



**OFFICE OF AUDITOR OF STATE
STATE OF IOWA**

Rob Sand
Auditor of State

State Capitol Building
Des Moines, Iowa 50319-0006
Telephone (515) 281-5834

NEWS RELEASE

Contact: Pam Bormann
515/281-5834

FOR RELEASE

February 26, 2025

Auditor of State Rob Sand today released an agreed-upon procedures report on the City of Manly, Iowa, for the period July 1, 2022 through June 30, 2023. The agreed-upon procedures engagement was performed pursuant to Chapter 11.6 of the Code of Iowa.

Sand reported sixteen findings related to the receipt and disbursement of taxpayer funds. They are found on pages 9 through 15 of this report. The findings address issues such as a lack of segregation of duties, the lack of complete bank reconciliations, disbursements exceeding budgeted amounts and meeting minutes not published timely. Sand provided the City with recommendations to address each of the findings.

Eleven of the findings discussed above are repeated from the prior year. The City Council has a fiduciary responsibility to provide oversight of the City's operations and financial transactions. Oversight is typically defined as the "watchful and responsible care" a governing body exercises in its fiduciary capacity.

A copy of the agreed-upon procedures report is available for review on the Auditor of State's website at [Audit Reports – Auditor of State](#).

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CITY OF MANLY
AUDITOR OF STATE'S INDEPENDENT REPORT
ON APPLYING AGREED-UPON PROCEDURES
FOR THE PERIOD
JULY 1, 2022 THROUGH JUNE 30, 2023

City of Manly



OFFICE OF AUDITOR OF STATE
STATE OF IOWA

State Capitol Building
Des Moines, Iowa 50319-0006
Telephone (515) 281-5834

Rob Sand
Auditor of State

February 7, 2025

Officials of the City of Manly
Manly, Iowa

Dear Honorable Mayor and Members of the City Council:

I am pleased to submit to you the agreed-upon procedures report for the City of Manly, Iowa, for the period July 1, 2022 through June 30, 2023. The agreed-upon procedures engagement was performed pursuant to Chapter 11.6 of the Code of Iowa and in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards for attestation engagements contained in Government Auditing Standards.

I appreciate the cooperation and courtesy extended by the officials and employees of the City of Manly throughout the agreed-upon procedures engagement. If I or this office can be of any further assistance, please contact me or my staff at 515-281-5834.

Sincerely,

A handwritten signature in black ink that reads "Rob Sand". The signature is stylized and cursive.

Rob Sand
Auditor of State

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City of Manly

Officials

<u>Name</u>	<u>Title</u>	<u>Term Expires</u>
Tim O'Keefe	Mayor	Jan 2024
Scott Heagel	Mayor Pro tem	Jan 2024
Richard Baird	Council Member	Jan 2024
Rick Aguilera	Council Member	Jan 2026
Pete Andera	Council Member	Jan 2026
Troy Tabbert	Council Member	Jan 2026
Dee Dunbar	City Clerk/Treasurer	Indefinite
Cameron Sprecher	Attorney	Indefinite

City of Manly



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Rob Sand
Auditor of State

Auditor of State's Independent Report on Applying Agreed-Upon Procedures

To the Honorable Mayor and Members of the City Council:

We performed the procedures below, which were established at Iowa Code Chapter 11.6, to provide oversight of Iowa cities. Accordingly, we have applied certain procedures to selected accounting records and related information of the City of Manly for the period July 1, 2022 through June 30, 2023, including procedures related to the City's compliance with certain Code of Iowa requirements identified below. The City of Manly's management, which agreed to the performance of the procedures performed, is responsible for compliance with these requirements and for the City's records.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards for attestation engagements contained in Government Auditing Standards, issued by the Comptroller General of the United States. The City of Manly's management has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose to report, in accordance with Chapter 11.6 of the Code of Iowa, recommendations pertaining to selected accounting records and related information of the City including the City's compliance with certain Code of Iowa requirements. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures we performed are summarized as follows:

1. We observed selected City Council meeting minutes for compliance with Chapters 21, 372.13(6) and 380 of the Code of Iowa.
2. We obtained an understanding of the City's internal controls to determine if proper control procedures were in place and incompatible duties, from a control standpoint, were not performed by the same employee.
3. We observed surety bond coverage for compliance with Chapter 64 of the Code of Iowa.
4. We obtained and observed the City Clerk's financial reports and selected bank reconciliations to determine whether the bank balances properly reconciled to the general ledger account balances, journal entries and monthly financial reports provided to the City Council.
5. We scanned City funds for consistency with the City Finance Committee's recommended Uniform Chart of Accounts (COA) and to determine required funds and fund balances were properly maintained and accurately accounted for.
6. We observed the City's fiscal year 2023 Annual Financial Report to determine whether it was completed and accurately reflects the City's financial information.
7. We scanned investments to determine compliance with Chapter 12B of the Code of Iowa.
8. We observed depository resolutions, the City's investment policy and reporting of unclaimed property to the State of Iowa to determine compliance with Chapters 12C.2, 12B.10B and 556.1(12) of the Code of Iowa.

