



**AUDIT MANUAL**  
*STANDARDS AND PROCEDURES*

**JUNE 2024**  
*EFFECTIVE FOR AUDITS ISSUED  
AFTER JUNE 30, 2024*

AUDITING, ACCOUNTING AND REPORTING  
FOR LOCAL GOVERNMENT UNITS  
AND OTHER ORGANIZATIONS

**Jason E. Mumpower**  
*Comptroller of the Treasury*



**DEPARTMENT OF AUDIT**

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## PREFACE

This manual and the December 2015 Internal Control and Compliance Manual supersede the following manuals:

- June 2023 State of Tennessee Department of Audit, *Audit Manual*;
- 1998 *Accounting and Financial Reporting for Not-for-Profit Recipients of Grant Funds in Tennessee*;
- February 1999 *Accounting Manual for Recipients of Grant Funds in Tennessee*;
- June 2010 *Internal Control and Compliance Manual for Tennessee Municipalities*;
- December 2011 *Internal Control and Compliance Manual for Tennessee Utility Districts*.

This manual should be used by all organizations that report to the Divisions of State Audit and Local Government Audit, including, but not limited to, local governments, nonprofit organizations receiving grant funds, and agencies receiving funds from the Department of Disability and Aging (DDA), when preparing financial reports and for audits issued on or after June 30, 2024. This manual addresses auditing requirements and reporting requirements for Tennessee governmental units, recipients of subrecipient funds and other organizations.

The information in this manual is provided to help local governments and other organizations as well as auditors gain a basic understanding of the governmental environment in Tennessee. The manual includes general auditing and reporting standards and requirements (*Section A*) and characteristics of specific entities (Sections B through J). A brief reference listing with web links is included as well (*Section K*). The appendices include selected schedule examples, selected references to Tennessee Code Annotated for counties, municipalities, utility districts, and other organizations, some suggested audit procedures, current developments, and other miscellaneous information.

This manual directs Tennessee governmental units, recipients of subrecipient funds, other organizations, and auditors to appropriate literature and addresses unique reporting requirements of the Comptroller of the Treasury, State of Tennessee. Detailed information can be found in the appropriate AICPA industry audit guides, *AICPA Professional Standards*, *Government Auditing Standards*, Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, standards developed by the Institute of Internal Auditors, etc. To comply with the standards, Tennessee governmental units, recipients of subrecipient funds, other organizations and auditors must be knowledgeable of the most recent changes in accounting and/or auditing standards.

For questions about this manual, please contact the Comptroller of the Treasury, Department of Audit.

Local Government Audit  
(615) 401-7841

State Audit  
(615) 401-7897



## Introduction

This manual sets forth, for Tennessee local governmental units and nongovernmental entities receiving subrecipient funds from or through the state, and other organizations:

- the standards and requirements for audits;
- the accounting and internal control framework that should be followed; and
- various general compliance matters.

By statutory authority, the comptroller of the treasury prescribes the standards and requirements for the audit of local governments, grantee agencies and other organizations. Auditors on the comptroller's staff, internal auditors, and certified public accountants must comply with the comptroller's standards and requirements when conducting applicable audits.

The comptroller of the treasury also prescribes, by statutory authority and contractual provisions, the accounting and internal control framework that should be followed by most entities. That internal control framework is addressed in a manual developed by the Comptroller's Office entitled *Internal Control and Compliance Manual*, December 2015, posted on the web at <https://www.comptroller.tn.gov/office-functions/la/resources/manuals.html>. That manual states, in part: **“Establishing and maintaining a system of internal control is required by state and federal law. Implementing the five (5) components of internal control should be considered mandatory.”**

Other reporting and compliance requirements addressed in this manual are derived from federal and state laws and regulations as well as contractual provisions.

## Statutory and Contractual Authority - Audits

### Audits - All governments and grantees

Sections 4-3-301–304, Tennessee Code Annotated, establishes the department of audit and requires the comptroller of the treasury, as administrative head of the department of audit to

- (1) (A) Perform currently a post-audit of all accounts and other financial records of the state government, and of any department, institution, office or agency thereof in accordance with generally accepted auditing standards and in accordance with such procedures as may be established by the comptroller of the treasury;
- (B) Make annually, and at such other times as the general assembly shall require, a complete report on the post audit, such report to be in the form provided by §§ 8-4-109 [through] 8-4-111 and by any subsequent legislation;
- (2) Certify to the fund balance sheets, operating and other statements, covering the condition of the state's finances, as prepared by the department of finance and administration, or by the state treasurer, before publication of such statements;

- (3) Serve as a staff agency to the general assembly, or to any of its committees, in making investigations of any phase of the state's finances;
- (4) Make annually an audit of all the records of the several counties of the state, including the offices of county trustees, circuit court clerks, criminal court clerks, county clerks, and clerks and masters of chancery courts, and all county mayors and judges of the courts of general sessions, specifically including the accounts of all "trust funds" in the hands of clerks and masters, or county clerks, or both, and any other county official, whether elected or appointed;
  - (A) In lieu of the audit required under the provisions of this subdivision (4), the department may accept an audit made by an independent certified public accountant employed at the expense of the county, if the audit made by such independent certified public accountant . . . meets the minimum standards for county auditing established by the comptroller of the treasury, and approved by the governor;
  - (B) The audit shall be made annually, and copies of the audit furnished to the comptroller of the treasury;
  - (C) Any county having an audit made by an independent certified public accountant . . . under the conditions prescribed in this subdivision (4) shall be relieved of paying to the state the fee required by § 9-3-210;
  - (D) Beginning July 1, 1974, the department shall prepare the audit required under the provisions of this subdivision (4) in each county of this state at least once in every five-year period, and shall not accept an audit prepared by a certified public accountant . . . in lieu of a state audit for more than four (4) years in every five-year period beginning July 1, 1974, or may, in such manner as the comptroller of the treasury may determine, participate with or monitor the audit with the independent certified public accountant . . .;
- (5) Devise a modern, effective and uniform system of bookkeeping and accounting, subject to the approval of the governor, comprehending:
  - (A) An efficient system of checks and balances between the officers at the seat of government entrusted with the collections and receipts, custody and disbursement of the revenues of the state; and
  - (B) A system of bookkeeping and accounting, for the use of all county officials and agencies handling the revenues of the state or of any political subdivision thereof; provided, that the comptroller of the treasury and the governor may approve any existing system;
- (6) Perform economy and efficiency audits, program results audits and program evaluations. Any or all of the elements of an audit may be performed, including

financial and compliance, economy and efficiency program results and program evaluation;

- (7) Require that audits to be performed by the internal audit staffs of grantees or the internal audit staffs of state departments, boards, commissions, institutions, agencies, authorities or other entities of the state shall be coordinated with the office of the comptroller of the treasury, and any such audit reports as may be issued shall be prepared in accordance with standards established by the comptroller of the treasury. No department, agency, institution, board, commission or authority shall cause internal auditing to be performed by persons who do not meet the job specifications for internal auditors established by the commissioner of human resources and approved by the commissioner of finance and administration and the comptroller....
- (8) Require that all persons, corporations or other entities receiving grants from or through this state shall cause a timely audit to be performed, in accordance with auditing standards prescribed by the comptroller of the treasury; and
- (9) Establish minimum standards for the performance of audits by the internal audit staffs of local governments, special taxing districts, utility districts, political subdivisions, state departments, boards, commissions, institutions, agencies, authorities or other entities of the state. These standards, which shall be established by the comptroller of the treasury, shall include “Standards for the Professional Practice of Internal Auditing” published by the Institute of Internal Auditors, Inc., or such other standards as may be approved by the comptroller of the treasury. All audit reports issued by such internal audit staffs shall include a statement that the audit was conducted pursuant to these standards...

#### Audits - Grantees/Subrecipients

Section 4-3-304(8), Tennessee Code Annotated, states that all persons, corporations or other entities receiving grants from or through the state shall cause a timely audit to be performed in accordance with the auditing standards prescribed by the comptroller of the treasury. Please see [Section E](#) for specific requirements.

#### Audits - Municipalities

Section 6-56-105, Tennessee Code Annotated, directs the comptroller of the treasury, as administrative head of the department of audit, to ensure that annual audits are made of the accounts and records of each municipality (and all of the departments, boards and agencies under its jurisdiction) in the State of Tennessee.

#### Audits – Tourism Development Authority

Section 7-69-109, Tennessee Code Annotated, states that the board of directors of each authority shall cause an annual audit to be made of the books and records of the authority. The comptroller of the treasury, through the department of audit, shall be responsible for

determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

#### Audits - Utility Districts

Section 7-82-401, Tennessee Code Annotated, states that the department of audit is responsible for ensuring that the audits of utility districts are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum audit standards prescribed by the comptroller.

#### Audits - Emergency Communications Districts

Section 7-86-113, Tennessee Code Annotated, states that the comptroller of the treasury, through the department of audit, shall be responsible for ensuring that the audits of emergency communications districts are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

#### Audits – Convention Center Authorities

Section 7-89-110, Tennessee Code Annotated states that the comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury....The audits shall be prepared by certified public accountants or by the department of audit. In the event the governing body of the authority fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant, or direct the department of audit, to prepare the audit, the cost of the audit to be paid by the authority....Each authority shall prepare an annual report of its business affairs and transactions. A copy of the report and a copy of the annual audit referenced in subsection (a) shall be filed annually with the governing body of the municipality granting permission to the authority to organize.

#### Audits – Medical School Authorities

Section 7-90-110, Tennessee Code Annotated states that the comptroller of the treasury, through the department of audit shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury. Such audits shall be prepared by certified public accountants or by the department of audit. In the event the governing body of the authority shall fail or refuse to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant, or direct the department of audit, to prepare the audit, the cost of such audit to be paid by the authority. Each authority shall prepare an annual report of its business affairs and transactions. A copy of such report shall be filed with the municipality granting permission to the authority to organize.

### Audits – Comptroller Authorized to Audit Entities

Section 8-4-109, Tennessee Code Annotated, authorizes the comptroller of the treasury to audit any books and records of any governmental organization that is created under and by virtue of the statutes of the State of Tennessee and that handles public funds when the comptroller deems an audit is necessary or appropriate.

Section 8-4-116, Tennessee Code Annotated, authorizes the comptroller of the treasury to audit the records of any entity contracting with the state or local government entities created under and by virtue of the statutes of the state, if such contracting entity derives fifty percent (50%) or more of its gross revenue from such state or local entity or entities. All books, records, documents, and other evidence pertaining to the receipt, accounting for, use and/or expenditure of any public funds by any such contracting entity shall be available for examination by the comptroller of the treasury.

### Audits – Local Governments and Internal Audit Staff

Section 9-3-211, Tennessee Code Annotated, requires an annual financial audit of each office, department, agency, division, or board charged with the care and control of a local government's public funds. Any audit performed by the internal audit staff of such an entity must be in accordance with the standards established by the comptroller.

### Audits – Governmental Entities

Section 9-3-212, Tennessee Code Annotated, requires the governing body of each political subdivision, special taxing district, board, commission, educational cooperative, intergovernmental cooperative, or other governmental agency to contract and pay for an annual audit. This section also establishes the comptroller of the treasury's responsibility for ensuring that such audits are performed in accordance with generally accepted government auditing standards and that such audits meet the minimum standards prescribed by the comptroller. Also, the comptroller of the treasury may require additional investigative or review work, to be paid for by the entity.

### Audits – Copy Furnished to Comptroller

Section 9-3-213, Tennessee Code Annotated, requires that the auditor furnish a copy of the local government audit report to the comptroller of the treasury at the same time such report is submitted to the body that ordered the audit.

### Audits – Public Building Authorities

Section 12-10-109, Tennessee Code Annotated, provides that the comptroller of the treasury, through the department of audit, shall be responsible for ensuring that the audits of public building authorities are prepared in accordance with generally accepted governmental auditing standards and that the audits meet minimum audit standards which shall be prescribed by the comptroller of the treasury.

### Audits – Development Districts

Section 13-14-112, Tennessee Code Annotated, requires each development district to submit an annual report of its activities to the governor, general assembly, and commissioner of finance and administration. The annual report shall be audited by the comptroller or an independent public accountant.

### Audits – Human Resource Agencies

Section 13-26-106, Tennessee Code Annotated, requires each human resource agency to submit an annual report of its activities to the governor, general assembly, and commissioner of finance and administration. The annual report shall be audited by the comptroller or an independent public accountant.

### Audits – Insurance Pools

Section 29-20-401(g)(1), Tennessee Code Annotated, requires an insurance pool, special fund, reserve fund, or legal or administrative entity administering any such pool or fund created and authorized under this section to be audited annually by the comptroller of the treasury or the comptroller's designee.

### Audits – Community Corrections

Section 40-36-303(d)(1-3), Tennessee Code Annotated, requires an annual audit of recipients of community corrections funds and states that the comptroller of the treasury shall ensure that the audits of recipients of community correction funds are prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

### Audits – Tennessee Dairy Promotion Committee

Section 44-19-119(c), Tennessee Code Annotated, requires an annual report to be submitted which is subject to audit by the comptroller of the treasury or by a licensed independent public accountant. The comptroller of the treasury shall ensure that the audit is prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

### Audits – Schools

Section 49-2-112, Tennessee Code Annotated, states that the department of audit is responsible for ensuring that the audits of local school activity and other internal school funds are prepared in accordance with generally accepted government auditing standards and for determining that the audits meet minimum audit standards and regulations prescribed by the comptroller.

### Audits – Charter Schools

Section 49-13-127, Tennessee Code Annotated, states that the comptroller of the treasury is authorized to audit any books and records, including internal school activity and cafeteria funds, of any charter school.

### Audits – Regional Authorities

Section 64-11-101, Tennessee Code Annotated, provides that regional authorities must file an annual financial audit with the comptroller of the treasury.

### Audits – Railroad Authorities

Sections 64-2-111, 112, 211, 212, 311, 312, 411, and 412 Tennessee Code Annotated, require an annual report to be submitted and the various boards to cause an annual audit to be made of the books and records. The comptroller of the treasury shall ensure that the audit is prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

### Audits – Tennessee Central Economic Authority

Section 64-5-113, Tennessee Code Annotated, requires an annual report to be submitted which is subject to audit by the comptroller of the treasury or by a licensed independent public accountant. The comptroller of the treasury shall ensure that the audit is prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

### Audits – Regional Development Authorities – Greater Nashville Regional Council

Section 64-7-107, Tennessee Code Annotated, requires an annual report to be submitted which is subject to audit by the comptroller of the treasury or by a licensed independent public accountant. The comptroller of the treasury shall ensure that the audit is prepared in accordance with generally accepted governmental auditing standards and that the audits meet the minimum standards prescribed by the comptroller.

### Audits – Medicaid Providers

Section 71-5-130, Tennessee Code Annotated, states that the comptroller of the treasury shall determine payments to Medicaid providers in accordance with rules established by the department of health. To determine payments to providers, the comptroller is authorized to enter into contracts with other state agencies or organizations providing such services. The comptroller, in consultation with the department of health, may require that cost data submitted by providers be certified by a certified public accountant. All cost data submitted to the comptroller's office is subject to audit.

Audits – Medicaid Waiver Program

Contractual agreements with the Department of Disability and Aging (DDA) require agencies contracting under the Medicaid waiver program to have an audit. Although these contracts establish a vendor relationship, the DDA services contract and the DDA provider manual both require that an annual audit be conducted. The types of entities that participate in this program vary widely and include sole proprietorships, limited liability corporations, partnerships, nonprofit corporations, etc. Each agency, regardless of the form it operates under, that expends \$750,000 or more under these contracts is required to have an audit conducted in accordance with *Government Auditing Standards* (Yellow Book).

**Statutory and Contractual Authority – Accounting/Internal Control**Record keeping – County Hospitals and Nursing Homes

Section 5-21-103(d), Tennessee Code Annotated, states that county hospitals and nursing homes shall establish a system of fiscal management, control, accounting, budgeting, purchasing and cash management that shall conform to generally accepted accounting principles and shall be substantial agreement with the comptroller of the treasury uniform audit manual, the rules established by the commissioner of education and state law.

Record keeping – Utility Districts

Section 7-82-401(a)(2), Tennessee Code Annotated, states that in all counties and districts, with certain exceptions, the comptroller of the treasury shall prepare a uniform audit manual as is required to assure that the books and records are kept in accordance with generally accepted accounting principles.

Record keeping – Emergency Communications Districts

Section 7-86-304, Tennessee Code Annotated, states that the comptroller of the treasury shall develop a uniform financial accounting system conforming to generally accepted accounting principles for use as required by this section. Effective July 1, 1999, each emergency communications district shall use the uniform accounting system developed by the comptroller of the treasury.

Record keeping – Governmental Entities

Section 9-2-102, Tennessee Code Annotated, states that it is the duty of the department of audit to prescribe a uniform system of bookkeeping, designating the character of books, reports, receipts, and records and the method of keeping them in all state, county, and municipal offices, including utility districts, which handle public funds. Any existing system may be approved by the comptroller of the treasury, subject to the concurrence of the commissioner of finance and administration.



Record keeping – Development Districts

Section 13-14-108, Tennessee Code Annotated, states that the comptroller of the treasury shall develop a uniform accounting system conforming to generally accepted accounting principles for the governing boards operating under this chapter.

Record keeping – Human Resource Agencies

Section 13-26-109, Tennessee Code Annotated, states that the comptroller of the treasury shall develop a uniform accounting system conforming to generally accepted accounting principles for the governing boards operating under this chapter.

Record keeping – Community Service Agencies

Section 37-5-313(a), Tennessee Code Annotated, states that community services agencies shall maintain all books and records in accordance with generally accepted accounting principles, and at no less than those recommended in the *Audit Manual* published by the comptroller of the treasury.

Record keeping – Undercover Investigative Operations

Section 39-17-420(e), Tennessee Code Annotated, states that the comptroller of the treasury and the department of finance and administration, in consultation with the Tennessee bureau of investigation, the Tennessee sheriffs' association and the Tennessee association of chiefs of police shall develop procedures and guidelines for handling cash transactions related to undercover investigative operations of county or municipal drug enforcement programs. The procedures and guidelines shall be applicable to the disbursement of proceeds from the drug enforcement program.

Record keeping – Community Corrections

Section 40-36-303(c), Tennessee Code Annotated, states that the comptroller of the treasury shall develop a uniform accounting system conforming to generally accepted accounting principles for the boards operating under the provisions of this chapter. The uniform accounting system shall be subject to the approval of the commissioner of finance and administration. Upon the approval of the commissioner of finance and administration, each local community corrections advisory board shall establish and maintain the uniform accounting system.

Record keeping – Student Activity Funds

Section 49-2-110(e), Tennessee Code Annotated, states that the department of education shall prepare a uniform accounting policy manual for local school systems, subject to the approval of the comptroller of the treasury and the commissioner of finance and administration, and each local school system is required to adopt the manual when issued and maintain all activity fund books and records in accordance with the requirements of the manual.

Record keeping – School Support Organizations

Section 49-2-610, Tennessee Code Annotated, states that the office of the comptroller of the treasury is authorized to adopt a model financial policy for school support organizations.

Record keeping – Local Education Cooperative Agencies

Section 49-2-1304, Tennessee Code Annotated, states that the office of the comptroller of the treasury shall prepare a uniform audit manual to assure that the books and records are kept in accordance with generally accepted accounting principles.

Record keeping – Public Charter Schools

Section 49-13-111(m), Tennessee Code Annotated, requires a public charter school to maintain its accounts and records in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the comptroller of the treasury.

Record keeping – Regional Marketing Authorities

Sections 64-10-113 and 213, Tennessee Code Annotated, state that the office of the comptroller of the treasury shall prepare a uniform audit manual to assure that the books and records are kept in accordance with generally accepted accounting principles.

Record keeping – Tennessee Central Economic Authority

Section 64-5-113(c), Tennessee Code Annotated, states that the comptroller of the treasury shall develop a uniform accounting system conforming to generally accepted accounting principles for the authority.

Record keeping – Regional Development Authorities – Greater Nashville Regional Council

Section 64-7-105, Tennessee Code Annotated, states that the regional council shall establish and maintain the uniform accounting system as developed by the comptroller of the treasury and approved by the commissioner of finance and administration in compliance with the provisions of Section 13-14-108, Tennessee Code Annotated, as they relate to development districts.

