$ 78,263	\$ 246,896	\$ 576,001
\$ 8,608	\$ 78,263	\$ 246,896	\$ 576,001
(269)			
\$ 8,339	\$ 78,263	\$ 246,896	\$ 576,001

The accompanying notes are an integral part of the financial statement.

NICHOLAS COUNTY
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND CHANGES
IN FUND BALANCES - REGULATORY BASIS
For The Year Ended June 30, 2022
(Continued)

	<u>Unbudgeted Fund</u>	<u>Private Purpose Trust Funds</u>		
	<u>Public Properties Corporation Fund</u>	<u>Knox Hospital Trust Fund</u>	<u>Mathers Educational Trust Fund</u>	<u>Total Funds</u>
RECEIPTS				
Taxes	\$	\$	\$	\$ 1,216,790
Excess Fees				114,505
Licenses and Permits				6,692
Intergovernmental	844,494			3,526,359
Charges for Services				228,377
Miscellaneous				1,516,874
Interest	218	11,720	74,301	95,785
Total Receipts	<u>844,712</u>	<u>11,720</u>	<u>74,301</u>	<u>6,705,382</u>
DISBURSEMENTS				
General Government				930,060
Protection to Persons and Property				1,931,252
General Health and Sanitation				236,014
Social Services				105,889
Recreation and Culture				14,000
Roads				1,376,881
Debt Service	844,494			909,167
Capital Projects	2,787,555			2,787,555
Administration	350	4,691	18,724	1,373,893
Total Disbursements	<u>3,632,399</u>	<u>4,691</u>	<u>18,724</u>	<u>9,664,711</u>
Adjustments to Cash (Uses)	<u>(2,787,687)</u>	<u>7,029</u>	<u>55,577</u>	<u>(2,959,329)</u>
Other Adjustments to Cash (Uses)				
Financing Obligation Proceeds				54,490
Gain On Sale Of Investment		13,433	75,341	88,774
Transfers From Other Funds				795,730
Transfers To Other Funds		(20,578)	(139,493)	(795,730)
Total Other Adjustments to Cash (Uses)		<u>(7,145)</u>	<u>(64,152)</u>	<u>143,264</u>
Net Change in Fund Balance	(2,787,687)	(116)	(8,575)	(2,816,065)
Fund Balance - Beginning (Restated)	<u>3,253,884</u>	<u>335,071</u>	<u>2,373,231</u>	<u>8,135,954</u>
Fund Balance - Ending	<u>\$ 466,197</u>	<u>\$ 334,955</u>	<u>\$ 2,364,656</u>	<u>\$ 5,319,889</u>
Composition of Fund Balance				
Bank Balance	\$ 466,197	\$ 13,342	\$ 69,167	\$ 2,772,177
Less: Outstanding Checks				(98,319)
Certificates of Deposit				28,929
Investments		321,613	2,295,489	2,617,102
Fund Balance - Ending	<u>\$ 466,197</u>	<u>\$ 334,955</u>	<u>\$ 2,364,656</u>	<u>\$ 5,319,889</u>

The accompanying notes are an integral part of the financial statement.

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TO THE FINANCIAL STATEMENT**

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**NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT**

June 30, 2022

Note 1. Summary of Significant Accounting Policies

A. Reporting Entity

The financial statement of Nicholas County includes all budgeted and unbudgeted funds under the control of the Nicholas County Fiscal Court. Budgeted funds included within the reporting entity are those funds presented in the county's approved annual budget and reported on the quarterly reports submitted to the Department for Local Government. Unbudgeted funds may include non-fiduciary financial activities, private purpose trust funds, and internal service funds that are within the county's control. Unbudgeted funds may also include any corporation to act for and on behalf of, and as the agency and instrumentality of the fiscal court in the acquisition and financing of any public project which may be undertaken by the fiscal court pursuant to the provisions of Kentucky law and thus accomplish a public purpose of the fiscal court. The unbudgeted funds are not presented in the annual approved budget or in the quarterly reports submitted to the Department for Local Government.

B. Basis of Accounting

The financial statement is presented on a regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America (GAAP) as established by the Governmental Accounting Standards Board. This basis of accounting involves the reporting of fund balances and the changes therein resulting from cash inflows (cash receipts) and cash outflows (cash disbursements) to meet the financial reporting requirements of the Department for Local Government and the laws of the Commonwealth of Kentucky.

This regulatory basis of accounting differs from GAAP primarily because the financial statement format does not include the GAAP presentations of government-wide and fund financial statements, cash receipts are recognized when received in cash rather than when earned and susceptible to accrual, and cash disbursements are recognized when paid rather than when incurred or subject to accrual.

Generally, except as otherwise provided by law, property taxes are assessed as of January 1, levied (mailed) November 1, due at discount November 30, due at face value December 31, delinquent January 1 following the assessment, and subject to sale ninety days following April 15.

C. Basis of Presentation

Budgeted Funds

The fiscal court reports the following budgeted funds:

General Fund - This is the primary operating fund of the fiscal court. It accounts for all financial resources of the general government, except where the Department for Local Government requires a separate fund or where management requires that a separate fund be used for some function.

Road Fund - This fund is for road and bridge construction and repair. The primary sources of receipts for this fund are state payments for truck license distribution, municipal road aid, and transportation grants. The Department for Local Government requires the fiscal court to maintain these receipts and disbursements separately from the general fund.

Jail Fund - The primary purpose of this fund is to account for the jail expenses of the county. The primary sources of receipts for this fund are reimbursements from the state and federal governments, payments from other counties for housing prisoners, and transfers from the general fund. The Department for Local Government requires the fiscal court to maintain these receipts and disbursements separately from the general fund.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

C. Basis of Presentation (Continued)

Budgeted Funds (Continued)

Landfill Fund - The primary purpose of this fund is to account for trash collections and solid waste transfers. The primary sources of receipts for this fund are payments for trash collections, recycling income, and transfers from the general fund.