9. We scanned debt, including general obligation and revenue bonds/notes, and related transactions for proper authorization and compliance with Chapters 75, 384 and 403.9 of the Code of Iowa and to determine whether the debt and related proceeds and repayments were properly accounted for.
10. We scanned selected tax increment financing (TIF) transactions, including receipts, disbursements and transfers, for compliance and accurate accounting, including compliance with the TIF reporting requirements of Chapter 384.22 of the Code of Iowa.
11. We observed the City's TIF debt certification forms filed with the County Auditor, including requests for collection of reduced TIF amounts and to decertify certain TIF obligations, as applicable, for proper support and compliance with Chapter 403.19(6) of the Code of Iowa.
12. We traced selected receipts for accurate accounting and consistency with the recommended COA.
13. The City had no voter approved levies.
14. We traced selected disbursements to proper approval, adequate supporting documentation, accurate accounting and consistency with the recommended COA and compliance with the public purpose criteria established by Article III, Section 31 of the Constitution of the State of Iowa.
15. We traced transfers between funds to proper authorization and accurate accounting and to determine whether transfers were proper.
16. We traced selected payroll and related transactions to proper authorization and accurate accounting and determined whether payroll was proper.
17. We observed the annual certified budget for proper authorization, certification and timely amendment.

Based on the performance of the procedures described above, we identified various findings and recommendations for the City. Our findings and recommendations are described in the Detailed Findings and Recommendations section of this report. Unless reported in the Detailed Findings and Recommendations, no exceptions were noted during the performance of the specific procedures listed above.

We were engaged by the City of Manly's management to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards for attestation engagements contained in Government Auditing Standards, issued by the Comptroller General of the United States. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on specific accounting records and related information of the City, including compliance with specific Code of Iowa requirements. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City of Manly and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

The purpose of this report is to report, in accordance with Chapter 11.6 of the Code of Iowa, certain agreed-upon procedures and the resulting findings and recommendations pertaining to selected accounting records and related information of the City, including the City's compliance with certain Code of Iowa requirements. This report is not suitable for any other purpose.

We would like to acknowledge the many courtesies and assistance extended to us by personnel of the City of Manly during the course of our agreed-upon procedures engagement. Should you have any questions concerning any of the above matters, we shall be pleased to discuss them with you at your convenience.

A handwritten signature in black ink that reads "Pam Bormann". The signature is written in a cursive, flowing style.

Pam Bormann, CPA
Deputy Auditor of State

February 7, 2025

Detailed Findings and Recommendations

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

(A) Segregation of Duties – Management is responsible for establishing and maintaining internal control. A good system of internal control provides for adequate segregation of duties so no one individual handles a transaction from its inception to completion. In order to maintain proper internal control, duties should be segregated so the authorization, custody and recording of transactions are not under the control of the same employee. This segregation of duties helps prevent losses from employee error or dishonesty and maximizes the accuracy of the City's financial statements. Generally, one individual has control over each of the following areas for the City:

- (1) Cash – handling, reconciling and recording.
- (2) Investments – recordkeeping, investing, custody of investments and reconciling earnings.
- (3) Receipts – opening mail, collecting, depositing, recording, reconciling and posting.
- (4) Utilities – billing, collecting, depositing, posting, recording, reconciling and maintaining detailed accounts receivable records.
- (5) Disbursements – purchasing, invoice processing, check signing, check writing, reconciling and recording.

Recommendation – We realize segregation of duties is difficult with a limited number of employees. However, the City should review its control procedures to obtain the maximum internal control possible under the circumstances utilizing currently available staff, including elected officials. Independent reviews of reconciliations should be documented by the signature or initials of the reviewer and the date of the review.

(B) Reconciliation of Utility Billings, Collections and Delinquent Accounts – Utility billings, collections and delinquent accounts were reconciled throughout the year; however, support for the reconciliations was not printed and retained. In addition, a delinquent account listing was not retained monthly. Also, an independent person did not review and approve the reconciliations.