Record keeping – Solid Waste

Section 68-211-874, Tennessee Code Annotated, states that each county, solid waste authority and municipality shall use a uniform solid waste financial accounting system and chart of accounts developed by the comptroller of the treasury. The comptroller of the treasury is directed to develop a uniform financial accounting system conforming to generally accepted accounting principles for use as required by this section. Such uniform accounting system shall be subject to the approval of the commissioner of finance and administration. Upon such

approval, each county shall establish and maintain the uniform solid waste financial accounting system.

## **Statutory and Contractual Authority – Miscellaneous Filings**

### Annual Filing - Specialty License Plates

Section 55-4-202(j), Tennessee Code Annotated, states that by September 30 each year, all nonprofit organizations receiving proceeds from the sale or renewal of a new specialty earmarked license plate shall submit an annual accounting of all such funds received from July 1 to June 30 of the preceding state fiscal year to the comptroller of the treasury. The comptroller of the treasury may audit any nonprofit organization receiving funds from a new specialty earmarked license plate to ensure that the funds are being used in accordance with statutory authority for the plate, and the cost of the audit shall be charged to the nonprofit organization.

### Filing - Interlocal Agreements - Creation:

Section 12-9-111, Tennessee Code Annotated, states that any interlocal agreement entered into by local government entities that creates a local government joint venture entity shall be filed in the office of the comptroller of the treasury within ninety (90) days of execution of the agreement.

### Filing – Interlocal Agreements – Annual and Updates

Section 12-9-112, Tennessee Code Annotated, requires local government joint ventures to file information with the comptroller’s office annually. The statute permits the comptroller to develop guidelines in furtherance of the administration of this section. There are two types of local government joint ventures, those that have an annual audit requirement and those that file unaudited financial information with the comptroller’s office.

The requirements for those that must have an annual audit are located in *Section D* of this manual.

The requirements for those that are not required to have an annual audit, but must file financial information are located in *Section J* of this manual.

### Annual Filing – Volunteer Fire Departments

Section 68-102-309, Tennessee Code Annotated, states that the governing board of each recognized volunteer fire department receiving appropriations from the federal government, the state, a county, or a municipality, either directly or indirectly, shall file an annual financial report with the comptroller of the treasury and with each local government body from which the department received appropriations. The annual financial report shall be for the year ended June 30, in a form prescribed by the comptroller of the treasury, and such governing board shall file the report within six (6) months of the close of its fiscal year.

## SECTION A GENERAL INFORMATION

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### Comptroller's Responsibility

In 1937, the General Assembly created a Department of Audit in Tennessee state government and designated the Comptroller of the Treasury as the administrative head of this department. Various sections of Tennessee Code Annotated set forth the Comptroller's duties for auditing the accounts and records of departments, institutions, and agencies of state and local government.

The Comptroller of the Treasury is the public official in Tennessee responsible for the audit of the various departments, institutions, and agencies of state government; nonprofit or private organizations receiving subrecipient and other funds from such entities, and Tennessee local governments and political subdivisions. For some of these entities, the Comptroller may accept audits prepared by certified public accountants in lieu of state audits, provided the contracts for such audits are approved by the Comptroller of the Treasury and provided that such audits meet minimum standards established by the Comptroller. Such contracts, excluding those for managed care organizations which must use a specialized contract form, are processed through a web based application known as the Contract and Report System (CARS). (sample [CONTRACT TO AUDIT ACCOUNTS](#)) This manual and the related web links address the Comptroller's requirements for auditing such entities.

The Comptroller or the Comptroller's representative has authority to review the certified public accountant's audit documentation and the completed report to determine if standards and procedures prescribed by the Comptroller have been followed. Reviews may take place during the course of the audit or after the completion of the audit report. Such reviews are conducted to improve and give direction to the statewide audit effort.

### Auditing Standards and Audit Requirements

The United States Government Accountability Office has published *Government Auditing Standards (GAS)* ([YELLOW BOOK](#)) which sets forth the auditing standards required for audits of all federal programs. The audits of Tennessee governmental units, recipients of subrecipient funds, and other entities subject to audit by the Comptroller shall conform to these standards regardless of whether the agency received federal funding or not. A statement in the auditor's report that the audit was made in accordance with *Government Auditing Standards* (generally accepted government auditing standards) will be acceptable language to indicate that the audit was made in accordance with these standards.

Those governmental units and recipients of subrecipient funding that are subject to any federal audit provisions must comply with those audit standards as well, which can be found at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>.

The statutory and contractual audit and internal control requirements for different entities are summarized in the introduction of this manual. The internal control documentation requirements for various entities are addressed in the *Internal Control and Compliance Manual* released by the Comptroller's Office in December 2015. The provisions and documentation requirements of that manual should be considered when evaluating and reporting on internal control in accordance with the requirements of *Government Auditing Standards*.

If, during the course of the audit, it becomes apparent that a disclaimer of opinion or adverse opinion will likely be required, the auditor should contact the Division of Local Government Audit.

### Coverage

The audit must generally cover all funds and all offices, departments, agencies, or other units of the entity that collect or disburse funds or provide services or supervise any other assets belonging to the entity. Separate audits may be conducted for one or more departments if deemed necessary by the governing body and if approved by the Tennessee Comptroller of the Treasury.

Program-specific audits must be approved prior to the execution of a Contract to Audit Accounts. **Section H** includes general guidance for program-specific audits. Variances from these guidelines must be approved by the Tennessee Comptroller of the Treasury.

For governmental agencies, the reporting entity should be determined in accordance with standards established by the Governmental Accounting Standards Board (GASB). For nongovernmental agencies, the parent and all subsidiaries are normally included in the scope of the audit. Audits of agencies whose audit requirement is driven by funding from the Department of Disability and Aging (DDA) must include the parent and all subsidiaries. Audits of agencies whose audit requirement is NOT driven by funding from DDA, may, if approved by the state funding agency and the Comptroller of the Treasury of the State of Tennessee prior to executing a Contract to Audit Accounts, have an audit that only includes a particular subsidiary.

The auditor must consider materiality for any local government as provided for in the AICPA Audit and Accounting Guide, *State and Local Governments*.

The Comptroller of the Treasury shall require auditors of local governments to express an opinion on each of the opinion units which collectively comprise the basic financial statements required by the GASB Statement 34 financial reporting model. However, except for internal school funds and noncentralized cafeteria funds, a local government, at its option, may engage the auditor to also express an opinion on the combining and individual fund financial statements that are presented as supplementary information accompanying the basic financial statements. The combining and individual fund financial statements for internal school funds and noncentralized cafeteria funds must be covered in the auditor's opinion on the financial statements.

The auditor should address all supplementary information presented in the financial report. An opinion on whether accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. This does not include management's corrective action plan, for which no opinion is required. Minimum requirements for opining on the supplemental information are included in Sections B through H.

The auditor should address any accompanying other information presented in the financial report (e.g., introductory section, statistical section, roster of officials) in the other information section of the Independent Auditor's Report.

Additional audit coverage information specific to the type of entity being audited is located in the respective section(s) in this manual.

### **Audit Period**

Audits should cover at least one fiscal year, 12 months, unless otherwise approved by the Comptroller. Ordinarily, the fiscal year ends on June 30 for Tennessee governmental entities. Unless prohibited by law, other fiscal year-ends may be allowed. All counties, municipalities, and internal school funds have a June 30 fiscal year-end. The fiscal year-end varies for utility districts, housing authorities, other special purpose governments, nonprofit and for-profit organizations.

### **Legal and Contractual Compliance**

The auditor shall determine compliance with legal requirements in the handling of public funds. When presenting findings in the audit report, the auditor is responsible for directing particular attention to violations of federal and state laws and regulations, private acts, charter provisions, the Single Audit Act, Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), and subrecipient contract requirements.

Any reasonable suspicion of fraud discovered during the audit shall be **promptly reported in writing** by the auditor to the Comptroller of the Treasury, State of Tennessee. (See pages [A-9 - 15](#) for additional guidance and <https://www.comptroller.tn.gov/office-functions/investigations/fraud-waste-and-abuse.html> for reporting through the online reporting system.)

### **Competency**

Audits must be conducted by either certified public accountants or the audit staff of the Comptroller of the Treasury. All auditors must have adequate training and experience in governmental accounting and be in good standing in their profession. An audit firm that receives a peer review rating other than pass is subject to additional scrutiny and may be required to submit their audit documentation for review prior to the release of an audit or to engage an independent CPA firm to perform a pre-issuance review before the release of an audit. Continued ratings other than pass may result in the audit firm not being eligible to conduct audits for the Comptroller of the Treasury. Additional information regarding actions that may be taken by the Comptroller of the Treasury can be found on the web at <https://comptroller.tn.gov/office-functions/la/resources/information.html>, General Guidance tab, in the document titled "Peer Review and Audit Documentation Reviews".

Possible actions taken for identified conditions during audit documentation reviews may require; accelerated reviews, pass rating on next peer review, no action based on TSCPA follow-up, additional CPE, contracted independent accelerated documentation review, limitation of contracted audits, honor current contracts only, rescind outstanding audit contracts, or any other action(s) agreed on by the Comptroller's Office.

### **Awarding Audit Contracts**

Section 12-3-1209, Tennessee Code Annotated, does not allow counties, municipalities, metropolitan governments, utility districts, and other municipal and public corporations of this state to award audit contracts based on competitive bids. The audit contracts must be awarded on the basis of recognized competence and integrity. Although competitive bidding is prohibited, interviews may be conducted to determine the capabilities of eligible persons or groups.

The Comptroller's Office encourages all organizations to require audit firms to complete and submit a Request for Qualifications. The Request for Qualifications provides information that is extremely beneficial in evaluating whether an audit firm possesses the necessary capabilities to conduct an audit of the organization. (***SAMPLE REQUEST FOR QUALIFICATIONS – APPENDIX E***) If an audit organization needs to include a basic contract form in the request for qualifications, a “sample” fill-in pdf contract can be accessed on the Comptroller's website under Helpful Links at <https://apps.cot.tn.gov/CARS/>

### **Comptroller's Approval of Audit Contracts**

The Comptroller has prescribed a uniform audit contract for (1) local and special purpose governments, nongovernmental organizations that meet the definition of a subrecipient, various other organizations that are required, by contract provision or miscellaneous TCA requirements, to have an audit and (2) managed care organizations contracting with the state's TennCare Program. Managed care organizations should use an electronic contract, (which can be found on the web at <https://comptroller.tn.gov/office-functions/state-audit/types-of-audits/medicaid-tenncare.html>) following the guidelines detailed later in this section. All other organizations are required to use the web-based application known as the Contract and Report System (CARS) for executing the contract to audit accounts. The details for using this system are accessible through the CARS application. (***CARS***) Regardless of the method used, the contract should be properly executed and approved by the Comptroller before any audit work is begun.

Entities must use the Comptroller's Contract to Audit Accounts form (***CONTRACT TO AUDIT ACCOUNTS***) which is embedded in CARS. Managed care organizations must use a specialized contract form (***TENNCARE CONTRACT***). The Comptroller will not approve a retyped contract for managed care organizations, or any contract not executed through CARS for all other organizations.

## Audits of Group Financial Statements

Item 8 of the Contract to Audit Accounts includes provisions to address certain requirements related to auditing requirements in the AICPA, *Professional Standards*, AU-C section 600, *Special Considerations — Audits of Group Financial Statements (Including the Work of Component Auditors)*. The changes, though included in all audit contracts, only apply to those organizations/funds (components) whose financial statements are included in a county that is audited by the Division of Local Government Audit. When the contract to audit accounts is executed, an individual with the Division of Local Government Audit will contact you by email, as noted in the contract. If you have further questions regarding your role in the group audit, please contact our office.

## Multiple Audit Periods

If the uniform contract includes more than one annual audit period, financial reporting shall conform with the guidelines in [Section A, page 17](#), Special Reporting Considerations, and Sections B through H of this manual, as applicable.

## Report Due Date

The contract to audit accounts establishes the date by which the audit report shall be submitted. While financial reports must typically be submitted no later than six (6) months following the fiscal year end, various circumstances may necessitate a different filing time frame. Certain known circumstances where an earlier submission date is required are noted below.

- Certain standards governing group audits may require a report to be submitted by an earlier date. Auditors conducting audits of funds and/or component units of a primary government may be requested to change the filing date (modified due date) either during the contracting process or after the contract is executed, in order to facilitate the group audit.
- Certain audits are contracted through Local Government Audit that are included in the State of Tennessee's audit report. Those audits with fiscal years ending on June 30 are due by October 31 of that same year. Please refer to [Appendix F](#) for a list of these entities.
- Certain organizations that receive funding from community corrections must file their audits within one hundred twenty (120) days of the close of their fiscal year.

When considering approval of a contract to audit, the Comptroller will evaluate the circumstances related to previous audit reports that have not been submitted or were submitted after the due date or modified due date.

## Delinquent Filings

Sometimes circumstances occur that result in an audit report being filed after the due date or require a date later than six (6) months following the fiscal year end to be entered on the contract. These should NOT be regular occurrences because it constitutes delinquent filing.

If the contractual filing date is anticipated to be greater than six (6) months following the fiscal year end, you must contact the Comptroller's Office prior to completing the contract. After the contract



is signed, if it appears that the report will be filed after the contracted filing date, a notification communicating the reason for the delinquent filing should be submitted through the CARS system.

In either of the above situations, other interested parties should be notified of your delinquent filing, including, but not limited to, lenders, grantors, bond counsel, regulatory boards, etc. A particular emphasis should be placed on due dates for entities subject to the requirements of the following organizations; the Tennessee Local Development Authority (TLDA), Electronic Municipal Market Access (EMMA), and the U.S. Office of Management and Budget.

### **Special Audit-Related Services**

If there is any special audit-related services agreement in place at the time of the audit contract submission, it should be attached as a miscellaneous file to the contract. Any existing agreement(s) will be reviewed and taken into consideration during the review and approval or disapproval of the submitted contract to audit accounts.

When a certified public accountant is considering conducting a special audit-related service, including agreed-upon procedures, that was not included in the audit contract approved by the Comptroller, the auditor must notify the Comptroller of the proposed work. A contract, explaining the nature and extent of the engagement, must be approved by the Comptroller's Office before any work is started.

### **Timeliness of Audit Contracting**

The timing of submission of audit contracts can affect the timeliness of the audit. As a rule, audit contracts should be executed before the end of the fiscal year to be audited. However, contracting for the audit of internal school funds (i.e., activity funds, noncentralized cafeteria funds, and other internal school funds) and for additional audit procedures for centralized cafeteria systems in counties and special school districts is different. Because some of the audit procedures conducted on behalf of the Division of Local Government Audit **must** be conducted while school is still in session, all county schools should contract by September 30 of the fiscal year to be audited (nine months **prior** to the end of the fiscal year). The contract to audit accounts should address the additional audit procedures related to centralized cafeteria funds in the special provisions section of the contract.

### **Indemnification Clauses**

The Office of the Attorney General, State of Tennessee, Opinion 93 – 01 states:

A contract provision which requires that a local governmental entity indemnify or hold harmless another governmental entity or a private party beyond the liability imposed upon that entity by law is unenforceable because it appropriates public money and abrogates governmental immunity without the authorization of the General Assembly.

Based on this opinion, a local government does not have the power to enter into an indemnification clause. These clauses should be avoided in the audit contract.

## Electronic Contracting and Reporting Requirements

Guidelines and requirements for CARS are included in the Help section of the main web page for the CARS application. Selected requirements related to the types of files that may be uploaded and electronic reports are included below; however, firms and their clients are responsible for complying with all CARS requirements.

### Types of Files that Must be Uploaded if Applicable

File Content	File Type
Annual Audit Report/ Annual Financial Report	PDF
Audit Conclusions – Comptroller’s Referral Letter	PDF
Compliance Examination Engagement	PDF
Federal Form 990 (Specialty License Reporting)	PDF
Management Letter	PDF
Schedule of Cash Shortages and Other Thefts	PDF
Separate Single Audit	PDF
Specialty License Plate Annual Accounting	PDF
Unaudited Financial Information	PDF

### Electronic Reports:

With the exception of certain agencies that file unaudited information or that file a courtesy report with our office (See guidance in [Section J](#)), electronic reports, related management letters, and letters to those charged with governance may only be filed by the audit firm.

Electronic reports are posted to our website upon receipt. When revised reports are submitted, the original file is replaced with the revised one.

The following guidelines should be followed for electronic reports.

1. The electronic report must be indistinguishable from any paper copy(s) issued.
2. Security settings must allow printing and commenting.
3. The scan quality should be sufficient to allow for clear viewing and printing of the document. Scan quality can be improved by modifying the settings on your scanner. The default settings on your scanner may need to be changed.
4. Scanned documents that include information which is highly dependent on color to convey information (such as graphs, pie charts, etc.) should be scanned in color. Failing to scan in color limits the usefulness of such information.

5. Pages should be in the proper order and should generally be oriented for reading purposes. When a financial statement cannot fit on a single page, the paging in the report should allow the entire financial statement to be viewed on facing pages. This may require blank pages to be inserted intentionally in a similar fashion to a paper report. The order of information in the report should comply with the general report outline in the *Audit Manual*.
6. Management letters that are not included in the table of contents of the audit report should be uploaded in a separate file from the audit report. Any information included in the audit report file will be posted to the Division of Local Government Audit's website.
7. A separately issued management letter should be electronically submitted at the same time the electronic report is submitted. If the management letter has not been issued at the time the report is released, please notify us when submitting the financial report and then submit the management letter as soon as it is issued.
8. The opinion(s), internal control and compliance report(s), management letter, and any other auditor communication must be on letterhead.
9. All auditor communication should include a printed or graphic electronic signature.
10. Electronic files in portable document format (pdf) should include bookmarks at least as detailed as the table of contents.
11. Renaming of the file – please note that we will rename the file names on all uploaded files to meet our internal standardized naming conventions.
12. Reports submitted are required to be searchable.

### **Submitting Revised Information**

If you must resubmit any information, only include those documents that have changed. Unchanged documents should not be resubmitted. That is, if a page within the audit report document must be modified, but no modification is required for a management letter that was submitted, then only the complete audit report document should be resubmitted.

## Consideration of Fraud and Illegal Acts

The auditor is responsible for performing risk assessment procedures and developing an audit plan for each audit. No one audit plan will suffice for every audit and no group of audit steps is comprehensive enough to cover all circumstances. As noted below, the auditor has responsibilities for notifying the Comptroller if their audit procedures reveal any reasonable suspicion of fraud.

Item 7 of the Contract to Audit Accounts stipulates the following:

Any reasonable suspicion of fraud, (regardless of materiality) or other unlawful acts including, but not limited to, theft, forgery, credit/debit card fraud, or any other act of unlawful taking, waste, or abuse of, or official misconduct, as defined in Tennessee Code Annotated, Title 39, Chapter 16, Part 402, involving public money, property, or services shall, upon discovery, be **promptly reported in writing** by the auditor to the Comptroller of the Treasury, State of Tennessee, who shall under all circumstances have the authority, at the discretion of the Comptroller, to directly investigate such matters. Notwithstanding anything herein to the contrary, the Comptroller of the Treasury, State of Tennessee, acknowledges that the auditor's responsibility hereunder is to design its audit to obtain reasonable, but not absolute, assurance of detecting fraud that would have a material effect on the financial statements, as well as other illegal acts or violations of provisions of contracts or grant agreements having a direct and material effect on financial statement amounts. If the circumstances disclosed by the audit call for a more detailed investigation by the auditor than necessary under ordinary circumstances, the auditor shall inform the organization's management and those in charge of governance in writing of the need for such additional investigation and the additional compensation required therefor. Upon approval by the Comptroller of the Treasury, an amendment to this contract may be made by the organization's management and those charged with governance and the auditor for such additional investigation.

In order to comply with this requirement, the auditor should describe the suspected fraud in as much detail as possible. If known, information about the names and positions of suspected individual(s) involved, dates, amounts, records involved, how the fraud was discovered, etc. should be included. All instances of fraud, regardless of materiality, should be reported.

Although the above requirements have been in place for many years, we have had different situations where audit firms have failed to meet their contractual obligation as referenced above.

The Tennessee State Board of Accountancy will be informed of all failures to meet the above referenced contractual obligations so that they may take whatever disciplinary action they deem appropriate.