Courthouse Maintenance/Preservation Fund - The primary purpose of this fund is to account for future courthouse maintenance and preservation. The primary source of receipts for this fund is the federal government.

American Rescue Plan Fund - The primary purpose of this fund is to account for American Rescue Plan Act receipts and related disbursements. The primary sources of receipts for this fund are grants from the federal government.

Mathers Fund - The primary purpose of this fund is to account for the distribution requirements of the Mathers Educational Trust Fund. The primary source of receipts for this fund is the income generated by the principal of the Mathers Educational Trust Fund. The Mathers Educational Trust Fund requires the fiscal court to maintain these receipts and disbursements separately from the general fund.

Unbudgeted Fund

The fiscal court reports the following unbudgeted fund:

Public Properties Corporation Fund - The primary purpose of this fund is to account for the financing and construction of major capital facilities. This fund handles financial activities associated with the Judicial Center construction.

D. Budgetary Information

Annual budgets are adopted on a regulatory basis of accounting according to the laws of Kentucky as required by the state local finance officer, which is a basis of accounting other than accounting principles generally accepted in the United States of America (GAAP) as established by the Governmental Accounting Standards Board.

The county judge/executive is required to submit estimated receipts and proposed disbursements to the fiscal court by May 1 of each year. The budget is prepared by fund, function, and activity and is required to be adopted by the fiscal court by July 1.

The fiscal court may change the original budget by transferring appropriations at the activity level; however, the fiscal court may not increase the total budget without approval by the state local finance officer. Disbursements may not exceed budgeted appropriations at the activity level.

The state local finance officer does not require the public properties corporation funds to be budgeted. Bond indentures and other relevant contractual provisions require specific payments to and from this fund annually.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

E. Nicholas County Elected Officials

Kentucky law provides for election of the officials listed below from the geographic area constituting Nicholas County. Pursuant to state statute, these officials perform various services for the Commonwealth of Kentucky, its judicial courts, the fiscal court, various cities and special districts within the county, and the board of education. In exercising these responsibilities, however, they are required to comply with state laws. Audits of their financial statements are issued separately and individually and can be obtained from their respective administrative offices. These financial statements are not required to be included in the financial statement of the Nicholas County Fiscal Court.

- Circuit Court Clerk
- County Attorney
- Property Valuation Administrator
- County Clerk
- County Sheriff

F. Deposits and Investments

The government's fund balance is considered to be cash on hand, demand deposits, certificates of deposit, and short-term investments with original maturities of three months or less from the date of acquisition. The government's fund balance includes cash and cash equivalents and investments.

KRS 66.480 authorizes the county 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).

G. Long-term Obligations

The fund financial statement recognizes bond interest, as well as bond issuance costs when received or when paid, during the current period. The principal amount of the debt and interest are reported as disbursements. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as disbursements. Debt proceeds are reported as other adjustments to cash.

H. Joint Ventures

A legal entity or other organization that results from a contractual agreement and that is owned, operated, or governed by two or more participants as a separate activity subject to joint control, in which the participants retain (a) an ongoing financial interest or (b) an ongoing financial responsibility is a joint venture. Based on this criteria, the Bourbon County - Nicholas County Regional Jail Authority is considered a joint venture of the Nicholas County Fiscal Court.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 2. Deposits and Investments

A. Deposits

The fiscal court 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 government's deposits may not be returned. The government 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 June 30, 2022, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

B. Cash and Investments

I. Cash

	Cost
Cash	\$ 2,673,858
Certificates of Deposit	28,929
Total Cash	<u>\$ 2,702,787</u>

II. Investments

	Cost
Common Stock	\$ 943,687
Mutual Funds	1,673,415
Total Investments	<u>\$ 2,617,102</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 2. Deposits and Investments (Continued)

B. Cash and Investments (Continued)

II. Investments (Continued)

Custodial Credit Risk is the risk that, in the event of failure of the counterparty, the fiscal court will not be able to recover the value of its certificates of deposit, investments, or collateral securities that are in the possession of an outside party. The fiscal court's investment policy requires counterparties to provide sufficient collateral or other insurance if any investments or deposits exceed the insurance provided by Federal Deposit Insurance Corporation (FDIC) or the Securities Investor Protection Corporation (SIPC). All certificates of deposit and investments must be held by the counterparty in the fiscal court's name. The fiscal court has \$28,929 of certificates of deposit and \$2,617,102 of investments in securities held by the counterparties' trust departments in the fiscal court's name. The counterparty maintains the \$28,929 of certificates of deposit at depository institutions insured by the FDIC and limits certificates of deposit at each depository institution to the \$250,000 FDIC coverage limit. In addition, the SIPC provides up to \$500,000 coverage for securities and cash (limit of \$250,000 for cash) per client and the counterparties maintain additional insurance coverage for loss of securities and cash above the coverage provided by FDIC and SIPC.

Credit Risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The fiscal court is statutorily limited as to credit ratings, at the time of purchase. KRS 66.480 and the fiscal court's investment policy define the following items as permissible investments:

- 1) Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, if delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian. These investments may be accomplished through repurchase agreements reached with sources including but not limited to national or state banks chartered in Kentucky;
- 2) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency, including but not limited to:
 - a. United States Treasury;
 - b. Export-Import Bank of the United States;
 - c. Farmers Home Administration;
 - d. Government National Mortgage Corporation; and
 - e. Merchant Marine bonds.
- 3) Obligations of any corporation of the United States government, including but not limited to:
 - a. Federal Home Loan Mortgage Corporation;
 - b. Federal Farm Credit Banks;
 - c. Bank for Cooperatives;
 - d. Federal Intermediate Credit Banks;
 - e. Federal Land Banks;
 - f. Federal Home Loan Banks;
 - g. Federal National Mortgage Association; and
 - h. Tennessee Valley Authority.
- 4) Certificates of deposit or other interest-bearing accounts issued through a bank or savings and loan institution having a physical presence in Kentucky which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations, including surety bonds, permitted by KRS 41.240(4);
- 5) Uncollateralized certificates of deposit issued by any bank or savings and loan institution having a physical presence in Kentucky rated in one of the three highest categories by a competent rating agency;
- 6) Bankers' acceptances for banks rated in one of the three highest categories by a competent rating agency;