We re-performed a reconciliation at June 30, 2023 and observed the reconciliation did not agree to City records and utility receipts did not agree to utility collections per the City's cash report.

Recommendation – The City should establish procedures to ensure utility reconciliations agree with City records and utility receipts agree to bank deposits. The reconciliations and supporting reports from the utility system should be retained each month. A listing of delinquent accounts should be prepared and retained monthly. The City Council or other independent person should review the reconciliations and monitor the delinquent accounts. All reviews should be documented by the signature or initials of the reviewer and the date of the review.

(C) Bank Reconciliations – While the City reconciled individual bank accounts throughout the year, a complete bank reconciliation, including all bank, investment and change funds, was not prepared. In addition, the monthly bank reconciliations did not contain evidence of review by an independent person.

One bank reconciliation observed was not completed timely.

Recommendation – To improve financial accountability and control, the City should prepare timely monthly bank reconciliations which include all bank, investment and change fund accounts. The reconciliations should be reviewed by an independent person and the review should be documented by the signature or initials of the independent reviewer and the date of review.

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

- (D) Interfund Transfers – Section 545-2 of the City Finance Committee Rules requires “A fund transfer resolution must be completed for all transfers between funds and must include a clear statement of reason or purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received and the dollar amount to be transferred”. Transfers were approved by resolution; however, actual amounts transferred were \$52,500 less than total transfers authorized in the resolutions.

Recommendation – The City should ensure transfers are executed in accordance with approved resolutions.

- (E) Certified Budget – Disbursements during the year ended June 30, 2023 exceeded the amounts budgeted prior to the budget amendment in the public safety, culture and recreation, general government and capital projects functions. Chapter 384.20 of the Code of Iowa states, in part, “Public monies may not be expended or encumbered except under an annual or continuing appropriation.”

Recommendation – The budget should have been amended in accordance with Chapter 384.18 of the Code of Iowa before disbursements were allowed to exceed the budget.

- (F) Annual Urban Renewal Report – The City overstated the receipt amount reported on the fiscal year 2022 Annual Urban Renewal Report (AURR) Levy Authority Summary by \$16,209. The beginning and ending fund balances reported on the Levy Authority Summary did not agree with the City’s records.

Recommendation – The City should establish procedures to ensure the AURR agrees to the City’s records.

- (G) Unclaimed Property – Chapter 556.11 of the Code of Iowa requires each City to report and remit obligations, including checks, outstanding for more than two years to the Office of Treasurer of State annually. The City did not remit these obligation as required.

Recommendation – Outstanding checks should be reviewed annually and items over two years old should be remitted to the Office of Treasurer of State, as required.

- (H) Park and Recreation Department Pool Collections – Pool collections were reconciled to a cash register tape and signed off by two employees each day. However, an independent person does not verify the collections were deposited and properly recorded in the City’s general ledger.

Recommendation – To provide additional control over collection and recording of receipts, these collections should be compared to the bank deposit and the City’s accounting records by an independent person and the review should be documented by the signature or initials of the reviewer and the date of the review.

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

(I) Disbursements – For the 30 disbursements observed, the following items were noted:

- In accordance with Chapter 372.13A of the Code of Iowa, the City has adopted a resolution authorizing the City Clerk to pay certain claims prior to the City Council approval. The resolution states in part, “Whereas, many time sensitive bills such as petty cash reimbursement, payroll, withholding taxes, IPERS, insurance, scheduled loan/bond payments, and invoices with late fee attachments arise in the course of municipal business that require immediate payment, before said expenditures can be approved by the City Council.” The City is paying all disbursements prior to City Council approval, when the majority did not comply with the approved resolution.
- For one disbursement observed, the City paid a credit memo invoice in error.
- For one disbursement observed, the City paid a late fee totaling \$20.

Recommendation – All City disbursements should be approved by the City Council prior to disbursement with the exception of those specifically allowed by a policy. For those disbursements paid prior to City Council approval, a listing should be provided to the City Council at the next City Council meeting for review and approval. The City should establish procedures to ensure all disbursements are reviewed to ensure the correct amount is paid and late fees are not incurred and paid.

(J) Journal Entries – Two of two journal entries observed were not reviewed and approved by an independent person.

Recommendation – An independent person should review and approve all journal entries. The review should be documented by the signature or initials of the reviewer and the date of the review.