## Comptroller Referrals

The Comptroller's Office receives notifications from local governments, independent certified public accounting firms, private citizens, and other concerned parties regarding potential fraud, waste, and abuse of public funds. Local governments are required to report unlawful conduct to the Comptroller's Office in compliance with the Local Government Instances of Fraud Reporting Act and certified public accountants are contractually required to report all such matters to the Comptroller's Office.

Certain notifications received by the Comptroller's Office are referred to the contract auditor for consideration as part of their annual audit. The audit firm will receive a letter from our office summarizing the nature of the concerns addressed in the notification as well as the firm's responsibilities regarding the referral. Please upload a written summary of your audit conclusions on firm letterhead to our online Contract and Report System (CARS).

The matters included in the referrals can often be addressed during the annual audit process under compliance testing and the internal control evaluation. If the matters disclosed in the referral call for a more detailed investigation, the auditor should inform management and those in charge of governance in writing of the need for such additional investigative procedures and the additional compensation required. Upon approval by the Comptroller of the Treasury, an amendment to the existing Contract to Audit Accounts can be executed by the organization's management and those charged with governance and the auditor for such additional compensation.

## Cash Shortages and Other Thefts

The reporting grid below illustrates the reporting requirements of the Comptroller’s Office as compared to *Government Auditing Standards* when reporting cash shortages and other thefts. Please note that while the Yellow Book provides latitude in reporting instances of fraud that do not warrant the attention of those charged with governance, in light of public accountability for entities that are funded wholly or in part with public dollars, the Comptroller’s Office requires that MOST instances of fraud, regardless of materiality, be communicated to those charged with governance in the report on internal control over financial reporting and on compliance. In addition, MOST instances of fraud should be included in a schedule of cash shortages and other thefts (described below).

Instances of Fraud (Includes Cash Shortages and Other Thefts)	GAGAS Requirement	Supplemental Comptroller Requirements
Instances of fraud that have a material effect on the audit (financial statements or other financial data significant to the audit objectives). (GAS 6.41)	Communicate in the report on internal control over financial reporting and compliance. (GAS 6.41)	Also address all such matters in a schedule of cash shortages and other thefts – current and prior years.
Any other instances of fraud that warrant the attention of those charged with governance. (GAS 6.44)	Communicate in the report on internal control over financial reporting and compliance. (GAS 6.44)	Also address all such matters in a schedule of cash shortages and other thefts – current and prior years.
Instances of fraud that do not warrant the attention of those charged with governance. (GAS 6.48)	Auditor’s determination of whether and how to communicate such instances to entity officials is a matter of professional judgment. (GAS 6.48)	<p>1) for situations involving amounts greater than \$100: Address such matters, regardless of materiality or significance, in</p> <ul style="list-style-type: none"> <li>(a) the report on internal control over financial reporting and compliance and other matter(s) as a finding; and</li> <li>(b) the schedule of cash shortages and other thefts – current and prior years.</li> </ul> <p>2) for situations involving amounts less than \$100 AND management or the board is not involved in the matter AND there was not a complete lack of internal controls - Address such matters</p> <ul style="list-style-type: none"> <li>(a) in writing, in a management letter, which must be submitted through CARS with the audit report.</li> </ul> <p>3) for situations involving amounts less than \$100 AND management or the board is involved in the matter OR there was a complete lack of internal controls - Address such matters in</p> <ul style="list-style-type: none"> <li>(a) the report on internal control over financial reporting and compliance and other matter(s) as a finding; and</li> <li>(b) the schedule of cash shortages and other thefts – current and prior years.</li> </ul>

## Schedule of Cash Shortages and Other Thefts – Current and Prior Years

All instances of cash shortages and other thefts, except as noted in the grid above should be reported. “Other thefts” do not include thefts by outside parties such as by burglary. Criminal thefts by parties not associated with the reporting entity do not have to be reported as a finding or in the Schedule of Cash Shortages and Other Thefts. The schedule should encompass all fraudulent matters identified during the audit. For example, issues discovered during normal audit procedures, issues addressed in investigative reports issued by the Comptroller or a state or federal agency, and issues developed internally by the auditee or internal audit staff should be reported. Other sources may include reports by local law enforcement agencies or other organizations that the CPA becomes aware of during the normal course of their audit.

The information in this schedule will be included in an annual report published by the Division of Local Government Audit and made available to the public on our website.

### Contents of Schedule

The schedule should include the information and follow the format presented in the example schedule below. The schedule shall include the status of **all** current and prior year cash shortages, other thefts and fraud, except as noted in the grid above.

All shortages, regardless of when they were initially reported, shall be tracked on the schedule until complete restitution has been collected or the governing body has taken and documented an official final action (write-off, insurance collection, etc.). Normally, write-offs would require action by those charged with governance.

The *explanations of cash shortages* section should detail the following information:

- A number that corresponds to the line item in the schedule;
- The fiscal year the cash shortage/other theft was first reported in the audit report;
- The amount of the shortage/other theft;
- The department (as applicable);
- A brief discussion of the nature of the shortage/other theft;
- Reference to the separate regulatory investigative report, as applicable; and
- The disposition at the end of the entity’s fiscal year, including the status of resolution (e.g., restitution, insurance recovery, amounts written-off by the governing body, indictments, etc.). Any information regarding the disposition of the fraud subsequent to the entity’s fiscal year end should also be included.

### Filing of Schedule

This schedule will not be a part of the audit report but should be submitted by the independent auditor in a pdf format through **CARS** at the same time the audited financial statements are submitted.

## Reporting Findings from Regulatory Investigative Reports and Other Sources

### Released Reports

If the Comptroller's Office or a state or federal regulatory body has publicly released a fraud investigative report during the contracted audit period or during the auditor's fieldwork for that audit, regardless of the period covered in the report:

- The report must be considered when conducting the audit and when reporting on internal control and compliance. Auditing standards require that investigative reports and other evidences of internal control weaknesses, cash shortages, and other thefts be considered in developing the current audit strategy.
- Relevant matters from the investigative report should be addressed in the annual financial report and referenced to the investigative report, i.e., in the notes to the financial statements, the internal control and compliance report(s) and/or the management letter or letter to those charged with governance, as appropriate under current auditing standards. Those matters that are derived from a regulatory investigation and reiterated in the auditor's report on internal control and compliance should reference the investigative report. Please note that auditing standards require the auditor to obtain and document sufficient audit evidence in the working papers to support the reiterated findings based on the auditor's work and not solely based on the work of other auditors. Audit evidence can be obtained in a variety of ways including, but not limited to, inquiry, results of transaction testing, etc.
- Findings developed from internal investigations, reports by law enforcement agencies, or reports of other organizations should be considered and reported in a manner similar to regulatory investigative reports.
- Cash shortages and other thefts identified in a regulatory investigative report should be reported in accordance with the supplemental Comptroller requirements as outlined in the reporting grid above.
- For regulatory investigative reports issued during the auditor's fieldwork that are outside the scope of the audit, the following guidance should be followed when reporting fraud:
  - a. If the fraud occurred prior to the current audit period and the fraud was not addressed in a prior audit period, the auditor should report the fraud in the report on internal control and compliance of the current period.
  - b. If the fraud occurred subsequent to the current audit period, the fraud should be reported in the internal control and compliance report of that subsequent period. The notes to the financial statements of the current audit period should disclose the fraud as a subsequent event if it meets applicable disclosure criteria.



On-going Investigations

In situations where there is an on-going fraud investigation, the auditor should follow the standards for determining the reporting and disclosure requirements in the annual financial report and auditor's reports. If the release of the annual financial report will be delayed due to an on-going fraud investigation, the auditor should contact the Division of Local Government Audit.

**Town in Tennessee**  
**Example Schedule of Cash Shortages and Other Thefts – Current and Prior Years**  
**For the Period July 1, 20XX through June 30, 20XX**

	<b>Fiscal Year First Reported</b>	<b>Department</b> (This column may not always be applicable depending upon the type of local government.)	<b>Original Audit Finding Number/ Reference</b>	<b>Original Amount of Shortage</b>	<b>Beginning/ Carry-Forward Balance</b>	<b>Current Year Shortage</b>	<b>Current Year Reductions</b> (Collections and other Decreases)	<b>End of Year Balance</b>
<b>1</b>	20XX	General Government	20XX-002	\$ 14,500	\$ -0-	\$ 14,500	\$ -0-	\$ 14,500
<b>2</b>	20XX	Highway and Streets	20XX-007	200	-0-	200	200	-0-
<b>3</b>	20XX	Board of Education	20XX-005	15,000	14,000	-0-	1,000	13,000
<b>4</b>	20XX	Water and Sewer	20XX-012	500	500	-0-	500	-0-
<b>5</b>	20XX	Police Department	20XX-002	10,000	10,000	-0-	10,000	-0-

**Explanations of Cash Shortages**

1. General Government  
The audit for the 20XX year reported a cash shortage of \$14,500. An investigative report issued by the Tennessee Comptroller of the Treasury in February of 20XX revealed that from May 20XX through October 20XX, the bookkeeper fraudulently issued checks totaling \$14,500 for personal use.  
**Disposition:** At June 30, 20XX, no restitution payments had been made. In March of 20XX the bookkeeper was found guilty of theft of \$10,000 or more, sentenced, and ordered to pay restitution totaling \$14,500 to the municipality.
2. Highways and Streets  
The audit for the 20XX year reported a cash shortage of \$200 in the street department. An employee claimed hotel and per diem meal reimbursements for an extra day of weekend travel that was not for an authorized municipal purpose.  
**Disposition:** As of June 30, 20XX, complete restitution had been made. The employee was required to repay the amount to the municipality and was dismissed from employment.
3. Board of Education  
The audit for the 20XX year reported a cash shortage of \$15,000 at the Board of Education. This shortage resulted from the misappropriation of petty cash funds by a municipal employee. The employee admitted to taking the petty cash funds and was subsequently terminated by the Board.  
**Disposition:** The former employee is making annual restitution payments of \$1,000 until the amount is paid in full.
4. Water and Sewer Department  
The audit for the 20XX year reported a theft of \$500 in the water and sewer department. The department's cell phone bills for January and February of 20XX reflected \$500 in charges for text messages for one employee.  
**Disposition:** The employee confessed that the charges were for personal use and agreed to reimburse the town for the charges. The employee subsequently left employment with the town and did not repay the amount owed. An insurance payment related to the theft of \$500 was received during the current year.
5. Police Department  
The audit for the 20XX year reported a theft of \$10,000 in the police department. A special investigation was conducted by the Tennessee Comptroller's Office and is addressed in their report released in May of 20XX. The theft was a result of confiscated drug funds being stolen by an employee of the department.  
**Disposition:** The employee was terminated as a result of the theft. The town does not intend to seek restitution and recovered \$8,000 of the theft from insurance proceeds during the current year. The governing body has written-off the remaining \$2,000 as uncollectible. The theft has been reported to the local district attorney and is awaiting trial.

## Confirmations from State

Certain state confirmations related to counties, municipalities, and school food service funds are distributed by the Division of Local Government Audit of the Comptroller's Office on the web. For additional information regarding on-line confirmations, please see the Comptroller's website ([\*\*\*ON-LINE CONFIRMATIONS - LOCAL GOVERNMENT AUDIT\*\*\*](#)). If you need additional information, the division's mailing address and FAX number are:

Comptroller of the Treasury  
Division of Local Government Audit  
Cordell Hull Building  
425 Rep. John Lewis Way N.  
Nashville, Tennessee 37243

FAX (615) 741-6216

## General Report Outline

All financial reports submitted to the Comptroller of the Treasury must comply with the following General Report Outline. Unique requirements related to each entity type (county, municipality, utility district, etc.) can be located in Sections B through H, as applicable.

The financial section for a component unit should conform with the General Report Outline and include the minimum content of a component unit financial report as prescribed by GASB pronouncements, and should encompass all funds of the audited entity.

All audit reports shall include the following information, as applicable, and should conform to the following outline.

### I. Introductory Section

- A. Table of contents;
- B. Letter(s) of transmittal;
- C. Roster of officials (not required if the entity is “for-profit”);  
Generally, the roster of officials should include a list of the board members, the management officials who are responsible for the financial statements, and the members of the audit committee if the entity has one. During periods of transition, the list should include all board members and management officials in office during the period under audit. Slight variations on this are noted below:
  - Boards of Education, Charter Schools, and Internal School Funds should also include the Director of Schools/Superintendent. Principals may be listed for each school, but this is optional.
  - Other Special Purpose Governments, DDAs Organizations, and Nonprofit Organizations that have a board that exceeds twelve (12) members may choose to limit the listing to include no less than those board members holding the secretary, treasurer, and chairman of the board positions.
- D. Any other material deemed appropriate by management.

### II. Financial Section

- A. Auditor’s Report on the Financial Statements, which shall state that the audit was performed in accordance with *Government Auditing Standards* (generally accepted government auditing standards). Please refer to the AICPA Audit and Accounting Guide, *State and Local Governments*, for reporting guidance.

The Comptroller of the Treasury shall require auditors of local governments to express an opinion on each of the opinion units which collectively comprise the basic financial statements required by the GASB Statement 34 financial reporting model. However, a local government at its option may engage the auditor to also express an opinion on the combining and individual fund financial statements that are presented as supplementary information accompanying the basic financial statements.

The auditor should address all supplementary information presented in the financial report. An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. This does not include management's corrective action plan, for which no opinion is required. Minimum requirements for opining on the supplemental information are included in Sections B through G. The auditor should address any accompanying other information presented in the financial report (e.g., introductory section, statistical section, and roster of officials) in the other information section of the Independent Auditor's Report.

- B. Management's Discussion and Analysis
- C. Financial statements of the organization (refer to Sections B through G for additional information for a particular type of entity), including Notes to the Financial Statements.
- D. Required Supplementary Information (GASB or FASB)
- E. Supplemental information (refer to Sections B through G for additional information for a particular type of entity). The auditor should include a report on the supplemental information. This report may be separate or a part of the Auditor's Report.
- F. Schedule of Expenditures of Federal Awards and State Financial Assistance (could be included in the Single Audit section of the report).

This schedule must identify the various programs under which the organization received government funds (federal and state assistance). The minimum amount of information is set forth in Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. An example is included in [Appendix A](#).

- The title may change if no federal funds are involved or if only federal funds are involved.
- This schedule is required regardless of the amount of state and/or federal funding received.
- This schedule is required even if all grants were received directly from the federal government.
- The notes to the schedule may be modified if no federal funding is involved.

- III. Statistical Tables (as required by GAAP, if a ACFR is issued)
- IV. Internal Control and Compliance Section/ Single Audit Section (as required by the *Uniform Guidance* and *GAS*)
- A. All audits performed for the Comptroller’s Office shall be conducted in accordance with generally accepted government auditing standards. Audits that are subject to the provisions of the *Uniform Guidance* shall include the additional reporting requirements outlined in it.
- B. Audits conducted in accordance with *Government Auditing Standards* that are not subject to the federal *Uniform Guidance* audit and reporting requirements should include the internal control and compliance report as part of the audited financial report.
- C. Audits conducted pursuant to the requirements of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* have the following options:
- Include the internal control and compliance reports required by *Government Auditing Standards* and federal *Uniform Guidance* requirements as part of the audited financial report.
  - Submit the internal control and compliance reports required by *Government Auditing Standards* and federal *Uniform Guidance* requirements as part of a separate single audit report.
  - If a separate single audit report is issued, it should be submitted at the same time the audited financial report is uploaded in the Comptroller’s online Contract and Report System (CARS).
- D. Separate Schedule of Prior Year Findings and Questioned Costs: Refer to [Appendix A](#) for additional requirements applicable to all audits contracted through the Comptroller’s Office.
- E. All findings addressed in the reports should include all required components addressed in *GAS* (including management’s responses) and should be numbered and titled in a manner consistent with the *Uniform Guidance*, whether applicable or not.
- F. Auditors are reminded of the following additional reporting and communication requirements prescribed by the Comptroller’s Office:

- Separate written communications with management or those charged with governance that address audit findings (including those deemed to be inconsequential or only matters of efficiency, effectiveness and best practices) must be submitted to the Comptroller.
  
- Separate written communications with management or those charged with governance must not contain any reportable instance of noncompliance or other matters or significant deficiencies in internal control that were not disclosed in the findings found in the published audit report.

V. Corrective Action Plan Requirements for Local Governments and Nonprofits

A. Corrective Action Plan Requirements for Local Governments

Tennessee Code Annotated, Title 9, Chapter 3, Part 4 requires each local government, regardless of a single audit requirement, with one or more audit findings in its annual audit to submit a corrective action plan to the comptroller's office. Requirements for the plan are listed below. The corrective action plan is required to be included in the annual audit report with the exception of entities subject to a single audit. Entities subject to a single audit, are encouraged to include the corrective action plan in the audit report but may follow the options set forth in Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). If the corrective action plan is submitted separately to the Federal Audit Clearinghouse as part of the Reporting Package and not included in the annual audit report, it must also be submitted to our office.

The plan must:

- be included in a separate section of the audit report;
- be on the entity's letterhead;
- be labeled "management's corrective action plan";
- include the reference number of each audit finding;
- provide the corrective action taken or planned;
- include the anticipated completion date(s) for correction;
- provide the name(s) of the contact person(s) responsible for the corrective action;
- be signed by the client and include all departments (no separate plans for each division or department);
- include comments related to material discrete component units that have findings significant to the audit; and
- contain an explanation and specific reasons in circumstances when the entity disagrees with an audit finding(s), or believes corrective action is not required.

## B. Corrective Action Plan Requirements for Nonprofits

Any nonprofit organization subject to a single audit, with one or more audit findings, is required to submit a corrective action plan to the comptroller's office. Nonprofits are encouraged to include their corrective action plan in the annual audit report but may follow the options set forth in Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). If the corrective action plan is submitted separately to the Federal Audit Clearinghouse as part of the Reporting Package, it must also be submitted to our office. The contents of the plan should be in accordance with Uniform Guidance requirements.

### Special Reporting Considerations

- Financial Reports Covering More Than One Fiscal Year

Financial reports covering more than one fiscal year would generally include the following information. However, the Comptroller's office should be contacted any time an audit covers more than one fiscal year to determine what type of reporting is acceptable under the circumstances.

- A Statement of Financial Position for the end of the period being audited;
- Operating Statements for each fiscal year being audited;
- Cash Flow Statements for each fiscal year being audited.

- Regulatory Reporting to Local Government Audit

- Regulatory reporting for entities subject to audit is covered in Sections B through H and Appendix D
- Regulatory reporting for entities not currently being audited or not subject to audit is covered in *Section J*

### Current Developments Affecting Reporting and Other Matters

See *Appendix B* for current developments affecting reporting and other matters that are relevant to audits conducted on behalf of the Comptroller's Office.



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## SECTION B

### REPORTING AND AUDITING REQUIREMENTS TENNESSEE COUNTIES (INCLUDING RELATED COMPONENT UNITS)

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#### Background

County government in Tennessee may be structured in several ways. The *Constitution of the State of Tennessee* states that the General Assembly may provide alternate forms of county government, including the right to charter. The *Constitution* also allows a county to organize under a consolidated form of government.

Numerous state statutes and private acts, as well as rules and regulations, govern a county's financial operations [Appendix D](#). Additionally, the county legislative body may enact resolutions establishing policy or procedure, authorize various activities, and transact other business such as adopting budgets, filling vacancies, creating boards or authorities, making appointments to boards or authorities, and authorizing the issuance of bonds and notes.

In each county, there are a minimum of 11 county offices:

- |                            |                                    |
|----------------------------|------------------------------------|
| 1. County Trustee          | 7. General Sessions Court Clerk    |
| 2. County Mayor            | 8. Chancery Court Clerk and Master |
| 3. Department of Education | 9. Register                        |
| 4. Department of Highways  | 10. Sheriff                        |
| 5. County Clerk            | 11. Assessor of Property           |
| 6. Circuit Court Clerk     |                                    |

The county mayor serves as the chief fiscal officer of a county, although the mayor has little control over the assessment of property, the collection of property tax, the salaries and disbursements of other elected county officials, and some county-owned institutions. In most counties, the county mayor is responsible for administering general county operations. The education and highway departments make up the other primary areas of a county government's fiscal operations. These three offices or departments are known as a county's "program agencies." The county trustee, as the treasurer for the county, collects taxes and other revenues and maintains the fund account balances from which disbursements of the county's offices or departments are paid.