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 2. Deposits and Investments (Continued)

B. Cash and Investments (Continued)

II. Investments (Continued)

- 7) Commercial paper rated in the highest category by a competent rating agency;
- 8) Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities;
- 9) Securities issued by a state or local government, or any instrumentality of agency thereof, in the United States, and rated in one of the three highest categories by a competent rating agency;
- 10) Shares of mutual funds and exchange traded funds, each of which shall have the following characteristics:
 - a. The mutual funds shall be an open-end diversified investment company registered under the Federal Investment Company Act of 1940, as amended.
 - b. The management company of the investment company shall have been in operation for at least five years; and
 - c. All of the securities in the mutual fund shall be eligible investments pursuant to this section.
- 11) Individual equity securities if the funds being invested are managed by a professional investment manager regulated by a federal regulatory agency. The individual equity securities shall be included within the Standard and Poor's 500 Index, and a single sector shall not exceed twenty-five percent (25%) of the equity allocation; and
- 12) Individual high-quality corporate bonds that are managed by a professional investment manager that:
 - a. Are issued, assumed, or guaranteed by a solvent institution created and existing under the laws of the United States;
 - b. Have a standard maturity of no more than ten years; and
 - c. Are rated in the three highest rating categories by at least two competent credit rating agencies.

According to KRS 66.480, the fiscal court is limited to investing no more than 20 percent in categories 5, 6, 7, 11, and 12 above per state statute and the fiscal court's investment policy. As of June 30, 2022, the fiscal court has investments of less than 20 percent in these categories.

The fiscal court's rated investments, as of June 30, 2022, and the ratings are presented in the table below. All issuers of the municipal bonds are located in the Commonwealth of Kentucky.

Type	Unrated/NA	Cost Basis
Investments:		
Common Stock	\$ 943,687	\$ 943,687
Mutual Funds	1,673,416	1,673,416
Total Investments	2,617,103	2,617,103
 Total Fund Balance	 \$ 2,617,103	 \$ 2,617,103

Concentration of Credit Risk is the risk of loss attributed to the magnitude of the fiscal court's investment in a single issuer. U.S. Government securities and investments in mutual funds are excluded from this risk. The fiscal court does not have 5 percent or more of the fiscal court's investments invested in any single security.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 2. Deposits and Investments (Continued)

B. Cash and Investments (Continued)

II. Investments (Continued)

Interest Rate Risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Investments held for longer periods are subject to increased risk of adverse interest rate changes. The fiscal court's policy provides that, to the extent practicable, investments are matched with anticipated cash flows. Investments are diversified to minimize the risk of loss resulting from over-concentration of assets in a specific maturity period, a single issuer, or an individual class of securities. See table above for investments listed by type and duration.

Foreign Currency Risk is the risk that changes in exchange rates will adversely affect the fair value of an investment or deposit. The fiscal court's policy historically has been to invest only in securities in U.S. denominations.

Note 3. Transfers

The table below shows the interfund operating transfers for fiscal year 2022.

	General Fund	American Rescue Plan Fund	Knox Hospital Trust Fund	Mathers Educational Trust Fund	Total Transfers In
General Fund	\$	\$ 459,659	\$ 20,578	\$	\$ 480,237
Jail Fund	138,500				138,500
Mathers Fund				139,493	139,493
Landfill Fund	37,500				37,500
Total Transfers Out	\$ 176,000	\$ 459,659	\$ 20,578	\$ 139,493	\$ 795,730

Reason for transfers:

To move resources from and to the general fund and other funds, for budgetary purposes, to the funds that will expend them.

Note 4. Custodial Funds

Private-purpose trust funds are used to report all trust arrangements under which principal and income benefit individuals, private organizations, or other governments.

The fiscal court has the following private purpose trust funds:

- A. Knox Hospital Trust Fund - This fund was established to promote the general health and welfare of the people of Nicholas County, especially for the employment of a health nurse. The trust fund reports resources that are legally restricted to the extent that only earnings, not principal, may be used for purposes that support the county's programs. The trust fund is maintained by a third-party trustee who determines the investment portfolio of the fund and accounts for the investment earnings. The balance in the Knox Hospital Trust Fund as of June 30, 2022, was \$334,955.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 4. Custodial Funds (Continued)

- B. Mathers Educational Trust Fund - This fund was established for educational expenses of Nicholas County school age children. The fiscal court awards the income generated from the principal of the trust based upon applications received, less administrative costs. The trust fund is maintained by a third-party trustee who determines the investment portfolio of the fund and accounts for the investment earnings. The balance in the Mathers Educational Trust Fund as of June 30, 2022, was \$2,364,656.

Note 5. Long-term Debt

A. Direct Borrowings and Direct Placements

1. Financing Obligation - Building Improvement

On May 22, 2013, the Kentucky Association of Counties Finance Corporation issued program revenue bonds, series 2013, in the amount of \$135,000 for the Nicholas County Fiscal Court to finance a building improvement for the hospital. Monthly payments of principal, fixed interest, and associated fees will end January 20, 2028. The obligation of the lessee created by the lease shall be a full general obligation of the lessee and, for the prompt payment of the lease payments, the full faith, credit, and revenue of the lessee are pledged. In case of default, the lessor may, without any further demand or notice, take one or any combination of the following remedial steps: enforce the pledge set forth so that during the remaining lease term there is levied on all the taxable property in the lessee, in addition to all other taxes, without limitation as to the rate or amount, a direct tax annually in an amount sufficient to pay the lease rental payments when and as due; take legal title to, and sell or re-lease the project or any portion thereof; or take whatever action at law or in equity may appear necessary or desirable to enforce its rights in and to the project under this lease and/or take whatever action at law or in equity may appear necessary or desirable to enforce performance by the lessee of the applicable covenants and agreements under this lease and to recover damages for the breach thereof.