(K) Manly Volunteer Firefighters Association

Background:

Chapter 364.16 of the Code of Iowa requires the City to provide for the protection of life and property against fire. This section also states in part, “A city has the same governmental immunity outside its corporate limits when providing fire protection as when operating within the corporate limits.”

Chapter 359.42 of the Code of Iowa requires townships to provide fire protection for the township and Chapter 359.43 allows the township trustees to levy an annual tax for the purpose of exercising its fire protection duties. Chapter 359.42 allows the township trustees to “contract with a public or private agency under Chapter 28E of the Code of Iowa for the purpose of providing any service or system required or authorized under this section.”

Chapter 28E.4 of the Code of Iowa states, “Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this chapter, including the creation of a separate entity to carry out the purpose of the agreement. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force.”

Chapter 384.20 of the Code of Iowa states, in part, “A city shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any city purpose.”

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

The Constitution of the State of Iowa prohibits governmental bodies from making a gift to private nonprofit corporations. Article III, Section 31 of the Constitution of the State of Iowa states "... no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly."

The Manly Volunteer Firefighter's Association was established as a 501C(3) nonprofit corporation, a legally separate entity. In accordance with the Association's Articles of Incorporation, the purpose and objectives of the corporation are to assist the City of Manly Fire Department in the execution and performance of its responsibilities to the citizens of the City and the townships served by the City's Fire Department.

Chapter 35.16 of the City of Manly Code of Ordinances recognizes the Manly Volunteer Firefighters Association and tasks this organization with the collection and disbursement of the City of Manly Fire Department funds for operation of the Department. Accordingly, the Townships of Lincoln, Danville, Union and Lime Creek each pay their levied property taxes to the Association annually. The City of Manly does not pay the Association directly, but is responsible for paying routine expenses such as gasoline, repairs, maintenance, utilities, telephone, etc. The Association maintains two bank accounts, a checking and a savings, with balances totaling \$221,788 at June 30, 2023.

We noted the following:

- (1) A 28E agreement as described in Chapters 28E.4 and 359.42 of the Code of Iowa does not exist, nor is there a contract between the City and the Association that lays out mutual obligations and provides for oversight of the Association.
- (2) Legally separate nonprofit fire associations typically exist to support a City government in carrying out its responsibility to provide fire protection. These nonprofit associations provide this support by holding fund raisers and collecting donations to help provide funds to purchase equipment and other items needed by the City to carry out its duties. Funds in these situations flow from the nonprofit organization to the City and are accounted for by the City.

The arrangement the City has with the Manly Volunteer Firefighters Association to account for the collection and disbursement of the Fire Department's operating funds, and not just to support the City's Fire Department by holding fundraisers and providing funds to or purchasing equipment for the Fire Department is unusual and appears to violate the Iowa Constitution which prohibits providing public funds to private entities. Although the City's Code of Ordinances allows for this arrangement, an ordinance does not take precedence over the Iowa Constitution.

- (3) The City Code of Ordinances requires the Manly Volunteer Firefighters Association to conduct an annual audit of its practices no later than August 1 of each year and transmit the audit to the City Council. The Association has not conducted annual audits and therefore has not transmitted required audits to the City Council.

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

Recommendation – In accordance with Chapter 384.20 of the Code of Iowa and the Iowa Constitution, as well as for better accountability, financial and budgetary control and oversight over the public funds, the financial activity and balances of the Manly Fire Department’s funds, including funds provided by the Townships for fire protection, should be included in the City’s accounting records, monthly financial reports and the Annual Financial Reports. Alternatively, an entirely separate 28E governmental subdivision can be created between the City and townships. The activity of all the Fire Department’s funds should be subject to City Council review and approval and should be included in the City’s budget process. Also, a summary of each account’s receipts, total disbursements and listings of claims allowed each month should be published, as required. Proper accounting of these funds in this manner negates the necessity of an annual audit by the Fire Association (since the funds will be included in the annual examination required and obtained by the City each year) and the need for a 28E agreement as discussed in Chapters 28E.4 and 359.42 of the Code of Iowa.

- (L) Separately Maintained Records – The City Fire Department maintains two accounts separate from the City’s accounting records. At June 30, 2023, these accounts totaled \$29,034. The transactions and resulting balances of these accounts were not included in the City Clerk’s accounting records or the City’s annual budget and were not reported to the City Council each month. These accounts are not under the Manly Volunteer Firefighters Association noted above.