## Financial Reporting

### General:

Financial statements should be prepared in conformity with accounting principles generally accepted in the United States of America. The basic financial statements should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*. Under current GASB standards, the board of education is a component unit of the county and should be reported discretely in the county’s annual comprehensive financial report (ACFR). Also, all counties, except Davidson, Hamilton, Knox, and Shelby, must adopt the “County Uniform Chart of Accounts,” (***COUNTY CHART OF ACCOUNTS***).

The financial transactions of county constitutional offices, such as trustees, county clerks, clerks of courts, registers, clerk and masters, and sheriffs, should be consolidated with the financial statements of the county in the annual financial report or annual comprehensive financial report (ACFR) in order to conform with accounting principles generally accepted in the United States of America. There is no requirement for financial statements of the constitutional offices to be issued separately from the county’s report. A county may present separate financial reports on the constitutional offices, if so desired.

### Additional Requirements of the Comptroller’s Office:

County officials are encouraged to issue a financial report that conforms to the requirements of the Governmental Accounting Standards Board related to an annual comprehensive financial report (ACFR). However, audit reports for counties shall, at a minimum, conform to the general report outline in ***Section A*** of this manual and include the following supplementary information.

An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is required for the combining, individual funds, and budgetary schedules as well as the Schedule of Expenditures of Federal Awards and State Financial Assistance.

GASB permits budgetary information to be included as Required Supplementary Information or as basic financial statements for the general fund and each major special revenue fund for which a legally adopted annual budget is required. However, this office requires the detailed legally adopted budgetary information for these funds to be included in the basic financial statements. The auditor’s opinion should cover this information. Budgetary information for other major funds would be included in supplemental information.

Individual fund revenues should be classified by individual source (property tax, TVA-in lieu of tax, beer tax, etc.), and expenditures should be classified by function, organizational unit, and object. At a minimum, budgetary schedules should present detail consistent with the entity’s legally adopted budget.

Primary governments should present in the Notes to the Financial Statements, all related debt disclosures for discretely presented component units that do not submit a separate audited financial report to our office. Additionally, if a discretely presented component unit does not issue a separately audited financial report, a Schedule of Changes in Long-Term Debt by Individual Issue should also be presented in the primary government’s financial report as described in d. 2. a. below as supplemental information. However, if a discretely presented component unit (e.g., hospital) submits a separate audited financial report to our office, the Schedule of Changes in Long-Term Debt by Individual Issue may be excluded from the primary government report.

1. Supplementary Information and Other Information:
  - a. Combining statements:
    - i. for nonmajor governmental and enterprise funds.
    - ii. internal service funds
    - iii. fiduciary funds
  - b. Budgetary schedules for all nonmajor governmental funds and other major governmental funds with annual appropriated budgets.
  - c. Fund information for discretely presented component units that do not issue separate financial statements.
  - d. Schedules.
    - (1) Schedule of Expenditures of Federal Awards and State Financial Assistance (This schedule is required if the entity expended subrecipient funds, regardless of the amount.) Assistance in the form of loans must separately identify both the federal and state portions.
    - (2) The following schedules are required, if applicable, whether the county issues an ACFR or not. Certain schedules may exceed GASB’s minimum requirements; however, the information provided is used by other state departments and is required to be presented in supplementary information and not the notes. The following are required schedules:
      - (a) Schedule of Changes in Long-Term Debt by Individual Issue (See example in *Appendix A*).
      - (b) Schedule of Changes in Lease Obligations (See example in *Appendix A*)
      - (c) Schedule(s) of Long-Term Debt, Principal, and Interest Requirements by Individual Issue and Fiscal Year–All Funds (e.g., bonds, notes, and other long-term debt).

Schedules should also be included for all long-term internal receivables and payables issued pursuant to Section 9-21-408, TCA.

- (d) Schedule of Lease Obligations, Principal, and Interest Requirements by Fiscal Year.
- (e) Schedule of Transfers (i.e., transfers disclosed by individual fund for all major and nonmajor funds).
- (f) Schedule of Salaries and Official Bonds of Principal Officials.
- (g) Schedule of Utility Rate Structure, Number of Customers. (excluded are solid waste services)

### **County Schools–Centralized Cafeteria Funds**

Centralized food service funds of a special school district or county school system must be reported in one of the special school district’s funds or board of education’s funds in the county’s report respectively.

### **Office of Assessor of Property**

The Division of Property Assessments monitors assessors of property to determine compliance with certain state statutes and regulations. The objective of the monitoring is to determine if the procedures, used by assessors for performing local assessment functions, are in compliance with laws and regulations.

The monitoring of the office of assessor of property is not a financial audit. However, depending on the importance of the noncompliance noted, financial auditors may report the results of the monitoring of the office of assessor of property in the internal control and compliance section of the county’s audit report or in a separate findings and recommendations section of the county’s audit report. Any questions regarding the monitoring of the office of assessor of property should be directed to the Division of Property Assessments.

### **Compliance and Other Regulatory Reporting Requirements**

*Appendix D, Section 1*, is included to assist counties in identifying compliance matters from state statutes that are relevant to their operations. It can also be used by independent auditors when identifying and assessing risks related to auditee compliance with applicable state laws.

- The Appendix has been designed to segregate regulatory reporting requirements to the Division of Local Government Audit. These requirements are listed under the heading “Audits and Other Regulatory Reporting to Local Government Audit.”

- The Appendix is not exhaustive and should not be relied on to identify all Tennessee Code Annotated compliance requirements.
- Counties that have formed joint venture entities with one or more governments should also refer to *Section D, Reporting and Auditing Requirements - Special Purpose Governments*, for applicable regulatory reporting requirements for joint venture entities.

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## SECTION C

### REPORTING AND AUDITING REQUIREMENTS TENNESSEE MUNICIPALITIES (INCLUDING RELATED COMPONENT UNITS)

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#### Background

Municipalities in Tennessee may be chartered under the Private Acts of the State of Tennessee or under one of the uniform charters set forth in Tennessee Code Annotated. The three basic forms of municipal government found in Tennessee are mayor and board of aldermen, city manager and board of commissioners, and modified city manager and council. See [Appendix D](#).

All municipalities must employ a chief financial officer that is in compliance with the Municipal Finance Officer Certification and Education Act of 2007 (Section 6-56-400, TCA et seq) (the Act). Penalties for noncompliance with the Act may be material to the financial statements of the municipality. Additional information regarding the requirements of the Act can be located at <https://comptroller.tn.gov/office-functions/la/e-services/certified-finance-officer-programs/certified-municipal-finance-officer.html>

Section 9-2-102, Tennessee Code Annotated, requires the comptroller of the treasury to prescribe a uniform accounting system for use by all municipal officials. The statute states, “It is the duty of all officials to adopt and use the system and the character of books, reports, and records designated; provided, that the comptroller of the treasury may approve any existing system.” An accounting system has been defined as “the methods and records established to identify, assemble, analyze, classify, record and report a government’s transactions and to maintain accountability for the related assets and liabilities.”

Effective July 1, 2022, the comptroller’s office started maintaining the municipal uniform chart of accounts that had been maintained by MTAS for many years.

It is not mandatory for municipalities to use the municipal uniform chart of accounts maintained by the comptroller’s office. Beginning with the audit year ending June 30, 2023, incorporated municipalities are required to convert their audited accounting information into a standard format using a Microsoft Excel tool developed by our office (i.e., Municipal Chart of Accounts Crosswalk). This information is required to be submitted annually to the comptroller’s office by each municipality’s audit firm. The municipal uniform chart of accounts and resources for the crosswalk tool are available here: <https://comptroller.tn.gov/office-functions/la/resources/chart-of-accounts/municipal-chart-of-accounts.html>

The comptroller's office has developed an internal control manual that applies to all local governments and quasi-governmental organizations. the *Internal Control and Compliance Manual for Governmental Entities and Other Audited Entities in Tennessee*. The manual includes the following items related to municipalities.

### **Accounting, Books and Records**

The Government Finance Officers Association's 2020 *Governmental Accounting, Auditing, and Financial Reporting*, commonly known as the Blue Book, is to be used as guidance for accounting and reporting where it does not conflict with:

- (1) guidance in Manuals issued by the comptroller's office;
- (2) recently issued GASB standards or any requirements of other standards setting bodies that have not been incorporated into the Blue Book

Municipal officials should ensure that:

1. a complete, self-balancing group of accounts is established and maintained for each fund. For adequate accounting, municipalities must maintain a general ledger, cash receipts journal, and cash disbursements journal for each fund, as well as subsidiary account records necessary to comply with legal provisions and generally accepted accounting principles and to present the financial position and changes in financial position.
2. accounting records maintained by the municipality should be consistent with the financial reporting of the municipality. That is, if the municipality reports a fund, the accounting records must include a separate fund in which activity is posted throughout the year. Likewise, if the accounting records include a fund in which activity is posted throughout the year, the financial report should reflect that fund.
3. subsidiary ledgers, such as the tax roll and the utility accounts receivable listings, are used to maintain individual account transaction details to support the total in the general ledger control (summary) account.
4. adequate supporting documentation, such as prenumbered receipts, billing stubs, invoices, etc., is required to document all transactions. Payroll records should contain sufficient documentation to substantiate census information used by actuaries to determine pension contributions, liabilities, etc.
5. complete minutes of actions taken by the governing body are maintained at the municipal office. The official minutes should be signed and kept together in date order and be easily accessible. The minutes should include the following:
  - a. copies of all ordinances and resolutions adopted (including utility rates and cut-off policy, tax rates, permit fees, etc.)
  - b. copies of the budget and any supplemental appropriations

- c. schedules of personnel appointments and salary rates and changes (In larger municipalities where the manager or another individual is authorized to set wages for certain employees, the minutes should include documentation of: (1) all appointments and wage rates that must be set by the board; (2) across the board wage increases; and, (3) the amount of funds allocated to departments to be allocated to employees by the department heads or other designated individual(s). Adequate policies governing authorization of pay increases should be developed and maintained by the municipality. Wage and salary rates increases delegated by the board should be adequately documented in the personnel records.)
  - d. copies of bond and revenue anticipation resolutions
  - e. authorizations of loans and transfers between funds
  - f. notices of public hearings and resulting decisions
  - g. copies of federal and state grant applications (whether a final award was received or not)
  - h. summaries of action taken on competitive bids
  - i. copies of contracts entered into by officials. Municipal officials should, in most circumstances, obtain a written contract for agreements with other entities or individuals for services received or provided, regardless of whether payment is involved, including the following:
    - (1) contract labor and consultant agreements, day labor, and similar work
    - (2) leases
    - (3) rentals
    - (4) management agreements
    - (5) mutual aid agreements
    - (6) cable or other franchise agreements
  - j. purchasing policy
  - k. expense reimbursement policy
  - l. other records necessary to support revenues, cash receipts, expenditures, expenses, cash disbursements, billings, water usage, etc.
6. Telecommunications activities are accounted for properly, including:



- The telecommunications division must maintain its own accounting and record-keeping system
  - Any loans from the municipal electric system must be made at not less than the highest interest rate then earned by the municipal electric system on invested electric plant funds, to acquire, construct, and provide working capital for the system, plant, and equipment;
  - The municipal electric system shall fully allocate any costs associated with telecommunication services;
  - The municipal electric system shall charge the same fees as it charges any other franchise holder providing the same service;
  - The telecommunications division must present information that discloses the amount of any in-lieu of tax payments;
  - The telecommunications division must present sufficient detail of all financial activity in supplemental schedules or in the notes to the financial statements to demonstrate compliance with Section 7-52-401, Tennessee Code Annotated et seq;
7. Cable Television, Internet and Related Services (Cable) are accounted for properly, including:
- The cable division must maintain its own accounting and record-keeping system;
  - Any loans from the municipal electric system must be made at not less than the highest interest rate then earned by the municipal electric system on invested electric plant funds, to acquire, construct, and provide working capital for the system, plant, and equipment;
  - The municipal electric system shall fully allocate any costs associated with cable services;
  - The municipal electric system shall charge the same fees as it charges any other franchise holder providing the same service;
  - The cable division must present information that discloses the amount of any in-lieu of tax payments.
  - The cable division must present sufficient detail of all financial activity in supplemental schedules or in the notes to the financial statements to demonstrate compliance with Section 7-52-601, TCA et seq.
8. A municipality's activities related to solid waste may be recorded in the following funds and related accounts. For activities not meeting the requirements to be

accounted for in an enterprise or special revenue fund, detailed expenditures should be recorded in the general fund.

<u>Fund Type</u>	<u>Fund Account Number</u>	<u>Account Name</u>
Enterprise	421	Solid Waste Management
Enterprise	422	Solid Waste Collection
Special Revenue	131	Solid Waste Management

As a result of legislation passed in 1991, any local government that operates a solid waste disposal site is required to record the operations in an enterprise fund. Fund account no. 421 is recommended for these activities. For those municipalities that provide collection services as well as a solid waste disposal site, this legislation provides the option of using an enterprise fund (account no. 422) or a special revenue fund (account no. 131) to account for the collection service. However, the operation of a solid waste disposal site must be accounted for in an enterprise fund (account no. 421). Municipalities that provide only collection service to their residents are required to account for this service in a separate fund. In many instances these activities will be accounted for in a special revenue fund (account no. 131). The fund account numbers were developed by the Municipal Technical Advisory Service in conjunction with the comptroller of the treasury. They have been designed to be incorporated into the accounting system developed and used by the Local Government Data Processing Corporation. Municipalities that do not use the accounting system developed by the Local Government Data Processing Corporation should endeavor to maintain reasonably comparable account names.

Object expenditure codes to be used in solid waste disposal site accounting include the following:

295	Landfill Services
480	Landfill Materials
481	Daily Cover Material
482	Drainage Materials
483	Geotextile Materials
484	Synthetic Membrane
485	Liner Material
486	Wire or Fencing
487	Testing Supplies
488	Natural Materials
489	Other Landfill Material
560	State Fees and Charges
561	Application Fee
562	Tipping Fee (Surcharge)
563	Other Landfill Fees
564	Annual Maintenance Fee

565	Permit Fee
566	Sanitary Survey Fee
567	Plans Review Fee
568	Annual Emission Fee
569	Other State Fees and Charges
911	Site Acquisition
912	Site Development

9. Section 10-7-702, Tennessee Code Annotated, provides that the Municipal Technical Advisory Service (MTAS), "...is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state." Detailed provisions are addressed in the MTAS guide, *Records Management for Municipal Governments*. Information, including the above publication, regarding records retention (publications 458, 686, and 1429) can be accessed at:

- <http://www.mtas.tennessee.edu/reference/records-management-municipal-governments>
- <https://www.mtas.tennessee.edu/reference/finance-records>
- <http://www.mtas.tennessee.edu/reference/amendments-federal-rules-civil-procedure>

10. The Tennessee Board of Utility Regulation has adopted the following guidelines for evaluating the useful lives of assets of water and wastewater systems. The useful lives of assets should not exceed the appropriate guidelines listed below.

<b>ASSET ACCOUNT</b>	<b>YEARS</b>
<i>Water Systems</i>	
Buildings (Office and Plant)	30-50
Equipment and Tools	10-15
Furniture and Fixtures	5-10
Machinery, Equipment and Vehicles	5-15
Pumps and Treatment Equipment	15-20
Transportation Equipment	5-10
Water Lines and Storage	40-50
Well/ Dam	Engineer's Estimate
<i>Wastewater (Sewer) Systems</i>	
Buildings (Office and Plant)	30-50
Equipment and Tools	10-15
Furniture and Fixtures	5-10
Machinery, Equipment and Vehicles	5-15
Pumps and Treatment Equipment	15-20
Transportation Equipment	5-10
Wastewater (Sewer) System	40-50

## Financial Reporting

### General:

The basic financial statements of all municipalities should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*.

If a separate financial report is issued for a fund of the municipality, all requirements of this section applicable to that fund financial report should be included.

### Municipal Schools–Centralized Cafeteria Funds

A municipal school system’s centralized cafeteria funds are reported in one of the board of education’s funds in the municipality’s annual financial report.

### Municipal Schools – Board of Education

Financial reports issued for a municipal board of education must include all activities, funds, debt, and capital assets that are used in operating the board of education. Municipalities with local school systems will need to consider accounting practices that might not be conducive to the separate reporting for the board of education. Capital projects for schools will need to be accounted for in a separate fund from other municipal capital projects. Debt issued for multiple purposes which include the board of education will present unique accounting requirements.

A separate financial report for a municipal board of education must comply with the basic reporting requirements for a municipality as well as the additional requirements of the comptroller that are applicable to a municipality.

If the board of education is a component unit, the board’s financial statements would be substantially the same format as the municipality’s financial statements. The auditing and reporting requirements for component units should be followed.

If the board of education is a department of the municipality, department-wide financial statements would be prepared for the board of education, as described in the AICPA Audit and Accounting Guide: *State and Local Governments*, March 1, 2022, Section 17.102.

### Additional Requirements of the Comptroller’s Office:

Municipal officials are encouraged to issue a financial report that conforms to the requirements of the Governmental Accounting Standards Board (GASB) related to an annual comprehensive financial report (ACFR). However, audit reports for municipalities shall, at a minimum, conform to the general report outline in **Section A** of this manual and include the following supplemental information. The schedules required are significantly less than what would be required in an ACFR. Additional requirements and/or clarifications regarding the financial statements and required schedules are identified below.

All supplemental information included in separately issued fund financial statements should be included in the financial report for the municipality as a whole. For component units that issue separate financial statements, the supplemental information from the separate report is generally not required to be included in the municipality's financial report, although it is permissible. If a separate single audit is not conducted for a component unit, then the information in the Schedule of Expenditures of Federal Awards and State Financial Assistance for that separate audit should be included in the municipality's schedule. A note should be added to the schedule of the component unit to indicate that the single audit was conducted for the reporting entity, not for the separate component unit.

1. GASB permits budgetary information to be included as Required Supplementary Information or as basic financial statements for the general fund and each major special revenue fund for which a legally adopted annual budget is required. However, this office requires the detailed legally adopted budgetary information for these funds to be included in the basic financial statements. The auditor's opinion should cover this information. Budgetary information for other major funds would be included in supplemental information (see item 5.b. below).
2. Additionally, an opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is required for the combining, individual fund, and budgetary schedules as well as the utility detail required by items 5.d.(3), (4) and (5) below and the Schedule of Expenditures of Federal Awards and State Financial Assistance.
3. Primary governments should present in the Notes to the Financial Statements, all related debt disclosures for discretely presented component units that do not submit a separate audited financial report to our office. Additionally, if a discretely presented component unit does not issue a separately audited financial report, a Schedule of Changes in Long-Term Debt by Individual Issue should also be presented in the primary government's financial report as described below as supplemental information. However, if a discretely presented component unit (e.g., hospital) submits a separate audited financial report to our office, the Schedule of Changes in Long-Term Debt by Individual Issue may be excluded from the primary government report.
4. Additional Detail Required for Revenues and Expenditures:  
  
In addition to revenues being presented by source (e.g., taxes, intergovernmental revenues, licenses and permits, and fines, etc.) as required by generally accepted accounting principles, taxes and intergovernmental revenues should be further detailed by specific source (e.g., property tax, TVA-in lieu of tax, beer tax, gasoline and motor fuel tax, etc.).

In addition to being classified by function (or program) and character (e.g., current, capital outlay, debt service and intergovernmental expenditures) as required by generally accepted accounting principles, expenditures should be further detailed by object classes.

The additional detail of revenues by specific source and expenditures by object classes should be either in the financial and/or budgetary statements or schedules of the major and nonmajor funds or, in additional supplemental schedules. Excessively detailed object classifications for expenditures should be avoided.