Note description and repayment schedule

The outstanding balance as of June 30, 2022, was \$55,833. Future principal and interest payments are as follows:

Fiscal Year Ending June 30	Principal	Scheduled Interest
2023	\$ 10,000	\$ 2,128
2024	10,000	1,870
2025	10,000	1,592
2026	10,000	1,293
2027	10,000	977
2028	5,833	459
Totals	<u>\$ 55,833</u>	<u>\$ 8,319</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 5. Long-term Debt (Continued)

A. Direct Borrowings and Direct Placements (Continued)

2. Financing Obligation – Buildings and Equipment

On August 9, 2017, the Kentucky Association of Counties Finance Corporation issued financing program revenue bonds, 2017 first series B, in the amount of \$140,000 for the Nicholas County Fiscal Court to finance building the fire department and park shelter and purchase of a mower. The bonds have interest rates from 2 percent to 4 percent with a retirement date of January 1, 2037. Semi-annual interest payments are due on July 1 and January 1 of each year. Annual principal amounts begin January 1, 2019.

There are no moneys, sources of funds, securities or obligations that have been, or will be, pledged as collateral for the payment of principal, premium, if any, or interest on the lease. In case of default, the lessor may, without any further demand or notice, take one or any combination of the following remedial steps: by appropriate court action, for the remaining lease term there is levied on all the taxable property in the lessee, in addition to all other taxes, without limitation as to the rate or amount, a direct tax annually in an amount sufficient to pay the lease rental payments when and as due, take legal title to and sell or re-lease the project or any proportion thereof; take whatever action at law or in equity may appear necessary or desirable to enforce its rights in and to the project under the lease. The lessee will remain liable for all covenants and obligations under this lease, and for all legal fees and other costs and expenses, including court costs awarded by a court of competent jurisdiction, incurred by the lessor with respect to the enforcement of any of the remedies under this lease.

The outstanding principal balance as of June 30, 2022, was \$120,000. Future principal and interest payments are as follows:

<u>Fiscal Year Ending June 30</u>	<u>Principal</u>	<u>Scheduled Interest</u>
2023	\$ 5,000	\$ 4,112
2024	5,000	3,900
2025	5,000	3,688
2026	5,000	3,525
2027	5,000	3,406
2028-2032	45,000	13,525
2033-2037	50,000	5,475
Totals	<u>\$ 120,000</u>	<u>\$ 37,631</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 5. Long-term Debt (Continued)

A. Direct Borrowings and Direct Placements (Continued)

3. Financing Obligation - Ambulance Equipment

In August 2016, the Nicholas County Fiscal Court entered into a \$77,194 lease agreement for the purchase of ambulance equipment. The agreement requires five annual payments of \$16,752 beginning August 2017 and ending August 2021. There are no moneys, sources of funds, securities or obligations that have been, or will be, pledged as collateral for the payment of principal, premium, if any, or interest on the lease. Upon the occurrence of an event of default, the lessor may, without any further notice, exercise one of more of the following remedies as lessor in its sole discretion shall elect: to terminate the agreement and all of lessee's rights as to any or all items of property, proceed by appropriate court action to personally, or by its agents, take possession from lessee of any or all items of property wherever found and remove such items of property free from all claims of any nature whatsoever by lessee and lessor may thereafter dispose of the property; provided, however, that any proceeds from the disposition of the property in excess of the sum required to pay to lessor an amount equal to the total unpaid principal component of lease payments under the property schedule, including principal component not otherwise due until future years, pay any other amounts then due under the agreement, and pay lessor's costs and expenses associated with the disposition of the property and the event of default including attorney's fees. This agreement was paid in full as of June 30, 2022.

4. Financing Obligation - Truck and Snowplow

On December 18, 2018, the Nicholas County Fiscal Court entered into a \$35,000 lease agreement for the purchase of a truck and snowplow. The agreement requires 36 monthly payments of \$1,038 beginning January 20, 2019 and ending December 20, 2021. There are no moneys, sources of funds, securities or obligations that have been, or will be, pledged as collateral for the payment of principal, premium, if any, or interest on the lease. Whenever any event of default has occurred, the lessor may, without any further demand or notice, take one or any combination of the following remedial steps: terminate the lease term and give notice to the lessee to vacate or surrender the equipment within 60 days from the date of such notice; exercise all rights and remedies of a secured party with respect to the equipment and may otherwise repossess and liquidate or realize or foreclose upon the equipment in a lawful manner; or sell or re-lease the equipment. This agreement was paid in full as of June 30, 2022.

5. Financing Obligation - Ambulance

On March 2, 2021, the Nicholas County Fiscal Court entered into a \$60,000 lease agreement for the purchase of an ambulance. The agreement requires 48 monthly payments of \$1,345 beginning April 20, 2021 and ending March 20, 2025. There are no moneys, sources of funds, securities or obligations that have been, or will be, pledged as collateral for the payment of principal of, premium, if any, or interest on the lease. Whenever any event of default has occurred, the lessor may, without any further demand or notice, take one or any combination of the following remedial steps: terminate the lease term and give notice to the lessee to vacate or surrender the project within seven days from the date of such notice; exercise all rights and remedies of a secured party with respect to the project and may otherwise repossess and liquidate or realize or foreclose upon the project in a lawful manner; or sell or re-lease the project.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 5. Long-term Debt (Continued)

A. Direct Borrowings and Direct Placements (Continued)

5. Financing Obligation – Ambulance (Continued)

The lease balance as of June 30, 2022, was \$41,037. Future principal and interest payments are as follows:

<u>Fiscal Year Ending June 30</u>	<u>Principal</u>	<u>Scheduled Interest</u>
2023	\$ 13,678	\$ 1,115
2024	15,429	710
2025	<u>11,930</u>	<u>174</u>
Totals	<u>\$ 41,037</u>	<u>\$ 1,999</u>

6. Financing Obligation – Truck

On March 4, 2022, the Nicholas County Fiscal Court entered into a \$54,490 lease agreement for the purchase of a truck. The agreement requires 48 monthly payments of \$1,227 beginning April 20, 2022 and ending March 20, 2026. There are no moneys, sources of funds, securities or obligations that have been, or will be, pledged as collateral for the payment of principal, premium, if any, or interest on the lease. Whenever any event of default has occurred, the lessor may, without any further demand or notice, take one or any combination of the following remedial steps: terminate the lease term and give notice to the lessee to vacate or surrender the project within seven days from the date of such notice; exercise all rights and remedies of a secured party with respect to the project and may otherwise repossess and liquidate or realize or foreclose upon the project in a lawful manner; or sell or re-lease the project.