Recommendation – Chapter 384.20 of the Code of Iowa states, in part, “A city shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any city purpose.” For better accountability, financial and budgetary control, the financial activity and balances of all City accounts should be included in the City’s accounting records and annual budget and should be reported to the City Council monthly.

- (M) City Council Meeting Minutes – The following items were noted:

- (1) Chapter 372.13(6) of the Code of Iowa requires minutes of all City Council proceedings be published within 15 days of the meeting and include total disbursements by fund, a description of claims being paid and a summary of all receipts. Minutes for three of the four meetings observed were not published within 15 days and did not include total disbursements by fund and a summary of all receipts. In addition, the City was unable to produce proof of publication for one of the minutes observed.
- (2) The City Council went into closed session on December 12, 2022. The minutes record did not document the reason for the closed session by reference to a specific Code of Iowa exemption as required by Chapter 21.5 of the Code of Iowa.

Recommendation – The City should comply with Chapter 372.13(6) of the Code of Iowa and publish minutes within 15 days of holding the meeting and include total disbursements by fund and a summary of receipts. All proofs of publication should be maintained by the City. In addition, the City should comply with Chapter 21.5 of the Code of Iowa and ensure the minutes document the reason for the closed session by referencing a specific Code of Iowa exemption.

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

- (N) Donations – During the year ended June 30, 2023, the City donated \$2,000 to Manly Development.

The Constitution of the State of Iowa prohibits governmental bodies from making a gift to private nonprofit corporations. Article III, Section 31 of the Constitution states “...no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.”

At least six official Iowa Attorney General Opinions since 1972 have consistently concluded that “a governmental body may not donate public funds to a private entity, even if the entity is established for charitable educational purposes and performs work which the government could perform directly.” The Opinions further state, “Even if the function of a private nonprofit corporation fits within the scope of activities generally recognized as serving a public purpose a critical question exists regarding whether funds or property transferred to a private entity will indeed be used for those public purposes.”

“Political subdivisions and municipalities, including cities, counties, schools and townships are municipal - governmental entities. As governmental entities they are governed by elected bodies, are directly responsible to the public as a whole, and are subject to the limitations imposed on them by the state. Although a private organization may be formed to provide and support ‘public’ services which are the same or similar to the services provided by the government, the private organization are not subjected to the same degree of public accountability and oversight as governmental entities.”

Recommendation – We are not aware of any statutory authority for the City to donate public funds. If the organization provides a service to the City, the City may enter into a contract for services. The agreement should detail the services provided and the cost of those services, as well as provide transparency for the City which allows confirmation the funds were spent as agreed and a clawback provision in the event they were not spent as agreed. If the donation is not providing a service to the City, the City should immediately cease making such donations.

- (O) Payroll – Timesheets were not available for two of the five payroll transactions observed. One of the payroll transactions observed did not have evidence of the employee’s authorized hourly wage.

In addition, wage increases were included in the minutes as percentage increases rather than as a salary or hourly rate.

Recommendation – Payroll support including timesheets should be retained and the timesheets should be reviewed by supervisory personnel as approval of hours worked. The review should be documented by the supervisor’s signature or initials and date of the review. In addition, all wage rates should be approved by the City Council and documented in the City Council meeting minutes. Wage rates and increases should be adequately documented in the minutes as an approved hourly rate or salary and not just a percentage increase, to ensure the actual pay rate is adequately documented.

City of Manly

Detailed Findings and Recommendations

For the period July 1, 2022 through June 30, 2023

- (P) Excess Balance – Chapter 403.19 of the Code of Iowa allows the City to certify indebtedness and then provide for the division of property tax to repay the certified indebtedness in subsequent fiscal years. Chapter 403.19 of the Code of Iowa does not allow the City to set aside/advance property tax divided for tax increment purposes for current or future urban renewal projects. At June 30, 2023, the Special Revenue, Urban Renewal Tax Increment Financing Fund had a fund balance of \$519,730. TIF collections were in excess of the TIF debt certified and the balance was considered excessive.

Recommendation – The City should consult TIF legal counsel to determine the disposition of the excess balance in the Special Revenue, Urban Renewal Tax Increment Financing Fund. If the City has no further tax increment financing debt, the balance should be remitted to the County Treasurer in accordance with Chapter 24.21 of the Code of Iowa.

City of Manly

Staff

This engagement was performed by:

Pamela J. Bormann, CPA, Deputy
Lesley R. Geary, CPA, Manager
Janet K. Mortvedt, CPA, Manager
Kari L. Middleton, Staff Auditor
Shawn A. Weuve, Assistant Auditor