5. Supplemental Information and Other Information:  
(Please refer to the *Codification of Governmental Accounting and Financial Reporting Standards*, Sections 2200.208 - 209, for additional details on all combining statements.)
  - a. Combining statements:
    - i. nonmajor governmental and enterprise funds.
    - ii. internal service funds
    - iii. fiduciary funds
  - b. Individual budgetary schedules for all governmental funds with annual appropriated budgets that were not included as basic financial statements. (The schedule should include three (3) columns, one for the original budgetary amounts, one for the final budgetary amounts, and one for actual expenditures. An additional column is recommended, though not required, to display variances.)
  - c. Fund information for:
    - i. discretely presented nonmajor component units; and
    - ii. major component units for which the note disclosure option is elected, unless a separate audit report is issued.
  - d. Schedules:
    - (1) A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended. Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in [Appendix A](#).)
    - (2) The following schedules are required, if applicable, whether the municipality issues an ACFR or not (except as otherwise noted). Certain schedules may exceed GASB's

minimum requirements; however, the information provided is used by other state departments. Note that certain schedules below are used by other state departments and are required to be presented in supplemental information and should not be in the notes.

- (a) Schedule of Transfers (i.e., transfers disclosed by individual fund for all major and nonmajor funds).
- (b) Schedule of Internal Receivables and Payables. Amounts should be reported by each major fund, each nonmajor fund, and interdivisional balances (as applicable). If the netting option permitted by the AICPA Audit and Accounting Guide: State and Local Governments, Paragraph 9.12, March 15, 2023 Edition was utilized for reporting, gross amounts should be reported in this schedule. The supplemental schedule may be omitted if the notes to the financial statements provide the required detail. (See example in [Appendix A](#)).
- (c) Schedule(s) of Long-Term Debt, Principal, and Interest Requirements by Individual Issue and Fiscal Year—All Funds (e.g., bonds, notes, and other long-term debt). Schedules should also be included for all long-term internal receivables and payables issued pursuant to Section 9-21-408, TCA.
- (d) Schedule of Changes in Long-Term Debt by Individual Issue. (See example in [Appendix A](#)).
- (e) Schedule of Changes in Lease Obligations (See example in [Appendix A](#)).
- (f) Schedule of Lease Obligations, Principal, and Interest Requirements by Fiscal Year.
- (g) Uncollected Delinquent Taxes Filed in accordance with applicable laws.
- (h) Utility Rate Structure and Number of Customers – all funds and divisions. (excluded are solid waste services).
- (i) Schedule of Changes in Property Taxes Receivable – By Levy Year (which should tie to the financial

statements and may be omitted if an ACFR is issued) (See example in [Appendix A](#)).

- (j) Property Tax Rates and Assessments – Last 10 Years.
  - (k) Additional schedule(s), if necessary, of taxes and intergovernmental revenue by specific source and expenditures by object.
  - (l) Additional schedule(s), if necessary, of expenditures by object class. Schedules are required to demonstrate compliance if sufficient detail is not included in the basic financial statements or fund financial statements/schedules.
- (3) If the municipality provides several utility services (e.g. gas, electric, water, sewer or a combined water and sewer operation, depending on the policies of the municipality, bond covenants, etc.) and accounts for all of those activities in a single fund, detailed schedules that provide information consistent with what would have been presented in fund financial statements should be included in supplemental information for each division/department (i.e., assets, liabilities and net position; revenues, expenses, and changes in net position; and cash flows). If sufficiently detailed information is included in the notes to the financial statements, these additional schedules are not required. This information is necessary to demonstrate compliance with state laws regarding utility operations.
- (4) If a municipality is providing cable, internet, and/or related services, additional schedules must be included that provide sufficient detail to demonstrate compliance with Section 7-52-601, Tennessee Code Annotated (TCA) et seq. unless sufficient detail is presented in the basic financial statements.  
[e.g., detailed revenues/expenses including allocated expenses (Section 7-52-603, TCA); details of all loans and loan terms (Section 7-52-607, TCA); tax equivalent payments (Section 7-52-606, TCA)]
- (5) If a municipality is providing telecommunication services, additional schedules must be included that provide sufficient detail to demonstrate compliance with Section 7-52-401, Tennessee Code Annotated et seq. unless sufficient detail is presented in the basic financial statements.



[e.g., detailed revenues/expenses including allocated expenses (Section 7-52-402(1), TCA); details of internal loans and loan terms (Section 7-52-402(2), TCA); tax equivalent payments (Section 7-52-404, TCA)]

### **Compliance and Other Regulatory Reporting Requirements**

*Appendix D, Section 4* (plus Sections 3, 3a, and 5), is included to assist municipalities in identifying compliance matters from state statutes that are relevant to their operations. It can also be used by independent auditors when identifying and assessing risks related to auditee compliance with applicable state laws.

- The Appendix has been designed to segregate regulatory reporting requirements related to the Division of Local Government Audit. These requirements are listed under the heading “Audits and Other Regulatory Reporting to Local Government Audit.”
- The Appendix is not exhaustive and should not be relied on to identify all Tennessee Code Annotated compliance requirements.
- Municipalities that have formed joint venture entities with one or more governments should also refer to *Section D, Reporting and Auditing Requirements - Special Purpose Governments*, for applicable regulatory reporting requirements for joint venture entities.

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## SECTION D

# REPORTING AND AUDITING REQUIREMENTS SPECIAL PURPOSE GOVERNMENTS (INCLUDING RELATED COMPONENT UNITS)

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### Emergency Communications Districts

#### Background

Emergency communications districts (ECDs) are created under the authority of Title 7, Chapter 86, Tennessee Code Annotated (TCA). The purpose of an ECD is to provide an emergency communications service whereby a public safety answering point may receive telephone calls dialed to the 911 telephone number. A voter referendum is required for the creation of an ECD. Section 7-86-106, TCA, provides that ECDs are municipalities or public corporations. The powers are vested in a board of directors. Funds to operate ECDs are largely generated from a monthly telephone charge levied on all telephone customers in a district.

#### Financial Reporting

##### General

Emergency communications districts should be accounted for as enterprise funds on the accrual basis of accounting. Accounting and financial reporting requirements for emergency communications districts are included in the *Accounting and Financial Reporting Manual for Tennessee Emergency Communications Districts*, published by the Comptroller of the Treasury. This manual includes links to websites which provide additional compliance, example financial statements, and other reporting requirements.

Typically, emergency communications districts are component units of county governments. There are a few that are component units of municipal governments or are joint ventures.

##### Additional Requirement of the Comptroller's Office:

An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.

## Compliance and Other Regulatory Reporting Requirements

*Appendix D, Section 6*, is included to assist emergency communications districts in identifying compliance matters from state statutes that are relevant to their operations. It can also be used by independent auditors when identifying and assessing risks related to auditee compliance with applicable state laws.

- The Appendix has been designed to segregate regulatory reporting requirements to the Division of Local Government Audit. These requirements are listed under the heading “Audits and Other Regulatory Reporting to Local Government Audit.”
- The Appendix is not exhaustive and should not be relied on to identify all Tennessee Code Annotated compliance requirements.

## Housing Authorities

### Background

Housing authorities in Tennessee are authorized to be created under Title 13, Section 20, Tennessee Code Annotated, and are bodies corporate and politic. Housing authorities are created to provide shelter to lower income citizens and frequently receive substantial funding from capital and operating programs through the U.S. Department of Housing and Urban Development (HUD).

### Financial Reporting

#### General

Housing authorities are required to maintain accounts and present financial statements which comply with the reporting requirements established by the Governmental Accounting Standards Board (GASB). The basic financial statements of all housing authorities should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*.

#### Additional Requirements of the Comptroller's Office

1. An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the combining statements, as well as the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.
2. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended.) Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in [Appendix A](#).)
3. Supplemental information must include information for discretely presented component units that do not issue a separate audit report.

### Compliance and Other Regulatory Reporting Requirements

[Appendix D, Section 6](#), is included to assist housing authorities in identifying compliance matters from state statutes that are relevant to their operations. It can also be used by independent auditors when identifying and assessing risks related to auditee compliance with applicable state laws.

- The Appendix has been designed to segregate regulatory reporting requirements related to the Division of Local Government Audit. These requirements are listed under the heading “Audits and Other Regulatory Reporting to Local Government Audit.”
- The Appendix is not exhaustive and should not be relied on to identify all Tennessee Code Annotated compliance requirements.
- Housing authorities that have formed joint venture entities with one or more governments should also refer to *Section D, Reporting and Auditing Requirements - Special Purpose Governments*, for applicable regulatory reporting requirements for joint venture entities.

## Municipal Energy Authorities

### Background

Municipal energy authorities in Tennessee are authorized to be created under Title 7, Chapter 36, Tennessee Code Annotated. The municipal energy authorities are created for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining electric, water, and wastewater systems, and telecommunications systems as are specified in their certificates of incorporation. The authority may provide such services within or outside the corporate limits of the associated municipality and within or outside this state.

### Financial Reporting

#### General

Municipal energy authorities are required to maintain accounts and present financial statements which comply with the reporting requirements established by the Governmental Accounting Standards Board (GASB). The basic financial statements of all municipal energy authorities should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*.

If a municipal energy authority providing telecommunications service (i.e., telephone, cable television, voice, data, or video transmissions, video programming, internet access and related services) is formed under Section 7-36-101, Tennessee Code Annotated (TCA) et seq., or subject to the statutory provisions contained therein, additional schedules must be included in the authority's financial report that provide sufficient detail to demonstrate compliance with Section 7-36-107(a)(6)(B), TCA.

Section 7-36-107(a)(6)(B), TCA gives the municipal energy authority all the powers and authority conferred upon municipalities by Sections 7-52-401, 7-52-402, 7-52-403, 7-52-405; 7-52-406; 7-52-601 through 7-52-605, but excluding any requirement under Section 7-52-603(a)(1)(A) to create multiple divisions for telecommunications services, and Sections 7-52-609 through 7-52-611. **In the exercise of such powers, the authority shall be subject to all the obligations, restrictions, and limitations imposed upon municipalities by those sections and imposed upon providers of the services described in those sections by federal law.**

Municipal energy authorities must present sufficient detail of all financial activity of its telecommunication services, as defined above, in supplemental schedules or in the notes to the financial statements to demonstrate compliance with state law.[e.g., detailed revenues/expenses including allocated expenses (Sections 7-52-402(1) and 7-52-603, TCA); details of all loans and loan terms (Sections 7-52-402(2) and 7-52-607, TCA); tax equivalent payments (Section 7-52-606, TCA)]

## Public Utility Districts

### Background

Public utility districts in Tennessee are created under the authority of Title 7, Chapter 82, Tennessee Code Annotated, the Utility District Law of 1937. Utility districts created under this chapter are empowered to operate and maintain a system for furnishing any of the following: water, sewer, sewage disposal, natural gas, police, fire protection, garbage collection and garbage disposal, street lighting, parks and recreational facilities, transit facilities, community antenna television service, and transmission of industrial chemicals by pipeline to or from industries or plants within the boundary of the district. See [Appendix D](#).

Although this law empowers a public utility district to furnish any of the above, most districts confine their services to furnishing water and/or sewer, or natural gas.

The comptroller's office has developed an internal control manual that applies to all local governments and quasi-governmental organizations. That manual, which can be accessed at <https://comptroller.tn.gov/office-functions/1a/resources/manuals.html>.

### Accounting, Books and Records

The Government Finance Officers Association's 2020 *Governmental Accounting, Auditing, and Financial Reporting*, commonly known as the Blue Book, as well as the updates, is to be used as guidance for accounting and reporting where it does not conflict with:

- (1) guidance in Manuals issued by the Comptroller's Office;
- (2) recently issued GASB standards or any requirements of other standards setting bodies that have not been incorporated into the Blue Book

The board should ensure that:

1. a complete, self-balancing group of accounts is established and maintained. For districts that provide non-homogenous services, such as gas and water, separate funds must be maintained for each service. Water and sewer services may be presented in a single fund, although a separate accounting for each activity is preferred. For adequate accounting, utility districts must maintain a general ledger, cash receipts journal, and cash disbursements journal for each fund, as well as subsidiary account records necessary to comply with legal provisions. Accounting records should be maintained on the accrual basis in accordance with generally accepted accounting principles.
2. subsidiary ledgers, such as the utility accounts receivable listings, are used to maintain individual account transaction details to support the total in the general ledger control (summary) account.
3. adequate supporting documentation, such as prenumbered receipts, billing stubs, invoices, etc., is required to document all transactions.



4. complete minutes of actions taken by the board are maintained at the utility district's office. The official minutes should be signed as approved by the secretary of the board (or other authorized individual) and kept together in date order and be easily accessible. The minutes should include the following:
  - a. copies of all resolutions adopted (including utility rates, cut-off policy, tap fees, etc.)
  - b. schedules of personnel appointments and salary rates and changes (In larger districts where the manager or another individual is authorized to set wages for certain employees, the minutes should include documentation of: (1) all appointments and wage rates that must be set by the board; and (2) across the board wage increases. Adequate policies governing authorization of pay increases should be developed and maintained by the district. Wage and salary rates increases delegated by the board should be adequately documented in the personnel records.)
  - c. copies of bond and revenue anticipation resolutions
  - d. notices of public hearings and resulting decisions
  - e. copies of federal and state grant applications (whether a final award was received or not)
  - f. summaries of action taken on competitive bids
  - g. copies of contracts entered into by the board. The board should, in most circumstances, obtain a written contract for all agreements with other entities or individuals for services received or provided, regardless of whether payment is involved, including the following:
    - (1) contract labor and consultant agreements, day labor, and similar work
    - (2) leases
    - (3) rentals
    - (4) management agreements
  - h. purchasing policy
  - i. expense reimbursement policy
  - j. other policies as adopted by the board

5. The Tennessee Board of Utility Regulation has adopted the following guidelines for evaluating the useful lives of assets of water and wastewater systems. The useful lives of assets should not exceed the appropriate guidelines listed below.

<b>ASSET ACCOUNT</b>	<b>YEARS</b>
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*Water Systems*

Buildings (Office and Plant)	30-50
Equipment and Tools	10-15
Furniture and Fixtures	5-10
Machinery, Equipment and Vehicles	5-15
Pumps and Treatment Equipment	15-20
Transportation Equipment	5-10
Water Lines and Storage	40-50
Well/ Dam	Engineer's Estimate

<b>ASSET ACCOUNT</b>	<b>YEARS</b>
----------------------	--------------

*Wastewater (Sewer) Systems*

Buildings (Office and Plant)	30-50
Equipment and Tools	10-15
Furniture and Fixtures	5-10
Machinery, Equipment and Vehicles	5-15
Pumps and Treatment Equipment	15-20
Transportation Equipment	5-10
Wastewater (Sewer) System	40-50

## Financial Reporting

### General

Public utility districts maintain their accounting systems on the accrual basis, with the exception that revenue from utility sales may be recognized when billed. This method is widely accepted because of the difficulty in measuring utility services sold before the audit cut-off date. The amount of revenue earned and not recognized at year-end will be offset by the amount carried forward from the preceding year, and any net difference is generally minor. The basic financial statements of all utility districts should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*. Additional guidelines can be found in the Government Finance Officers Association's 2024 *Governmental Accounting, Auditing, and Financial Reporting*, commonly known as the Blue Book, including related updates.

### Additional Requirements of the Comptroller's Office

An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum any combining and individual financial statements, the utility detail schedules required below in item 3, and the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.

### Supplemental Information and Other Information:

1. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended.) Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in [Appendix A](#).
2. The following schedules are required, if applicable. Certain schedules may exceed GASB's minimum requirements; however, the information provided is used by other state departments and is required to be presented in supplementary information and not the notes. The following are required schedules:
  - a. Schedule(s) of Long-Term Debt, Principal, and Interest Requirements (e.g., bonds, notes, and other long-term debt—by individual issue) by Fiscal Year.
  - b. Schedule of Changes in Long-Term Debt by Individual Issue. (See example schedule in [Appendix A](#))
  - c. Schedule of Changes in Lease Obligations (See example in [Appendix A](#))
  - d. Schedule of Lease Obligations, Principal, and Interest Requirements by Fiscal Year.

3. If the district provides several utility services (e.g. gas, water, sewer or a combined water and sewer operation, depending on the policies of the district, bond covenants, etc.) and accounts for all of those activities in a single fund, detailed schedules that provide information consistent with what would have been presented in fund financial statements should be included in supplemental information for each division/department (i.e., assets, liabilities and net position; revenues, expenses, and changes in net position; and cash flows). If sufficiently detailed information is included in the notes to the financial statements, these additional schedules are not required. This information is necessary to demonstrate compliance with state laws regarding utility operations.
4. Utility Rate Structure and Number of Customers (e.g. gas, water, and sewer). Solid waste services will not be required.

### Compliance and Other Regulatory Reporting Requirements

*Appendix D, Section 6*, is included to assist utility districts in identifying compliance matters from state statutes that are relevant to their operations. It can also be used by independent auditors when identifying and assessing risks related to auditee compliance with applicable state laws.

- The Appendix has been designed to segregate regulatory reporting requirements to the Division of Local Government Audit. These requirements are listed under the heading “Audits and Other Regulatory Reporting to Local Government Audit.”
- The Appendix is not exhaustive and should not be relied on to identify all Tennessee Code Annotated compliance requirements.
- Utility districts that have formed joint venture entities with one or more governments should also refer to *Section D, Reporting and Auditing Requirements - Special Purpose Governments*, for applicable regulatory reporting requirements for joint venture entities.

## Public Charter Schools

### Background

Public charter schools are authorized to be created by Section 49-13-101, TCA. They can be created for several reasons, as spelled out in Section 49-14-106, TCA. All public charter school systems have a fiscal year end of June 30 and must be audited annually.

The Board of Education of public charter schools is required to maintain their accounts and records in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the Comptroller of the Treasury. The internal school funds (activity, centralized or noncentralized cafeteria funds, and other internal school funds) of public charter schools should be accounted for and reported on in the same manner as the internal school funds of municipal school systems, as provided for in *Section F* of this manual.

**NOTE:** Please check the Division of Local Government Audit’s website for updates on Charter School reporting under “General Guidance.”

<https://comptroller.tn.gov/office-functions/la/resources/information.html>

In addition, review the information in *Section J* of this manual for information regarding requirements related to charter management organizations (CMOs).

### Financial Reporting

#### General

The basic financial statements of all public charter schools should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*.

When contracting for a combined annual audit for all schools operated by the CMO, the audit contract should be executed in the name of the CMO. Although the audit contract is executed in the name of the CMO, the audit should include financial information required by Section 49-13-127, TCA, for each school. It is permissible to include a CMO column as long as each charter school’s transactions are properly classified and reported as assets, liabilities, revenues and expenditures of the respective school.

#### Additional Requirements of the Comptroller’s Office

1. An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the following schedules must be opined on in relation to the basic financial statements.

2. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended.) Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in [\*Appendix A.\*](#))
3. The combining schedules of charter schools presented in supplemental information.

## Other Special Purpose Governments

### Background

Many of the organizations in this category have in the past been referred to as quasi-governmental organizations. Generally, quasi-governmental agencies included development districts, human resource agencies, educational co-ops, and other organizations [except for municipalities, counties (and their political subdivisions), and state colleges and universities] whose charters are included in Tennessee Code Annotated. However, the other special purpose governments category is broader and encompasses those agencies previously considered to be quasi-governmental, as well as other entities which meet the definition of a government, such as:

- joint ventures established by 2 or more counties and or municipalities under the provisions of various state statutes including, but not limited to Sections 5-1-113, 5-1-114, 6-33-107, 7-56-105, and 12-9-104, TCA;
- joint economic and community development boards, as provided for in Section 6-54-118, TCA
- public building authorities, as provided for in Section 12-10-101 et al; TCA and
- industrial development boards, as provided for in Section 12-9-104, TCA.

Such organizations should follow the accounting and reporting guidance established by the Governmental Accounting Standards Board related to an annual comprehensive financial report (ACFR), as applicable.

**Program Specific Audits - See [Section H](#).**

### Financial Reporting

#### General

The basic financial statements of all special purpose governments should comply with the provisions of the Governmental Accounting Standards Board, as detailed in the *Codification of Governmental Accounting and Financial Reporting Standards*.

#### Additional Requirements of the Comptroller's Office

An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum any combining and individual financial statements, the utility detail schedules required by item 1.c.ii. below, and the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.

Special purpose governments should present in the Notes to the Financial Statements, all related debt disclosures for discretely presented component units that do not submit a separate audited financial report to our office.