The lease balance as of June 30, 2022 was \$50,394. Future principal and interest payments are as follows:

<u>Fiscal Year Ending June 30</u>	<u>Principal</u>	<u>Scheduled Interest</u>
2023	\$ 11,959	\$ 1,543
2024	13,522	1,207
2025	14,036	693
2026	<u>10,877</u>	<u>170</u>
Totals	<u>\$ 50,394</u>	<u>\$ 3,613</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 5. Long-term Debt (Continued)

B. Other Debt

1. First Mortgage Revenue Bonds, Series 2020

On January 28, 2020, the Nicholas County, Kentucky Public Properties Corporation issued first mortgage revenue bonds in the amount of \$13,340,000 to finance the construction of the Nicholas County Judicial Center and to retire the 2018 bond anticipation notes. The bonds have interest rates ranging from 2 percent to 5 percent with a retirement date of June 1, 2039. The bonds require interest payments to be made on December 1 and June 1 of each year and principal payment is due on June 1 beginning June 1, 2020. Funding of the debt service is provided by a lease agreement with the Kentucky Administrative Office of the Courts (AOC).

In the event the AOC elects not to renew this lease at any time, or fails to pay the stipulated rentals, or the county elects not to renew this lease at any time, or fails to pay the stipulated county proportionate share, then and in that event and upon any ensuing default in the payment of the principal of or interest on the bonds, the mortgage, as the case may be, shall be enforced, which enforcement may, under the terms of the mortgage, include foreclosure of the liens created by the mortgage and sale of the project. The county may at any time, by payment of all costs of action and charges of trustee, and by discharge of principal and interest of bonds, receive unencumbered fee simple title to the project. In the event of any such enforcement by the trustee from the proceeds of any operation of the project or foreclosure and sale of the project by the trustee there shall first be paid all expenses incident to said enforcement, as provided in the mortgage, and thereafter the bonds and interest then outstanding shall be paid and retired, and if there shall remain any excess after paying such expenses and the claims of owners, the entire amount of such excess shall be paid over in cash to the county.

In case of default, bondholders may proceed to protect and enforce their rights by declaring all bonds due and payable, and if all default shall be made good, then, with the written consent of the owners of not less than 50 percent in principal amount of the outstanding bonds, by annulling such declaration and its consequences. In the event of default, each defaulted bond shall continue to bear interest after maturity at the interest rate applicable to such respective bonds until the necessary funds are made available for the payment thereof.

The outstanding principal balance as of June 30, 2022, was \$11,610,000. Future principal and interest payments are as follows:

<u>Fiscal Year Ending June 30</u>	<u>Principal</u>	<u>Scheduled Interest</u>
2023	\$ 535,000	\$ 307,894
2024	555,000	286,494
2025	580,000	264,294
2026	600,000	241,094
2027	625,000	217,094
2028-2032	3,355,000	860,319
2033-2037	3,740,000	480,969
2038-2039	<u>1,620,000</u>	<u>61,000</u>
Totals	<u>\$ 11,610,000</u>	<u>\$ 2,719,158</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 5. Long-term Debt (Continued)

C. Changes In Long-term Debt

Long-term Debt activity for the year ended June 30, 2022, was as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Direct Borrowings and Direct Placements	\$ 267,736	\$ 54,490	\$ 54,962	\$ 267,264	\$ 41,859
Revenue Bonds	12,125,000		515,000	11,610,000	535,000
Total Long-term Debt	<u>\$ 12,392,736</u>	<u>\$ 54,490</u>	<u>\$ 569,962</u>	<u>\$ 11,877,264</u>	<u>\$ 576,859</u>

D. Aggregate Debt Schedule

The amount of required principal and interest payments on long-term obligations at June 30, 2022, were as follows:

Fiscal Year Ended June 30	Other Debt		Direct Borrowings and Direct Placements	
	Principal	Interest	Principal	Interest
2023	\$ 535,000	\$ 307,894	\$ 40,637	\$ 8,898
2024	555,000	286,494	43,951	7,687
2025	580,000	264,294	40,966	6,147
2026	600,000	241,094	25,877	4,988
2027	625,000	217,094	15,000	4,383
2028-2032	3,355,000	860,319	50,833	13,984
2033-2037	3,740,000	480,969	50,000	5,475
2038-2042	1,620,000	61,000		
Totals	<u>\$ 11,610,000</u>	<u>\$ 2,719,158</u>	<u>\$ 267,264</u>	<u>\$ 51,562</u>

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 6. Leases

A. Lessor

1. During the fiscal year ending June 30, 2018, the Nicholas County Fiscal Court began leasing a building, located at 250 S. Walnut St, to the Nicholas County Fire Protection District. The lease was for 20 years. The Nicholas County Fiscal Court has received monthly payments of \$313. The Nicholas County Fiscal Court recognized \$3,439 in lease revenue during the current fiscal year related to this lease. As of June 30, 2022, the Nicholas County Fiscal Court's receivable for lease payments was \$59,080.
2. During the fiscal year ending June 30, 2020, the Nicholas County Fiscal Court began leasing a building at 2323 Concrete Road. The lease is for 33 months and the Nicholas County Fiscal Court will receive monthly payments of \$1,000. The Nicholas County Fiscal Court recognized \$12,000 in lease revenue during the current fiscal year related to this lease. As of June 30, 2022, the Nicholas County Fiscal Court's receivable for lease payments was \$3,000.