1. Supplemental Information and Other Information:

- a. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended.) Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in *Appendix A*.
- b. The following schedules are required, if applicable. Certain schedules may exceed GASB's minimum requirements; however, the information provided is used by other state departments and is required to be presented in supplementary information and not the notes. The following are required schedules:
  - i. Schedule(s) of Long-Term Debt, Principal, and Interest Requirements (e.g., bonds, notes, and other long-term debt—by individual issue) by Fiscal Year – All Funds.
  - ii. Schedule of Changes in Long-Term Debt by Individual Issue. (See example schedule in *Appendix A*)
  - iii. Schedule of Changes Lease Obligations (See example in *Appendix A*)
  - iv. Schedule of Lease Obligations, Principal, and Interest Requirements by Fiscal Year.
- c. If the special purpose government provides utilities to other governments and/or to private citizens, the financial report must include the following schedules, as applicable:
  - i. Utility Rate Structure and Number of Customers (excluded are solid waste services)
  - ii. If the special purpose government provides several utility services (e.g. gas, electric, telecommunications, water, sewer or a combined water and sewer operation, depending on the policies of the special purpose government, bond covenants, etc.) and accounts for all of those activities in a single fund, detailed schedules that provide information consistent with what would have been presented in fund financial statements should be included in supplemental information for each division/department (i.e., assets, liabilities and net position; revenues, expenses, and changes in net position; and cash flows). If sufficiently detailed information is included in the notes



to the financial statements, these additional schedules are not required. This information is necessary to demonstrate compliance with state laws regarding utility operations.

Note: Limited distribution utilities, i.e., utility systems that provide service only to other governments and not to private citizens, are **excluded** from being filed with the Tennessee Board of Utility Regulation (Section 7-82-401(f)(2) and (f)(3)), for Negative changes in net position. However, they are subject to the oversight of the board if they have a deficit in total net position, a deficit unrestricted net position or are in default on debt.

### **Compliance and Other Regulatory Reporting Requirements (interlocal agreements)**

Other special purpose governments created by two or more local government entities under Sections 12-9-101 – 112, TCA (local government joint ventures) are required to report certain information to Local Government Audit. Local government joint venture entity means any entity created pursuant to this chapter, including, but not limited to, a self-insurance pool, trust, joint venture, nonprofit organization, or any other type of organization that is sponsored, owned, operated, or governed by two (2) or more local government entities as a separate and specific activity.

The information must be filed with Local Government Audit within ninety (90) days of execution of the agreement. If the participants or structure of the local agreement joint venture changes, please file an updated agreement with Local Government Audit.

The filing of the regulatory report is the responsibility of the local government joint venture entity. Each participating local government does not have to file individually. A copy of the interlocal agreement should be sent to our office using the following email address: [LGA.Web@cot.tn.gov](mailto:LGA.Web@cot.tn.gov).

See **Appendix D, Section 6**, Selected State Laws Affecting Special Purpose Governments – Audits, Regulatory and Other Reporting to Local Government Audit, for other reporting requirements. Appendix D, Section 6, is included to assist other special purpose governments in identifying compliance matters that are relevant to their operations. However, it is not exhaustive and should not be relied on to identify all compliance requirements.

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## SECTION E

# REPORTING AND AUDITING REQUIREMENTS NONPROFIT ORGANIZATIONS

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### Nonprofit Organizations

#### Background

Nonprofit organizations (other than those that meet the definition of a special purpose government) which include as defined by Section 4-3-304(8), Tennessee Code Annotated, as all persons, corporations, or other entities of the state that receive funds from the various departments of the State of Tennessee through contractual agreements that establish a subrecipient relationship are subject to various auditing and reporting requirements. In addition, some departments may include an audit requirement in contracts that establish a vendor relationship.

Contracts between nonprofit organizations and the State of Tennessee may involve only state money. However, the contracts often involve federal money received by the State of Tennessee and subsequently used to provide funding to nonprofit organizations. State contracts that include these federal flow-through funds must be combined with other federal funding sources for the purpose of evaluating the applicability of current federal audit requirements. Nonprofit organizations that are required to submit audited financial statements to the Tennessee Comptroller's Office and that meet the audit threshold for a Single Audit must submit the Single Audit to the Tennessee Comptroller's Office.

Any nonprofit organization that receives grant funding from or through the State of Tennessee is required to contract for an audit through the Comptroller's Office for an audit conducted in accordance with the provisions of *Government Auditing Standards* in the following circumstances:

- (1) Total state funds expended under grant contracts with the State of Tennessee are \$750,000 or more; **or**
- (2) Total federal funds expended under subrecipient grant contracts with the State of Tennessee are \$750,000 or more; **or**
- (3) Total state and federal funds expended under state grant contracts and federal subrecipient grant contracts with the State of Tennessee are \$750,000 or more; **or**
- (4) If the organization expended federal funds under subrecipient grant contracts with the State of Tennessee, then when, total federal funds expended under subrecipient grant contracts with the State of Tennessee **plus** any federal funds expended under subrecipient grant contracts with all other funding sources (e.g., cities, counties, universities, public housing authorities, quasi-governmental agencies and other nonprofit agencies, etc.), **plus any federal funds expended under all direct awards from federal agencies**, are \$750,000 or more.

Item (4) above is directed by *Uniform Guidance*, Part 200 332.(f) which indicates that all pass-through entities must “verify that every subrecipient is audited as required by Subpart F—Audit Requirements of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in § 200.501 Audit requirements.”

The budgeted composition of state contracts can generally be determined through a review of the Contract Summary Sheet attached to the contract. If a summary sheet is not available, the department executing the contract should be contacted to determine the funding source(s). Actual payment information should also be confirmed with the contracting department since budgeted amounts may differ from the final payments both in amount and funding composition.

Contracts that establish a subrecipient relationship or that are subject to audit take many forms. Each contract should be evaluated to determine whether it should be treated as establishing a subrecipient relationship or is otherwise subject to audit. Such contracts should include an audit provision that refers to the current federal guidance. If there is any doubt regarding the audit requirement for a particular contract, the contracting department should be contacted. (***AUDIT CONSIDERATIONS FOR SUBRECIPIENT FUNDING – APPENDIX C***)

**Program-Specific Audits** See ***Section H***.

## **Financial Reporting**

### General

Audit reports for nonprofit organizations shall conform to the requirements of the Financial Accounting Standards Board (FASB). Significant changes in financial reporting for nonprofit organizations have been adopted by FASB that should be reviewed and implemented.

### Additional Requirements of the Comptroller’s Office

1. An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.
2. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended.) Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in ***Appendix A***.) The schedule should include in the expenditures state pass-through funding, whether it is federal or state dollars. The schedule should identify any funding that was passed through to another entity.

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**SECTION F**

**REPORTING AND AUDITING REQUIREMENTS**

**INTERNAL SCHOOL FUNDS AND**

**CAFETERIA FUNDS**

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**INTERNAL SCHOOL FUNDS**

**Background**

Section 49-2-110, Tennessee Code Annotated, is titled “Student Activity Funds”. However, the text of the law references activity funds and other internal school funds in several places. The accounting policy manual developed in response to that law refers to “other internal school funds” and has sections which define the three (3) accounting funds that are used: general; restricted; and cafeteria funds. However, what constituted internal school funds was not explicitly stated. Section 49-2-603, Tennessee Code Annotated, though explicitly only applicable to that part, has a detailed definition and description of what internal school funds are. That definition is reproduced below:

- (2) Internal school funds mean any and all money received and accounted for at individual schools, and specifically include, but are not limited to:
  - (A) Any donation or grant made to the school, a school club, or any academic, arts, athletic, or social activity related to a school;
  - (B) Funds for cafeteria services operated at the school;
  - (C) Fees collected by the school;
  - (D) Funds transferred to the local school from the school board that are to be accounted for at the local school level;
  - (E) Funds raised through cooperative agreements with outside organizations;
  - (F) Rental fees charged outside entities for use of school facilities; and
  - (G) Student activity funds;

There are four (4) basic types of school systems: county, municipal, charter school systems and special school districts. County school systems with centralized cafeteria funds are required to contract with external independent accountants to perform certain procedures for the Division

of Local Government Audit, which they rely on when conducting their audit of the respective county. As a matter of convenience, these centralized cafeteria procedures are contracted for on the contract for the audit of the internal school funds. Reference to these procedures should be included in the special provisions paragraph of the contract to audit accounts. No separate report will be issued. Please see [Appendix C](#) for further information.

## **ACTIVITY AND CERTAIN OTHER INTERNAL SCHOOL FUNDS**

### **Background**

Activity funds and certain other internal school funds are derived from contributions to a school and the fund raising activities of the student body. These activities are governed by the requirements of the Internal School Accounting Act (Section 49-2-110, Tennessee Code Annotated) and the [Internal School Funds Manual](#), and are accounted for in the general and restricted funds of the schools. The same auditing and reporting requirements apply to the internal school funds of county, city, charter schools, and special school district systems.

If a charter school has an insignificant or trivial amount of financial activity for internal school funds in-relation to the individual charter school financial statements, the charter school should contact the Comptroller’s Office, Division of Local Government Audit and provide detailed financial information of the internal school funds for the fiscal year being audited. The Comptroller’s Office will evaluate the information and determine the audit requirement. If the total internal school funds revenues or expenditures for charter schools are more than \$30,000, a separate internal school funds audit in accordance with the [Internal School Funds Manual](#) should be issued regardless of materiality.

### **Auditing Considerations**

When obtaining representations related to audits of activity and certain other internal school funds, it is the position of the Comptroller’s Office that those representations should be obtained from the superintendent/director of schools, when that individual is active in the management of the internal school funds, as well as the principal and bookkeeper for each school.

### **Financial Reporting**

#### General

Audit reports for activity funds and certain other internal school funds shall conform to the general report outline set forth in [Section A](#). The required statements and schedules for these funds, which are prepared based on a “regulatory basis of accounting,” are detailed in the [Internal School Funds Manual](#).

Additional Requirements of the Comptroller’s Office

1. An opinion must be expressed on the combined and individual school financial statements.
2. An opinion on whether other accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.
3. A Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended. Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in *Appendix A*.)

## CAFETERIA FUNDS

### Background

Cafeteria funds, also referred to as school food authority funds, are governed by the requirements of the Internal School Accounting Act (Section 49-2-110, Tennessee Code Annotated) and the *Internal School Funds Manual* and are accounted for in a fund of the same name. The same reporting requirements apply to the cafeteria funds of county, city, charter schools, and special school district systems. However, the auditing requirements vary, depending on the type of system (county, city, charter schools, special school district) and whether the system is centralized or noncentralized. A centralized cafeteria system is one in which substantially all of the administrative activities (payroll, accounting, purchasing, etc.) are accounted for and reported by the local board of education. The administrative activities of noncentralized systems are performed at the individual schools.

### Financial Reporting

#### General

#### Noncentralized Systems (county, city, charter schools, and special school districts)

Noncentralized cafeteria systems receive and account for money related to cafeteria operations at the individual schools and are therefore considered to be internal school funds. Audit reports for noncentralized cafeteria funds shall conform to the general report outline. The required statements and schedules for these funds, which are prepared based on accounting principles generally accepted in the United States of America as established by the Governmental Accounting Standards Board (GASB), are detailed in the *Internal School Funds Manual*.

#### Centralized Systems County Schools

Centralized systems account for the operations of the cafeterias in a central location (at the board of education) and not at the individual schools. Therefore, they are not defined as internal school funds. Normally a separate audit report is not issued for a centralized cafeteria system. These systems are generally audited as a part of the board of education audit. However, because the documentation related to compliance with federal program requirements is maintained by the individual schools, the auditor for the school system's internal school funds is required to contract for and perform certain compliance procedures, generally referred to as USDA Procedures, as a subcontract auditor for the Division of Local Government Audit. These procedures may be found in *Appendix C*. Documentation related to these procedures must be completed and available for review by September 30<sup>th</sup> following the fiscal year being audited (e.g., procedures related to the June 30, 2021 fiscal year would be due September 30, 2021). A separate report on these procedures is not required; however, local government auditors will review the audit documentation to ensure that sufficient work was performed and adequately documented. The Division of Local Government Audit will rely on the contracted work as a basis for their opinion.

Centralized Systems (City and Charter Schools)

Normally a separate audit report is not issued for a centralized cafeteria system. These systems are generally audited as a part of the board of education audit. The design and performance of audit procedures related to compliance with federal programs are the responsibility of the firm conducting the audit of the board of education.

Additional Requirements of the Comptroller's Office

1. An opinion on whether the accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, at a minimum the Schedule of Expenditures of Federal Awards and State Financial Assistance must be opined on in relation to the basic financial statements.
2. Noncentralized county, city, charter schools, and special school district systems are required to include a Schedule of Expenditures of Federal Awards and State Financial Assistance. (This schedule is required if the organization has expended any direct federal assistance or subrecipient funds, regardless of the amount expended. Assistance in the form of loans must separately identify both the federal and state portions. In addition, the composition of the schedule should conform to the example in *Appendix A*.)
3. Centralized city systems and centralized charter school systems are governed by the requirements established for Municipalities and Charter Schools in this manual. (*MUNICIPAL CAFETERIA PROCEDURES – APPENDIX C*)



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## SECTION G

### REPORTING AND AUDITING REQUIREMENTS ENTITIES RECEIVING FUNDS ONLY THROUGH THE MEDICAID WAIVER PROGRAM (DDA)

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#### Department of Disabilities and Aging (DDA) Medicaid Waiver Contracts

##### Background

Certain service/vendor contracts, also referred to as provider agreements, executed with DDA include an audit requirement. This requirement is meant to provide DDA with information relevant to their legal responsibilities. Beginning in 2009, audits related solely to these contracts have been contracted for through the Department of Audit. Many organizations are private companies that would normally not be required to contract for an audit. Based on the contractual audit requirement, agencies that expend \$750,000 or more in assistance under these DDA agreements will be required to follow most of the requirements that apply to all other organizations contracting with the Division of Local Government Audit.

The medicaid waiver program serves Tennessee citizens with intellectual disabilities. The funds that are disbursed cover services such as dental care, day services, nutrition services, and occupational therapy. Federal funds are used to provide these services; however, the agencies receiving these funds are providing a service for specific individuals and the character of the funds lose their federal identity. That is, the program and related disbursements for services do not constitute subrecipient funding, even though the original funding source is the federal government. The recipients are the individuals being served, not the vendors providing the service.

##### Financial Reporting

###### General

Audit reports for entities receiving **only** DDA medicaid waiver funds shall conform to the general report outline in *Section A*. The required statements and schedules for these funds, shall comply with GAAP relevant to the type of organization being audited.

Additional Requirements of the Comptroller's Office

1. Some entities may be sole proprietorships. It would not be uncommon for this type of entity to have no assets, liabilities, or equity; however, a balance sheet must still be included, with 0's for all amounts.
2. An opinion on whether any accompanying information is fairly stated in all material respects in relation to the basic financial statements taken as a whole is preferred for ALL supplementary information. However, if a Schedule of Expenditures of Federal Awards and State Financial Assistance is required (see item 3 below), it must be opined on in relation to the basic financial statements.
3. The Schedule of Expenditures of Federal Awards and State Financial Assistance does **not** need to be included if the only funding is related to the medicaid waiver contract. However, if the organization receives any subrecipient funding, the provisions in *Section E* related to this schedule should be adhered to.

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## SECTION H

### REPORTING AND AUDITING REQUIREMENTS PROGRAM SPECIFIC AUDITS

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#### **Background**

The Comptroller of the Treasury requires that program-specific audits of state funds, when approved, be conducted in accordance with *Government Auditing Standards* (Yellow Book).

Program specific audits must be approved by the grantor and the Comptroller's Office. The grantee and auditor should take special care to ensure compliance with any additional requirements of the federal granting agency.

There are two basic reporting options, and the option that will be used must be agreed upon by the entity, grantor and Comptroller's Office prior to executing a Contract to Audit Accounts. The Contract to Audit Accounts should reference the option approved in the special provisions section of the Contract to Audit Accounts.

Any program specific audit submitted to the Comptroller's Office that has not been preapproved will not be accepted.

#### **Financial Reporting**

##### **State Assistance Only:**

##### **Option 1**

The basic report outline is:

- the independent auditor's report;
- a detailed schedule of revenues and expenditures (expenses) (detail includes presenting expenditures/expenses by natural classification; e.g., salaries, office supplies, repairs and maintenance, etc.)
- a schedule of expenditures of state financial assistance;
- a yellow book report on internal control and compliance.

## Option 2

The basic report outline is:

- complete financial statements for the program;  
*(titles of statements, basis of accounting, etc. dependent on the entity type)*
- balance sheet/statement of net assets/net position;
- operating statement/statement of revenues, expenses/expenditures and changes in net position/net fund assets;
- statement of cash flows (if applicable);
- a schedule of expenditures of state financial assistance;
- a yellow book report on internal control and compliance.

### **Federal Assistance Only or Federal and State Assistance (through the State of Tennessee):**

Follow the reporting and auditing requirements in *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* and the current edition of the AICPA Audit Guide, *Government Auditing Standards and Single Audits*.

In addition, coordinate with the grantor and Comptroller's Office to ensure that any additional requirements are identified and included in the contract to audit accounts.

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# SECTION I

## REPORTING AND AUDITING REQUIREMENTS MEDICAID COST REPORT ENGAGEMENTS

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### Reporting Requirements and Examination Procedures for Medicaid Cost Report Engagements

#### NURSING FACILITIES

##### Introduction

The Tennessee Department of Finance and Administration is the single state agency responsible for administering the Tennessee nursing facility program which is part of the Tennessee Medical Assistance Program under Title XIX of the Social Security Act. The Center for Medicare and Medicaid Services, Department of Health and Human Services, specifies certain conditions states must meet to participate in the Title XIX program. One of those conditions is that single state agencies must conduct or contract to conduct examinations of nursing facilities participating in the program. States are given flexibility in determining the scope and extent of the examinations.

The Tennessee Department of Finance and Administration, in meeting its obligation, has contracted with the Tennessee Comptroller of the Treasury to perform the examinations. Examinations of nursing facilities participating in the Medicaid program are intended to meet the following objectives:

1. The first objective is to determine if income and expenses reported on the Skilled Nursing Facility and Medicaid Supplemental Cost Reports are reasonable, allowable, and in accordance with state and federal rules, regulations, and reimbursement principles.
2. The second objective is to determine whether resident days reported on the Skilled Nursing Facility and Medicaid Supplemental Cost Reports have been counted in accordance with state regulations, and Medicaid resident days billed to the state for period when residents were discharged are in accordance with the rules.
3. The third objective is to determine whether charges to residents or residents' personal funds are in accordance with state and federal regulations, Nursing Facility Manuals, and the agreement between the facility and the Department of Finance and Administration.

## Medicaid Rules and Regulations

The state regulations that govern the administration of the Tennessee Medicaid nursing facility program with respect to reimbursement and coverage issues are contained in Chapter 1200-13 of the Rules of the Department of Finance and Administration. Chapter 0720-18 contains the nursing facility minimum standards that deal with matters such as building standards, safety requirements, and other quality of care rules. Since the nursing facility payment methodology is based on Medicare principles of reimbursement, the *Medicare and Medicaid Guide* also serves as a regulatory source. Medicaid nursing facility coverage in general is set forth in the Nursing Facility Manuals published by the Department of Finance and Administration. From time to time, the department issues “Medicaid Bulletins” to update providers on policy changes or interpretations of current policy.

## Cost Reporting Requirements

Nursing facilities are required to submit a Medicaid supplemental cost report and a Skilled Nursing Facility cost report annually to the Comptroller’s Office. Both cost reports are due within 5 months of the facility’s fiscal year end. Intermediate care facilities for individuals with intellectual disabilities are required to submit an intermediate care statement of reimbursable cost that is due within 3 months of its fiscal year end.

## Examinations

The examination procedures to be conducted by the Tennessee Comptroller’s Office are given below in condensed form along with the associated criteria. It should be noted that the Department’s nursing facility manual was issued January 1987. Although the manual has not been revised, several Medicaid bulletins have been issued for rule revisions. We have made revisions in the criteria given below where appropriate.

## Expenses–Criteria

The cost report rules in Chapter 1200-13 and the nursing facility accounting principles are the primary sources for criteria concerning allowable costs. If an item is not addressed in the rules or apportionment principles, Medicare principles of retrospective cost reimbursement apply, and reference should be made to the *Medicare and Medicaid Guide*.