B. Lessee

1. During the fiscal year ending June 30, 2018, the Nicholas County Fiscal Court entered into a five year lease agreement as lessee for the use of a copier. An initial lease liability was recorded in the amount of \$9,208 during that fiscal year. As of June 30, 2022, the value of the lease liability was \$767. The fiscal court made a monthly payment of \$154.

Note 7. Employee Retirement System

The fiscal court 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 (Ky. Ret. Sys.). 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. Effective April 1, 2021, the Kentucky Public Pension Authority (KPPA) was created by KRS 61.505 to provide staffing and daily administrative needs for CERS and Ky. Ret. Sys. The CERS nine (9) member board of trustees is responsible for the governance of the CERS pension and insurance plans.

The county's contribution for FY 2020 was \$256,215, FY 2021 was \$257,892, and FY 2022 was \$372,977.

Nonhazardous

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008, are required to contribute 6 percent of their salary to be allocated as follows: 5 percent will go to the member's account and 1 percent will go to the Ky. Ret. Sys. insurance fund.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 7. Employee Retirement System (Continued)

Nonhazardous (Continued)

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 5 percent of their annual creditable compensation. Nonhazardous members also contribute 1 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 Ky. Ret. Sys. Board of Directors 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 4 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 26.95 percent.

Other Post-Employment Benefits (OPEB)

A. Health Insurance Coverage - Tier 1

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%

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 7. Employee Retirement System (Continued)

Other Post-Employment Benefits (OPEB) (Continued)

A. Health Insurance Coverage - Tier 1 (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.

Benefits are covered under KRS 78.5536.

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

Once members reach a minimum vesting period of 15 years, they 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 78.5536. 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 Ky. Ret. Sys. 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, KPPA 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.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
June 30, 2022
(Continued)

Note 7. Employee Retirement System (Continued)

Ky. Ret. Sys. Annual Financial Report and Proportionate Share Audit Report

Ky. Ret. Sys. 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 Public Pensions Authority, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

KPPA 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 OPEB Amounts by Employer reports and the related actuarial tables are available online at <https://kyret.ky.gov>. 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 8. Deferred Compensation

The Nicholas County Fiscal Court voted to allow all eligible employees to participate in deferred compensation plans administered by the Kentucky Public Employees' Deferred Compensation Authority. The Kentucky Public Employees' Deferred Compensation Authority is authorized under KRS 18A.230 to 18A.275 to provide administration of tax-sheltered supplemental retirement plans for all state, public school and university employees, and employees of local political subdivisions that have elected to participate.

These deferred compensation plans permit all full-time employees to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. Participation by eligible employees in the deferred compensation plans is voluntary.

Historical trend information showing the Kentucky Public Employees' Deferred Compensation Authority's progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Public Employees' Deferred Compensation Authority's annual financial report. This report may be obtained by writing the Kentucky Public Employees' Deferred Compensation Authority at 501 High Street, 2nd Floor, Frankfort, KY 40601, or by telephone at (502) 573-7925.

Note 9. Insurance

For the fiscal year ended June 30, 2022, the Nicholas County Fiscal Court was a member of the Kentucky Association of Counties' All Lines Fund (KALF). KALF is a self-insurance fund and was organized to obtain lower cost coverage for general liability, property damage, public officials' errors and omissions, public liability, and other damages. The basic nature of a self-insurance program is that of collectively shared risk by its members. If losses incurred for covered claims exceed the resources contributed by the members, the members are responsible for payment of the excess losses.

Note 10. Prior Period Adjustment

The beginning balance of the general fund was increased \$729 to account for prior year voided checks.

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis

For The Year Ended June 30, 2022

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NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis

For The Year Ended June 30, 2022

	GENERAL FUND			
	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts, (Budgetary Basis)	Final Budget Positive (Negative)
RECEIPTS				
Taxes	\$ 905,700	\$ 1,198,192	\$ 1,213,453	\$ 15,261
Excess Fees		114,505	114,505	
Licenses and Permits	6,350	6,512	6,692	180
Intergovernmental	262,225	1,725,519	1,080,542	(644,977)
Charges for Services	100,000	120,722	128,421	7,699
Miscellaneous	727,257	1,411,927	1,426,692	14,765
Interest	15,200	16,536	3,266	(13,270)
Total Receipts	2,016,732	4,593,913	3,973,571	(620,342)
DISBURSEMENTS				
General Government	938,817	1,226,719	912,060	314,659
Protection to Persons and Property	612,319	1,758,671	1,727,225	31,446
General Health and Sanitation	27,648	32,495	29,761	2,734
Social Services	42,000	42,000	37,216	4,784
Recreation and Culture	14,000	15,500	14,000	1,500
Debt Service	90,000	90,000	54,573	35,427
Administration	634,577	1,812,263	1,081,546	730,717
Total Disbursements	2,359,361	4,977,648	3,856,381	1,121,267
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	(342,629)	(383,735)	117,190	500,925
Other Adjustments to Cash (Uses)				
Transfers From Other Funds	125,385	125,385	480,237	354,852
Transfers To Other Funds	(282,756)	(282,756)	(176,000)	106,756
Total Other Adjustments to Cash (Uses)	(157,371)	(157,371)	304,237	461,608
Net Change in Fund Balance	(500,000)	(541,106)	421,427	962,533
Fund Balance - Beginning (Restated)	500,000	724,727	724,727	
Fund Balance - Ending	\$ 0	\$ 183,621	\$ 1,146,154	\$ 962,533