## Expenses–Procedures

1. Compare salaries on the Skilled Nursing Facility Cost Report to the provider’s quarterly wage reports. If the wage reports are not available, use the facility’s payroll records.
2. Trace direct care salaries reported on schedule C of the Medicaid supplemental cost report to the payroll records. Verify the salaries are reported on the appropriate line of the Medicaid supplemental cost report and that those employees are providing direct care.

3. Review the quarterly wage reports for reasonableness. Any non-owner employee's salary that exceeds \$20,000 per quarter should be examined for reasonableness.
4. Obtain a signed statement from owner-employees or their relatives, stating their duties, percentage of time working, and compensation, including all fringe benefits. This data is then used to test the accuracy of the maximum allowable salary limits for the provider. The rules for applying the salary limits are given in the cost report apportionment principles.
5. Select transactions from other expense accounts for review. The transactions selected for review should cover the entire examination period, if feasible. Describe the method for selecting the transactions reviewed.
6. Scan the ledgers and journals for unusual items.
7. For the selected test transactions, examine the paid check and invoice. Determine if the expense is allowable.
8. Verify raw food reported on the Medicaid Supplemental Cost Report is only food, food supplementals and enteral nutrition.
9. Verify that any new additions to property or equipment are properly recorded at cost and are present at the facility.
10. Obtain and review support for interest expense and trace the amounts to the cost report.
11. Review the adjustments made to section A-8 and A-8-1 of the Skilled Nursing Facility Cost Report.
12. Determine if the general ledger control account is supported by a listing of accounts payable or if the open items can in some way be identified.
13. If considered necessary, verify that year-end payables have been paid in the subsequent period.
14. If the facility was identified as a financially struggling facility, scan the general ledger and select invoices for further testing.

### **Resident Days–Criteria**

The criteria governing resident days are found in Chapter 1200-13 Rules of the Tennessee Department of Finance and Administration Division of TennCare.

### **Resident Days–Procedures**

1. Trace total resident days from the nursing facility census (or resident log) to the cost report.
2. List the monthly totals and compare them to the available days for that month.
3. Physically examine the private rooms reported on the Medicaid Supplemental Cost Report.
4. Review one month of census records for each six months during the examination period for Medicaid residents who were discharged or deceased. Verify the facility was not reimbursed for the date the Medicaid resident was discharged or deceased if before noon.

### **Trust Funds–Criteria**

Personal Needs Allowance (PNA) is established for each Enrollee receiving LTSS in accordance with the Tennessee Medicaid State Plan, approved Section 1915(c) Waiver applications, and these rules. It is deducted from the Enrollee’s monthly income in calculating Patient Liability for LTSS. State Rule Chapter 1200-13 and Tennessee Code Annotated, Section 68-11-906 provide rules and regulations governing trust funds. The Nursing Facility Manuals provide guidance on the treatment of resident deposits.

Section 66-29-123, Tennessee Code Annotated, govern the disposition of balances owed to residents after they have left the facility. Generally, the law requires nursing homes to report unclaimed property and credit balances to the Tennessee Department of Treasury each year. However, nursing facilities may, at their option, elect to hold the funds for the statutory period from the date of last account activity before reporting to the Tennessee Department of Treasury. Chapter 1700-02 provides additional guidance if the nursing facility holds the funds for the statutory period. The nursing facility must document that it has made a reasonable attempt to locate the owner of the funds. At the end of the statutory period, any accrued interest must also be reported and returned to the Tennessee Department of Treasury.

A nursing facility shall not charge a TennCare enrollee for a covered service. Non-covered services may be charged directly to the resident, upon prior notification by the nursing facility to the resident that the service is not covered.

### **Trust Funds–Procedures**

1. As of a specific date, balance the trust fund subsidiary accounts to the general ledger control account.
2. Balance cash on hand and in bank to the general ledger control account.



3. Select Medicaid trust fund accounts, and for the examination period, test each account for
  - a. receipt of the monthly personal needs allowance;
  - b. documentation that withdrawals are for personal needs only and not for covered services;
  - c. placement of all funds in excess of \$100 per recipient in an insured interest-bearing account.
4. Check the trust fund accounts of deceased or discharged Medicaid recipients for credit balances.
5. Examine the resident trust fund surety bond and determine if the amount of the coverage is adequate to cover the account balance at any point during the period.
6. Determine whether any resident's trust fund balance exceeds the resident resource limitation of \$2,000 for eligibility to receive Medicaid assistance.

### **Resident Accounts–Criteria**

The criteria for examining resident accounts are general in nature and do not differ significantly from procedures for examining accounts receivable. However, several special circumstances are explained in the following paragraphs.

Medicaid residents must not be charged above the private rate for comparable services. If private-pay residents are charged extra for central supplies or other items that are included in the rate for Medicaid residents, these items should be added to the private resident charge to arrive at a comparable service for this test.

Tennessee Anytime indicates the amount the resident is to pay toward his or her room and board.

Testing for extra charges is similar to testing the trust fund for covered services.

### **Resident Accounts–Procedures**

1. Obtain a list of yearly totals of charges from the provider's resident log. Charges for covered services should agree to charges per resident log before any contractual adjustments. Select residents for each payor type and determine the average daily charge. Ensure that the average daily charge for Medicaid residents is not greater than the average daily charge for any other payor type.
2. Scan all ledger accounts for unrefunded credit balances for deceased or discharged residents.
3. Determine whether the facility-maintained evidence that the resident's authorized representative was notified of a credit balance.

4. Select Medicaid residents whose funds are not included in the resident trust fund and determine if the facility is providing basic personal services free of charge to Medicaid residents.

## Independent Accountant’s Report

(Date)

The Honorable Bill Lee, Governor  
and

Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243

and

Mr. Steven Smith, Deputy Commissioner  
Division of TennCare  
310 Great Circle Road, 4W  
Nashville, Tennessee 37243

Ladies and Gentlemen:

We have examined management’s assertions, included in its representation letter dated \_\_\_\_\_, that \_\_\_\_\_ complied with the following requirements:

- Income and expenses reported on the Skilled Nursing Facility and Medicaid Supplemental Cost Reports for the fiscal year ended \_\_\_\_\_, are reasonable, allowable, and in accordance with state and federal rules, regulations, and reimbursement principles.
- Resident days reported on the Skilled Nursing Facility and Medicaid Supplemental Cost Reports have been counted in accordance with state regulations. Medicaid resident days billed to the state from \_\_\_\_\_ through \_\_\_\_\_, when residents were hospitalized or on therapeutic leave are in accordance with the rules.
- Charges to residents or residents’ personal funds from \_\_\_\_\_ through \_\_\_\_\_, are in accordance with state and federal regulations, complied with the Nursing Facility Manuals, and the agreement between the facility and the Department of Finance and Administration.

\_\_\_\_\_ management is responsible for its assertion. Our responsibility is to express an opinion on management’s assertion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether management’s assertions are fairly stated, in all material respects. An examination involves performing procedures to obtain evidence about management’s assertions. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of management’s assertion, whether due to fraud or error. We believe that the evidence we

obtained is sufficient and appropriate to provide a reasonable basis for our unmodified opinion. Our examination does not provide a legal determination on the entity’s compliance with specified requirements.

We are required to be independent of \_\_\_\_\_ and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to the examination engagement.

In our opinion, management’s assertions that \_\_\_\_\_ complied with the aforementioned requirements for the income and expenses reported on the Skilled Nursing Facility and Medicaid Supplemental Cost Reports for the period \_\_\_\_\_, through \_\_\_\_\_; resident days for the period \_\_\_\_\_, through \_\_\_\_\_; and for resident accounts for the period \_\_\_\_\_, through \_\_\_\_\_, are fairly stated in all material respects.

This report is intended solely for the information and use of the Tennessee General Assembly and the Tennessee Department of Finance and Administration and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record, and its distribution is not limited.

Sincerely,

Katherine J. Stickel, CPA, CGFM, Director  
Division of State Audit

## **Federally Qualified Health Center (FQHC) and Rural Health Clinics (RHC)**

### **Introduction**

Pursuant to Section 71-5-130, Tennessee Code Annotated, and a cooperative agreement between the Comptroller of the Treasury and the Department of Finance and Administration, the Division of State Audit performs examinations of Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) participating in the Tennessee Medicaid Program under Title XIX of the Social Security Act (Medicaid).

FQHC/RHC examinations are intended to meet the following objectives:

1. The first objective is to determine that income and expenses reported on the cost report submitted to the Tennessee Comptroller's Office are reasonable, allowable, and in accordance with state and federal rules, regulations, and reimbursement principles.
2. The second objective is to determine that patient visits furnished to all patients by each practitioner have been appropriately counted.
3. The third objective is to determine whether TennCare PPS visits and payments are reported in accordance with Tennessee State Plan under Title XIX of the Social Security Act Medical Assistance Program and guidance from the Division of TennCare for FQHCs/RHCs.

### **Medicaid Rules and Regulations**

Tennessee's Medicaid Prospective Payment System (PPS) for FQHCs and RHCs is described in attachment 4.19-B of the Tennessee State Plan under Title XIX of the Social Security Act Medical Assistance Program. A FQHC's initial PPS rate is established using the allowable costs and visits reported on the FQHC's cost report. The method for establishing a RHC's rate is based on the clinic's effective date.

1. The PPS rate for RHCs with effective dates prior to October 25, 2017, is established using the allowable costs and visits reported on the RHC cost report.
2. For clinics with effective dates between October 25, 2017, and September 30, 2019, a clinic has a choice between a caseload adjusted regional rate or a rate established using allowable costs and visits reported on the RHC cost report.
3. For RHCs with effective dates after September 30, 2019, the rate is established based on the clinic's caseload and location in the State of Tennessee. The rate for clinics with less than 14,000 annual visits is a caseload adjusted regional rate. The rate for clinics with 14,000 or more total annual visits is established using allowable costs and visits reported on the cost report.

After the initial rate is determined, the PPS rate is adjusted at the beginning of each state fiscal year (July 1) based on the current change in the Medicare Economic Index. Since the rate methodology is based on Medicare principles of cost reimbursement, the Medicare and Medicaid Guide serves as a regulatory source.

### **Cost Reporting Requirements**

FQHCs and RHCs in the Tennessee Medicaid PPS Program are required to submit an annual Medicare cost report to the Comptroller's Office. The cost report is due within 5 months of its fiscal year end.

### **Examinations**

The examination procedures to be conducted by the Tennessee Comptroller's Office are given below in condensed form along with the associated criteria.

### **Visits and Payments – Criteria**

The clinics contract with the TennCare managed care organizations (MCOs) and file claims with the MCOs for services provided to TennCare enrollees. After the end of each quarter, clinics submit a settlement request to the Office of the Comptroller of the Treasury with the number of PPS visits and payments for TennCare services. A clinic's PPS rate is multiplied by the clinic's self-reported visits to calculate the Medicaid PPS reimbursable costs. The Division of TennCare remits a quarterly settlement payment to the clinic for the difference between the clinic's Medicaid PPS reimbursable costs and the payments reported by the clinic.

PPS visits are medically necessary, face-to-face medical, mental health, or qualified preventative services between the patient and a qualifying provider during which a qualified FQHC or RHC service is furnished, consistent with the federal regulations found in Title 42, Code of Federal Regulations, Part 405, Section 2463, and Part 440, Section 20(b)-(c). Behavioral health must be in the FQHC's/RHC's scope of services approved by the state to be included in the settlement calculation. Visits performed via telehealth are considered a face-to-face visit eligible for supplemental reimbursement provided certain criteria is met as outlined in guidance from the Division of TennCare.

PPS payments are all payments that the FQHC/RHC receives on the behalf of TennCare enrollees; this includes amounts received on all services that were paid for the TennCare enrollee, even if it does not constitute a visit itself (such as labs, injections, or X-rays). FQHC/RHC payments include Managed Care Organization (MCO) payments, as well as all third-party liability, all patient liability, and any capitation payments received from MCOs. The Division of TennCare has issued guidance requiring payments for certain services to be excluded on settlement requests.

Maternity claims include a range of services related to pregnancy and delivery. These services are consolidated under a Global Obstetrical Package, which covers maternity care across three

stages: antepartum (prenatal) care, delivery services, and postpartum care. Managed Care Organizations (MCOs) generally pay maternity claims as a global bundled payment, and the actual payment for such visits only occurs after the pregnancy has ended. After receiving the payment, providers need to report the global payment in the quarter in which the pregnancy ended and report the related maternity visits on the settlement request in the quarter in which services were rendered. Providers must amend any prior quarter's settlement request to report the visit in the quarter in which that visit occurred.

Visits and payments for Medicare and dual enrollees are reimbursed on the Medicare payment system; therefore, they are not eligible for the TennCare PPS quarterly payment. For purposes of this program, dual enrollees are individuals enrolled in both Medicaid and Medicare Part B (or any Medicare-approved plan which includes Medicare Part B, such as Medicare Advantage). Medicare is the primary payor for dual enrollees. Chapter 1200-13-13-.09 of the *Rules of the Tennessee Department of Finance and Administration*, states, "TennCare shall be the payor of last resort, except where contrary to federal or state law."

CoverKids is Tennessee's Children's Health Insurance Program, authorized by Title XXI of the Social Security Act and jointly financed and administered by the federal and state governments. CoverKids is available to children under age 19 and pregnant women who are not eligible for TennCare Medicaid. FQHCs and RHCs should submit a separate quarterly settlement request to the Office of the Comptroller of the Treasury that contains the number of PPS visits and payments for CoverKids services. The state will make quarterly payments to the clinic for the difference between the clinic's Medicaid PPS reimbursable costs and payments reported by the clinic. This process for submitting settlement requests and receiving quarterly settlements is similar to TennCare's quarterly reimbursement; however, CoverKids visits and payments must be separately reported and paid due to the distinctly allotted federal funds. Therefore, CoverKids visits and payments are not included in the calculation of TennCare PPS visits and payments.

Before reporting any visits and payments on the settlement requests, all claims must be submitted to and deemed "paid" by the TennCare MCO.

### **Visits and Payments – Procedures**

1. Verify with the appropriate personnel the basis used in accumulating Prospective Payment System (PPS) visits and payments for quarterly settlement requests submitted to the Office of the Comptroller of the Treasury. Inquire if the provider has:
  - Excluded dual enrollees;
  - Ensured all claims are deemed "paid" by the TennCare MCO;
  - Included in PPS visits only medically necessary, face-to-face medical, mental health, or qualified preventive visits between the patient and a qualifying provider during which a qualified service is furnished consistent with the federal regulations found at Title 42, Code of Federal Regulations, Part 405, Section 2463, and Part 440, Section 20(b)-(c);

- included all PPS payments on behalf of the TennCare enrollee, including MCO payments, third party liability payments, and patient liability payments; and
  - excluded certain visits and payments as outlined in guidance from the Division of TennCare.
2. Verify accuracy of PPS visits and payments for TennCare services.
  3. Examine source documents used to prepare the quarterly settlement requests.
  4. Examine medical records for a sample of TennCare claims.
  5. Examine the total visits and productivity standards reported on worksheet B, Part I of the clinic cost report.
  6. Review patient log and compare to total visits reported on worksheet B of the cost report.

### **Expenses– Criteria**

The clinics are required to submit a Medicare cost report. The Medicare and Medicaid Guide serves as a regulatory source. Expenses reported on the cost report should be reasonable, allowable, supported, and related to patient care.

### **Expenses– Procedures**

1. Compare salaries on the cost report to the provider’s quarterly wage reports. If the wage reports are not available, use the facility’s payroll records.
2. Review the quarterly wage reports for reasonableness. Any non-owner employee’s salary that exceeds \$20,000 per quarter should be checked for reasonableness.
3. Obtain a signed statement from owner-employees and their relatives, stating their duties, percentage of time working, and compensation, including all fringe benefits. Review expense testing for possible inclusion of personal expenses which should be classified as owner’s compensation. Determine reasonableness of compensation.
4. Select transactions from other expense accounts for review. The transactions selected for review should cover the entire examination period, if feasible. Describe the method for selecting the transactions reviewed.
5. Scan the ledgers and journals for unusual items.
6. For the selected test transactions, examine the paid check and invoice. Determine if the expense is allowable.



7. If this is the first cost report, verify that property is properly recorded at cost and is present at the facility.
8. Review the depreciation computations for the examination period.
9. Obtain and review support for interest expense and trace the amounts to the cost report.
10. Review the adjustments made to worksheet A-2 of the cost report.
11. Verify the income reported on the income statement corresponds with the facility's revenue logs.

## Independent Accountant’s Report

(Date)

The Honorable Bill Lee, Governor  
and  
Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243

and  
Mr. Steven Smith, Deputy Commissioner  
Division of TennCare  
310 Great Circle Road, 4W  
Nashville, Tennessee 37243

Ladies and Gentlemen:

We have examined management’s assertions, included in its representation letter dated \_\_\_\_\_ that \_\_\_\_\_ complied with the following requirements:

- Income and expenses reported on the FQHC/RHC cost report for the period \_\_\_\_\_, through \_\_\_\_\_, are reasonable, allowable, and in accordance with state and federal rules, regulations, and reimbursement principles.
- Total patient visits furnished to all patients by each practitioner have been appropriately counted.
- TennCare Prospective Payment System visits and payments received on behalf of TennCare enrollees for the period \_\_\_\_\_, through \_\_\_\_\_, were reported in accordance with the Tennessee State Plan under Title XIX of the Social Security Act Medical Assistance Program and guidance from the Division of TennCare for FQHCs/RHCS.

\_\_\_\_\_ management is responsible for its assertions. Our responsibility is to express an opinion on management’s assertions based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we obtain reasonable assurance about whether management’s assertions are fairly stated, in all material respects. An examination involves performing procedures to obtain evidence about management’s assertions. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of management’s assertions, whether due to fraud or error. We believe that the evidence we obtained is sufficient

and appropriate to provide a reasonable basis for our unmodified opinion. Our examination does not provide a legal determination on the entity’s compliance with specified requirements.

We are required to be independent of \_\_\_\_\_ and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to the examination engagement.

In our opinion, management’s assertions that \_\_\_\_\_ complied with the aforementioned requirements for the income and expenses reported on the cost report for period \_\_\_\_\_, through \_\_\_\_\_, and for TennCare visits and payments received on behalf of TennCare enrollees for the period \_\_\_\_\_, through \_\_\_\_\_, are fairly stated in all material respects.

This report is intended solely for the information and use of the Tennessee General Assembly and the Tennessee Department of Finance and Administration and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record, and its distribution is not limited.

Sincerely,

Katherine J. Stickel, CPA, CGFM, Director  
Division of State Audit

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## SECTION J

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### REGULATORY REPORTING AND COURTESY FILING

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There are many regulatory reports that must be filed by entities that are required to submit an audit to the Comptroller's Office. This section only addresses those requirements where a regulatory report must be filed with Local Government Audit. Other divisions within the Comptroller's Office may have additional regulatory filing requirements that are not addressed in this manual.

#### Specialty License Plate Funds

##### **Background**

Pursuant to the requirements of Section 55-4-202(j), Tennessee Code Annotated (TCA), nonprofits that receive funds from the sale or renewal of a specialty earmarked license plate must file an annual accounting of all such funds with the Comptroller's office by September 30 of each year for funds received from July 1 through June 30 of the preceding state fiscal year.

Pursuant to Section 55-4-202(j)(3), TCA, if a nonprofit organization fails to comply with the annual accounting requirement, the commissioner of the department or agency responsible for paying the specialty earmarked license plate or new specialty earmarked license plate proceeds shall, at the request of the comptroller of the treasury, hold the proceeds in reserve until the nonprofit organization submits its annual accounting and the comptroller notifies the department or agency to release the funds. Any costs associated with holding the plate proceeds shall be deducted from the reserve fund as an administration fee.

##### **Regulatory Reporting**

The current reporting guidance can be found under "General Guidance" at:

<https://comptroller.tn.gov/office-functions/la/resources/information.html>

The regulatory reporting package must be submitted by the nonprofit entity.

## **Local Government Joint Venture Entities (interlocal agreements)**

### **Background**

Sections 12-9-101 – 112, TCA, permit two or more local government entities to create local government joint ventures. Local government joint venture entity means any entity created pursuant to this chapter, including, but not limited to, a self-insurance pool, trust, joint venture, nonprofit organization, or any other type of organization that is sponsored, owned, operated, or governed by two (2) or more local government entities as a separate and specific activity.

Interlocal agreements which do not create a separate entity are not subject to the reporting requirements of this TCA section.