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

	ROAD FUND			
	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts, (Budgetary Basis)	Final Budget Positive (Negative)
RECEIPTS				
Intergovernmental	\$ 899,610	\$ 1,327,183	\$ 1,453,138	\$ 125,955
Charges for Services	700	2,524	2,524	
Miscellaneous	25,000	56,127	68,296	12,169
Interest	600	600	654	54
Total Receipts	925,910	1,386,434	1,524,612	138,178
DISBURSEMENTS				
General Government	18,000	18,000	18,000	
Roads	608,701	1,384,726	1,376,881	7,845
Debt Service	15,000	11,500	10,100	1,400
Administration	268,824	238,700	232,564	6,136
Total Disbursements	910,525	1,652,926	1,637,545	15,381
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	15,385	(266,492)	(112,933)	153,559
Other Adjustments to Cash (Uses)				
Financing Obligation Proceeds		54,490	54,490	
Transfers To Other Funds	(125,385)	(125,385)		125,385
Total Other Adjustments to Cash (Uses)	(125,385)	(70,895)	54,490	125,385
Net Change in Fund Balance	(110,000)	(337,387)	(58,443)	278,944
Fund Balance - Beginning	110,000	153,766	153,766	
Fund Balance - Ending	\$ 0	\$ (183,621)	\$ 95,323	\$ 278,944

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

JAIL FUND				
	Budgeted Amounts		Actual Amounts, (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
RECEIPTS				
Intergovernmental	\$ 73,000	\$ 73,114	\$ 73,185	\$ 71
Charges for Services	9,700	12,527	11,927	(600)
Miscellaneous		71	79	8
Interest	100	100	41	(59)
Total Receipts	82,800	85,812	85,232	(580)
DISBURSEMENTS				
Protection to Persons and Property	281,166	282,836	203,887	78,949
Administration	18,480	19,822	18,311	1,511
Total Disbursements	299,646	302,658	222,198	80,460
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	(216,846)	(216,846)	(136,966)	79,880
Other Adjustments to Cash (Uses)				
Transfers From Other Funds	214,346	214,346	138,500	(75,846)
Total Other Adjustments to Cash (Uses)	214,346	214,346	138,500	(75,846)
Net Change in Fund Balance	(2,500)	(2,500)	1,534	4,034
Fund Balance - Beginning	2,500	2,500	1,571	(929)
Fund Balance - Ending	\$ 0	\$ 0	\$ 3,105	\$ 3,105

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

	LANDFILL FUND			
	Budgeted Amounts		Actual Amounts, (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
RECEIPTS				
Taxes	\$	\$ 3,337	\$ 3,337	\$
Intergovernmental		75,000	75,000	
Charges for Services	70,000	72,856	85,505	12,649
Miscellaneous	2,000	19,808	19,807	(1)
Interest	40	40	48	8
Total Receipts	72,040	171,041	183,697	12,656
DISBURSEMENTS				
Protection to Persons and Property	400	400	140	260
General Health and Sanitation	128,400	208,578	206,253	2,325
Administration	14,650	38,186	14,178	24,008
Total Disbursements	143,450	247,164	220,571	26,593
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)				
	(71,410)	(76,123)	(36,874)	39,249
Other Adjustments to Cash (Uses)				
Transfers From Other Funds	68,410	68,410	37,500	(30,910)
Total Other Adjustments to Cash (Uses)	68,410	68,410	37,500	(30,910)
Net Change in Fund Balance	(3,000)	(7,713)	626	8,339
Fund Balance - Beginning	3,000	7,713	7,713	
Fund Balance - Ending	\$ 0	\$ 0	\$ 8,339	\$ 8,339

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

COURTHOUSE MAINTENANCE/ PRESERVATION FUND				
	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts, (Budgetary Basis)	Final Budget Positive (Negative)
RECEIPTS				
Miscellaneous	\$	\$ 2,000	\$ 2,000	\$
Interest		80	157	77
Total Receipts		2,080	2,157	77
DISBURSEMENTS				
Protection to Persons and Property	76,106	76,106		76,106
Administration		2,080		2,080
Total Disbursements	76,106	78,186		78,186
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	(76,106)	(76,106)	2,157	78,263
Net Change in Fund Balance	(76,106)	(76,106)	2,157	78,263
Fund Balance - Beginning	76,106	76,106	76,106	
Fund Balance - Ending	\$ 0	\$ 0	\$ 78,263	\$ 78,263

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

	AMERICAN RESCUE PLAN FUND			
	Budgeted Amounts		Actual Amounts, (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
RECEIPTS				
Intergovernmental	\$ 705,959	\$ 705,959	\$	\$ (705,959)
Interest		327	569	242
Total Receipts	705,959	706,286	569	(705,717)
DISBURSEMENTS				
Administration	1,411,918	1,412,272		1,412,272
Total Disbursements	1,411,918	1,412,272		1,412,272
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	(705,959)	(705,986)	569	706,555
Other Adjustments to Cash (Uses)				
Transfers To Other Funds			(459,659)	(459,659)
Total Other Adjustments to Cash (Uses)			(459,659)	(459,659)
Net Change in Fund Balance	(705,959)	(705,986)	(459,090)	246,896
Fund Balance - Beginning	705,959	705,986	705,986	
Fund Balance - Ending	\$ 0	\$ 0	\$ 246,896	\$ 246,896

NICHOLAS COUNTY
BUDGETARY COMPARISON SCHEDULES
Supplementary Information - Regulatory Basis
For The Year Ended June 30, 2022
(Continued)

MATHERS FUND				
	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts, (Budgetary Basis)	Final Budget Positive (Negative)
RECEIPTS				
Interest	\$ 110,900	\$ 143,889	\$ 4,811	\$ (139,078)
Total Receipts	110,900	143,889	4,811	(139,078)
DISBURSEMENTS				
Social Services	125,800	125,800	68,673	57,127
Administration	485,100	521,988	3,529	518,459
Total Disbursements	610,900	647,788	72,202	575,586
Excess (Deficiency) of Receipts Over Disbursements Before Other Adjustments to Cash (Uses)	(500,000)	(503,899)	(67,391)	436,508
Net Change in Fund Balance	(500,000)	(503,899)	72,102	576,001
Fund Balance - Beginning	500,000	503,899	503,899	
Fund Balance - Ending	\$ 0	\$ 0	\$ 576,001	\$ 576,001

**NICHOLAS COUNTY
NOTES TO REGULATORY SUPPLEMENTARY
INFORMATION - BUDGETARY COMPARISON SCHEDULES**

June 30, 2022

Note 1. Budgetary Information

Annual budgets are adopted on a regulatory basis of accounting according to the laws of Kentucky as required by the state local finance officer, which is a basis of accounting other than accounting principles generally accepted in the United States of America (GAAP) as established by the Governmental Accounting Standards Board.

The county judge/executive is required to submit estimated receipts and proposed disbursements to the fiscal court by May 1 of each year. The budget is prepared by fund, function, and activity and is required to be adopted by the fiscal court by July 1.

The fiscal court may change the original budget by transferring appropriations at the activity level; however, the fiscal court may not increase the total budget without approval by the state local finance officer. Disbursements may not exceed budgeted appropriations at the activity level.

NICHOLAS COUNTY
SCHEDULE OF CAPITAL ASSETS
Other Information - Regulatory Basis

For The Year Ended June 30, 2022

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NICHOLAS COUNTY
SCHEDULE OF CAPITAL ASSETS
Other Information - Regulatory Basis

For The Year Ended June 30, 2022

The fiscal court reports the following Schedule of Capital Assets:

	Beginning Balance	Additions	Deletions	Ending Balance
Land and Land Improvements	\$ 528,173	\$	\$	\$ 528,173
Construction In Progress	9,744,466	2,787,555		12,532,021
Buildings	3,071,962	13,340,000		16,411,962
Vehicles	761,043	453,532	156,395	1,058,180
Equipment	896,078	169,547	119,965	945,660
Infrastructure	7,059,782	400,821		7,460,603
 Total Capital Assets	 <u>\$ 22,061,504</u>	 <u>\$ 17,151,455</u>	 <u>\$ 276,360</u>	 <u>\$ 38,936,599</u>

NICHOLAS COUNTY
NOTES TO OTHER INFORMATION - REGULATORY BASIS
SCHEDULE OF CAPITAL ASSETS

June 30, 2022

Note 1. Capital Assets

Capital assets, which include land, land improvements, buildings, furniture, and office equipment, building improvements, machinery, equipment, and infrastructure assets (roads and bridges) that have a useful life of more than one reporting period based on the government's capitalization policy, are reported as other information. Such assets are recorded at historical cost or estimated historical cost when purchased or constructed.

	Capitalization Threshold	Useful Life (Years)
Land Improvements	\$ 25,000	10 - 60
Buildings	\$ 50,000	10 - 100
Building Improvements	\$ 25,000	10 - 100
Vehicles	\$ 5,000	2 - 10
Equipment	\$ 5,000	2 - 10
Infrastructure	\$ 25,000	5 - 50

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

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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

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

The Honorable Steve Hamilton, Nicholas County Judge/Executive
Members of the Nicholas County Fiscal Court

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 Changes in Fund Balances - Regulatory Basis of the Nicholas County Fiscal Court for the fiscal year ended June 30, 2022 and the related notes to the financial statement which collectively comprise the Nicholas County Fiscal Court's financial statement and have issued our report thereon dated January 10, 2023.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Nicholas County Fiscal Court'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 Nicholas County Fiscal Court's internal control. Accordingly, we do not express an opinion on the effectiveness of the Nicholas County Fiscal Court'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 have not been identified. However, as described in the accompanying Schedule of Findings and Responses, we identified a certain deficiency in internal control that we consider to be a material weakness.

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 Schedule of Findings and Responses as item 2022-001 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)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Nicholas County Fiscal Court'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

Nicholas County's views and planned corrective action for the findings identified in our audit are included in the accompanying Schedule of Findings and Responses. The county'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,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a long horizontal line extending to the right.

Mike Harmon
Auditor of Public Accounts
Frankfort, Ky

January 10, 2023

**NICHOLAS COUNTY
SCHEDULE OF FINDINGS AND RESPONSES**

For The Year Ended June 30, 2022

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**NICHOLAS COUNTY
SCHEDULE OF FINDINGS AND RESPONSES**

For The Year Ended June 30, 2022

INTERNAL CONTROL - MATERIAL WEAKNESS:

2022-001 The Nicholas County Fiscal Court Did Not Establish And Maintain Effective Internal Controls Over Financial Reporting Of Federal Awards

The Nicholas County Fiscal Court did not have adequate internal controls over grant management. The schedule of expenditures of federal awards (SEFA) did not accurately represent amounts expended for federal programs.

The county was awarded \$705,959 in American Rescue Plan Act (ARPA) funds. In October 2021, the county transferred \$459,659 from the ARPA fund into the general fund for “lost revenue” according to the fiscal court meeting minutes. It appears that the amount reported on the SEFA was the amount received from the federal program instead of what was expended, resulting in a misstatement of \$246,300.

An effective internal control system was not in place in Nicholas County to ensure compliance with requirements related to the SEFA. Failure to establish and maintain effective internal controls over compliance over the schedule of expenditures of federal awards (SEFA) resulted in a misstatement of \$246,300.

2 CFR 200.303 states in part:

“The non-Federal entity must: (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.”

2 CFR §200.302(b) states in part, “[t]he financial management system of each non-Federal entity must provide for the following: ... (2) [a]ccurate, current and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set for in §§200.328 and 200.329.” In addition, §200.502(a) states in part, “[t]he determination of when a Federal award is expended must be based on when the activity related to the Federal award occurs.” Therefore, the county should only include expenditures on the (SEFA).

We recommend the county establish and maintain internal controls over compliance for all federal program expenditures to ensure accurate use and reporting of federal awards.

Views of Responsible Official and Planned Corrective Action:

County Judge/Executive’s Response: Treasurer was advised by Dept of Local Government that the full amount needed to be listed on SEFA. Treasurer was not aware they were only supposed to put expended amount.