### **Regulatory Reporting**

Any interlocal agreement entered into by local governments that creates a local government joint venture entity must be filed with Local Government Audit within ninety (90) days of execution of the agreement. If the participants or structure of the local agreement joint venture changes, please file an updated agreement with Local Government Audit.

The filing of the regulatory report is the responsibility of the local government joint venture entity. Each participating local government does not have to file individually. A copy of the interlocal agreement should be sent to our office using the following email address: [LGA.Web@cot.tn.gov](mailto:LGA.Web@cot.tn.gov).

Summary financial information is required to be submitted to the Comptroller's Office annually if the local government joint venture does not submit audited financial information. The summary financial information should be submitted through the Contract and Report System (CARS) as unaudited financial information and include annual revenues, expenses, and an ending fund balance at a minimum.

## **Volunteer Fire Departments**

### **Background**

Section 68-102-303, TCA states that no municipality, county or political subdivision shall operate a fire department, and no organization, agency, or entity shall operate as a fire department within the state of Tennessee unless it has been duly recognized to do so by the Tennessee Department of Commerce and Insurance, State Fire Marshall's Office.

Section 68-102-309 TCA requires the governing board of each recognized volunteer fire department receiving appropriations from "...the federal government, the state, a county or a municipality, either directly or indirectly, to file an annual financial report with the comptroller of the treasury and each local government body from which the department received appropriations...."

### **Regulatory Reporting**

The report is to cover the period July 1 through June 30 of each year and is due no later than the following December 31. The first report was due on December 31, 2015 for the period July 1, 2014 through June 30, 2015. Each volunteer fire department is responsible for filing the regulatory report. A copy of the required report is located on Local Government Audit's website at:

<https://comptroller.tn.gov/office-functions/la/e-services/volunteer-fire-departments-reporting.html>

The form is listed under the entity type of “volunteer fire departments.”

### **Charter Management Organizations**

#### **Background**

Section 49-13-104, TCA defines a charter management organization (CMO) as a nonprofit entity that operates two (2) or more public charter schools in Tennessee. Section 49-13-127(a)(2), TCA authorizes the comptroller of the treasury to audit all financial transactions of a CMO for any charter school created pursuant to state statutes when deemed necessary or appropriate by the comptroller of the treasury. In addition to this, all such CMOs are required to file an Annual Reporting Form with the comptroller of the treasury. The form, titled “Charter Management Organization (CMO) Annual Reporting Form” is available here <https://www.comptroller.tn.gov/office-functions/la/resources/information.html> under the general guidance tab.

#### **Regulatory Reporting**

Section 49-13-127(a)(2), TCA requires all CMOs operating a charter school in this state to file an annual financial report with the comptroller of the treasury detailing transactions between the CMO and any charter school operated by the CMO in Tennessee. The annual financial report must: (1) cover the fiscal year ending June 30; (2) be filed in a form prescribed by the comptroller of the treasury; and (3) be filed no later than August 31 of each year.

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## SECTION K

### QUICK REFERENCE LINKS

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#### Audit Manual Web References

Accounting and Financial Reporting Manual for Tennessee Emergency Communications Districts

<https://comptroller.tn.gov/office-functions/la/resources/manuals.html>

Assistance Listings (federal programs)

<https://sam.gov/content/assistance-listings>

Collateral Pool Banks

<https://treasury.tn.gov/Investments/Investment-Management/Bank-Collateral-Pool>

Confirmation Contacts and Phone Numbers

<https://comptroller.tn.gov/office-functions/la/e-services/confirmations.html>

Contract to Audit Accounts

<https://apps.cot.tn.gov/CARS/>

County Chart of Accounts

<https://comptroller.tn.gov/office-functions/la/resources/chart-of-accounts.html>

*Government Auditing Standards* (Yellow Book)

<http://www.gao.gov/yellowbook>

Grantor Agency Contacts /Grantor Information

<https://comptroller.tn.gov/office-functions/la/e-services/confirmations/contacts.html>

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

On-line Confirmations

<https://comptroller.tn.gov/office-functions/la/e-services/confirmations.html>

Property Assessments

<https://comptroller.tn.gov/office-functions/pa.html>

State Department Phone Numbers

<https://comptroller.tn.gov/office-functions/la/e-services/confirmations/contacts.html>

Tennessee Code Annotated

<https://www.tncourts.gov/Tennessee%20Code>

Internal School Funds Manual

<https://www.comptroller.tn.gov/office-functions/la/resources/manuals.html>

Tennessee Comptroller's Model Financial Policy for School Support Organizations

<https://www.comptroller.tn.gov/office-functions/la/resources/manuals.html>

*Governmental Accounting, Auditing, and Financial Reporting*, (Blue Book) “by subscription only”

<https://www.gfoa.org/publications>

## **Manuals**

For a complete listing of manuals for which the Comptroller's Office is responsible, please visit the Comptroller's Manuals page.

<https://www.comptroller.tn.gov/office-functions/la/resources/manuals.html>

## **Local Government Audit Resources**

Certain recurring situations and questions, reporting questions, new developments and other general information have been addressed on the Comptroller's web site. This information can be accessed on the web at:

Audit Resources/Guidance and Forms

<https://www.comptroller.tn.gov/office-functions/la/resources/information.html>

<https://comptroller.tn.gov/office-functions/lgf/budgets/budget-guidance.html>

<https://comptroller.tn.gov/office-functions/lgf/debt/debt-guidance.html>

Pension and OPEB Information

<https://www.comptroller.tn.gov/office-functions/la/resources/information.html>



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## APPENDIX A

### EXAMPLE SCHEDULES

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#### **Schedule of Unaccounted for Water**

Effective March 15, 2022, Sections 7-82-401, Tennessee Code Annotated, were amended by deleting the requirement for public water systems to include water loss reporting in the audited annual financial report. Therefore, future audited financial reports should not include the water loss report and the separate American Water Works Association (AWWA) excel file is no longer required to be submitted at the time of audit report submission.

Note that future water loss reporting should be made by public water systems as part of the annual utility reporting directly to the Tennessee Board of Utility Regulation.

Follow this helpful link regarding the changes:

<https://comptroller.tn.gov/boards/utilities/board-information/board-reports.html>

**Schedule of Changes in Long-term Debt by Individual Issue**

Town of Anywhere  
Schedule of Changes in Long-term Debt by Individual Issue  
June 30, 2024

Description of Indebtedness	Original Amount of Issue	Interest Rate	Date of Issue	Final Maturity Date	Outstanding 7-1-XX	Issued During Period	Paid and/or Matured During Period	Refunded During Period	Outstanding 6-30-XX
<b>Governmental Activities</b>									
<u>NOTES PAYABLE</u>									
<u>Payable through Debt Service Fund</u>									
Roof Repairs	\$ 100,000	3.6 %	6-12-05	12-1-23	\$ 10,000	\$ 0	\$ 10,000	\$ 0	\$ 0
Health Department	300,000	3.78	5-4-15	5-1-25	64,000	0	26,000	0	38,000
Total Notes Payable through Debt Service Fund					\$ 74,000	\$ 0	\$ 36,000	\$ 0	\$ 38,000
<u>FINANCED PURCHASES</u>									
<u>Payable through Debt Service Fund</u>									
Headstart Facility	\$ 1,200,000	3.6 %	12-1-03	12-1-24	\$ 180,000	\$ 0	\$ 60,000	\$ 0	\$ 120,000
Total Financed Purchases Payable through Debt Service Fund					\$ 180,000	\$ 0	\$ 60,000	\$ 0	\$ 120,000
<u>BONDS PAYABLE</u>									
<u>Payable through Debt Service Fund</u>									
General Obligation , Series 2010	\$ 4,580,000	3.5 to 3.7 %	12-15-10	9-1-27	\$ 2,750,000	\$ 0	\$ 750,000	\$ 2,000,000	\$ 0
General Obligation Refunding, Series 2023	2,200,000	1 to 3.0	3-25-24	6-30-39	0	2,200,000	0	0	2,200,000
Total Bonds Payable through Debt Service Fund					\$ 2,750,000	\$ 2,200,000	\$ 750,000	\$ 2,000,000	\$ 2,200,000
<b>Business-Type Activities</b>									
<u>OTHER LOANS PAYABLE</u>									
<u>Payable through Water Fund</u>									
State Revolving Loans	\$ 1,700,000	Variable %	7-13-11	5-25-25	\$ 1,000,000	\$ 0	\$ 91,000	\$ 0	\$ 909,000
Line of Credit	100,000	4.00	7-1-23	6-30-25	0	15,000	0	0	15,000
Total Other Loans Payable					\$ 1,000,000	\$ 15,000	\$ 91,000	\$ 0	\$ 924,000
<u>BONDS PAYABLE</u>									
<u>Payable through Gas Fund</u>									
Revenue Bond - Gas	\$ 957,236	9.50 %	12-1-03	12-1-28	\$ 645,896	\$ 0	\$ 46,689	\$ 0	\$ 599,207
Total Bonds Payable					\$ 645,896	\$ 0	\$ 46,689	\$ 0	\$ 599,207

Notes:

- (1) Long-term payables due between the primary government and component unit(s) should be reported on the applicable entity's schedule.
- (2) Leases and contracts that transfer ownership (financed purchases) by the end of the lease/contract should be included on the schedule.
- (3) Leases that result in the recognition of a lease liability and an intangible right-to-use asset should be reported on a separate schedule. See schedule on APP.A-3.
- (4) Interfund notes approved by the Division of Local Government Finance should be included on the schedule (e.g., capital outlay notes, bond anticipation notes, in addition to tax and revenue anticipation notes).

**Schedule of Changes in Lease Obligations**

Town of Anywhere  
Schedule of Changes in Lease Obligations  
June 30, 2024

Description of Indebtedness	Original Amount of Issue	Interest Rate	Date of Issue	Maturity Date	Restated Outstanding 7-1-XX	Issued During Period	Paid and/or Matured During Period	Remeasurements	Outstanding 6-30-XX
<b>GOVERNMENTAL ACTIVITIES</b>									
<u>LEASES PAYABLE</u>									
<u>Payable through General Debt Service Fund</u>									
EMS Building Rental	\$ 756,000	3.6 %	6-12-17	12-1-25	\$ 352,000	\$ -	\$ 115,000	\$ 0	\$ 237,000
Health Department Building Rental	300,000	3.78	5-4-15	5-1-25	90,000	-	30,000	0	30,000
<b>Total Payable through General Debt Service Fund</b>					<b>\$ 442,000</b>	<b>\$ -</b>	<b>\$ 145,000</b>	<b>\$ 0</b>	<b>\$ 267,000</b>
<u>Contributions Due by the School Department from the General Purpose School</u>									
<u>Fund to the General Debt Service Fund</u>									
Copiers - 2019	300,000	3.6	Various	6-1-24	\$ 40,000	\$ -	\$ 40,000	\$ 0	\$ -
Copiers - 2020	350,000	3.4	Various	4-1-25	150,000	-	75,000	0	75,000
Copiers - 2022	800,000	3.1	Various	6-4-25	450,000	-	160,000	0	290,000
Copiers - 2023	700,000	3.6	Various	5-7-25	525,000	-	140,000	0	385,000
Copiers - 2024	750,000	3.6	Various	6-28-26	-	750,000	40,000	0	710,000
School Buses - 2022	2,200,000	2.4	8/5/22	8-5-28	1,850,000	-	275,000	0	1,575,000
School Buses - 2024	2,500,000	2.8	3/4/24	3-4-34	-	2,500,000	75,000	0	2,425,000
<b>Total Contributions Due by the School Department from the General Purpose</b>					<b>\$ 3,015,000</b>	<b>\$ 3,250,000</b>	<b>\$ 805,000</b>	<b>\$ 0</b>	<b>\$ 5,460,000</b>
<b>School Fund to the General Debt Service Fund</b>									
<b>Total Leases Payable - Governmental Activities</b>					<b>\$ 3,457,000</b>	<b>\$ 3,250,000</b>	<b>\$ 950,000</b>	<b>\$ 0</b>	<b>\$ 5,727,000</b>
<b>BUSINESS TYPE ACTIVITIES</b>									
<u>Payable through Solid Waste Fund</u>									
Bulldozer	\$ 450,000	5.2 %	6-12-19	12-1-25	\$ 352,000	\$ -	\$ 115,000	\$ 0	\$ 237,000
Haul-Off Truck	220,000	4.7	3-10-22	3-10-25	220,000	-	50,000	0	120,000
<b>Total Leases Payable through Solid Waste Fund</b>					<b>\$ 352,000</b>	<b>\$ 220,000</b>	<b>\$ 165,000</b>	<b>\$ 0</b>	<b>\$ 407,000</b>

**Schedule of Internal Receivables and Payables**

**Town of Anywhere**  
**Schedule of Internal Receivables and Payables**  
**June 30, 2024**

		Due from										
		General Fund	Solid Waste	Water & Sewer	Electric - Electric Division	Electric - Broadband Division	Gas	Internal Service	Fiduciary - Pension General	Fiduciary - Pension Electric	Fiduciary - OPEB	Total
<b>Due to</b>	General Fund	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 9,878	\$ -	\$ -	\$ -	\$ 14,878
	Debt Service	-	31,547	-	-	-	-	-	-	-	-	31,547
	Capital Projects	711,200	-	-	-	-	-	-	-	-	-	711,200
	Solid Waste	25,000	-	-	-	-	-	-	-	-	-	25,000
	Grants Management	15,777	-	-	-	-	-	-	-	-	-	15,777
	Drug Fund	2,314	-	-	-	-	-	-	-	-	-	2,314
	Water & Sewer	7,541	1,130	-	544	175	9,500	12,045	-	-	-	30,935
	Electric - Electric Division	5,122	1,856	2,714	-	850,000	-	-	-	-	-	859,692
	Electric - Broadband Division	789	-	-	-	-	-	-	-	-	-	789
	Gas	1,265	3,412	793	-	-	-	17,658	-	-	-	23,128
	Internal Service	6,700	1,423	911	5,112	477	2,151	-	10,111	9,114	7,442	43,441
	Fiduciary - Pension General	41,007	-	-	-	-	-	-	-	-	-	41,007
	Fiduciary - Pension Electric	-	-	-	27,434	-	-	-	-	-	-	27,434
	Fiduciary - OPEB	21,887	-	-	-	-	-	-	-	-	-	21,887
	<b>Total</b>	<b>\$ 838,602</b>	<b>\$ 44,368</b>	<b>\$ 4,418</b>	<b>\$ 33,090</b>	<b>\$ 850,652</b>	<b>\$ 11,651</b>	<b>\$ 39,581</b>	<b>\$ 10,111</b>	<b>\$ 9,114</b>	<b>\$ 7,442</b>	<b>\$ 1,849,029</b>
Notes:												
(1) Amounts due between divisions/departments should be reported on the schedule.												
(2) Long-term advances should be reported on the schedule.												

**Schedule of Expenditures of Federal Awards and State Financial Assistance**

Anytown, Tennessee  
Schedule of Expenditures of Federal Awards and State Financial Assistance

Federal Agency/Pass-through Agency/State Grantor Program or Cluster Title	Federal Assistance Listing Number	Pass-through Entity Identifying Number	Amount Passed-through to Subrecipients	Expenditures
<b>Federal Awards</b>				
Direct Program:				
US Department of Agriculture:				
COVID-19 - Coronavirus Food Assistance Program (CFAP)	10.130	GR9707367	\$ 75,401	\$ 75,401
Total U.S. Department of Agriculture				\$ 75,401
US Department of Treasury:				
Passed-through State Department of Finance and Administration:				
ARPA - Coronavirus State and Local Fiscal Recovery Funds	21.027	(4)		\$ 525,000
Total U.S. Department of Treasury				\$ 525,000
U.S. Department of Education:				
Passed-through State Department of Education:				
Special Education Cluster: (3)				
Special Education – Grants to States	84.027	(4)		\$ 1,811,380
Special Education – Preschool Grants	84.173	(4)		\$ 94,520
COVID 19 - Education Stabilization Fund Program - Elementary and Secondary School Emergency Relief Fund (ESSER 1.0)	84.425D	(4)		\$ 1,363,923 (5)
COVID 19 - Education Stabilization Fund Program - Elementary and Secondary School Emergency Relief Fund (ESSER 2.0)	84.425D	(4)		\$ 624,964 (5)
Total U.S. Department of Education				\$ 3,894,787
TOTAL FEDERAL AWARDS			\$ 75,401	\$ 4,495,188
<b>State Financial Assistance</b>				
		Contract Number		
Safe Schools Act - State Department of Education	N/A	Z-06-027932-00		\$ 26,853
Law Enforcement Training Grants	N/A	Z-06-027898-00		\$ 19,585
TOTAL STATE AWARDS				\$ 46,438
Note 1 - Basis of Presentation: The schedule is presented using the modified accrual basis of accounting.				
Note 2 - Indirect Cost Rate: Anytown has elected to use the 10-percent de minimis indirect cost rate allowed under the Uniform Guidance.				
Note 3 - Special Ed Cluster Total \$1,905,900				
Note 4 - Information not available				
Note 5 - Federal Assistance Listing Total \$1,988,887				

\*\*\*Please note that federal and state grants are not required to be combined into one schedule and may be presented in two separate schedules.

**June 2024**  
**Summary Schedule of Prior Year Findings<sup>1, 2, 3, 4</sup>**

Tennessee Entity  
 Summary Schedule of Prior Year Findings  
 For the Fiscal Year Ended June 30, 2024

Financial Statement Findings

Prior Year Finding Number <sup>4</sup>	Finding Title <sup>3</sup>	Status/ Current Year Finding Number <sup>2</sup>
2023-001	Segregation of Duties (original finding # 2015-001)	Repeated/ 2024-001
2023-002	Cash not Deposited Timely (original finding # 2020-004)	Corrected
2023-003	Lack of Computer Controls (original finding # 2018-001)	Partially Corrected/ 2024-002

Federal Award Findings and Questioned Costs

Prior Year Finding Number <sup>4</sup>	Finding Title <sup>3</sup>	Status/ Current Year Finding Number <sup>2</sup>
2023-004	Eligibility not Verified (original finding # 2022-001)	Partially Corrected/ 2024-003
2023-005	Unallowable Costs Claimed for Reimbursement (original finding #2019-002)	Corrected

<sup>1</sup> If there were no prior year findings, a note should be included such as “There were no prior findings reported.”

<sup>2</sup> If all findings are repeated, the schedule should be prepared in the same manner as when some findings are corrected.

<sup>3</sup> The original titles should be carried over on the prior and current year schedule of findings each year from the year that the finding was first developed for uncorrected findings, with a subheading indicating the original finding number.

<sup>4</sup> The format for finding numbers (both current and prior year findings) should be consistent with the above format. That is, 4 digit year, dash, 3 digit finding number, beginning with 001, and continuing (002, 003, etc.).

**Schedule of Changes in Property Tax Receivable**

Town of Anywhere  
Schedule of Changes in Property Tax Receivable  
June 30, 2024

Tax Year	Property Tax Receivable Balance June 30, 2023	Property Tax Levied	Anticipated Current Year Levy	Abatements and Adjustments	Collections	(This column is optional)	Net Receivable Balance June 30, 2024
						Allowance for Uncollectibles	
2024	\$ -	\$ -	\$100,500	\$ -	\$ -	\$ -	\$100,500
2023	-	100,000		(500)	(95,000)	(300)	4,200
2022	3,000			(20)	(1,000)	(350)	1,630
2021	2,000				(150)	(300)	1,550
2020	1,000				(325)	(250)	425
2019	800				(250)	(200)	350
2018	600				(100)	(250)	250
2017	400				(200)	(100)	100
2016	300				(90)	(100)	110
2015	200			(50)	(75)	(50)	25
2014	100				(20)	(70)	10
<b>Totals</b>	<b>\$8,400</b>	<b>\$100,000</b>	<b>\$100,500</b>	<b>(\$570)</b>	<b>(\$97,210)</b>	<b>(\$1,970)</b>	<b>\$109,150</b>

NOTES: All uncollected taxes for years prior to 202X have been turned over to the Clerk and Master for collection.

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## APPENDIX B

### CURRENT DEVELOPMENTS AND OTHER MATTERS

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#### Other Matters

##### Municipal Chart of Accounts

Beginning with the audit year ending June 30, 2023, incorporated municipalities are required to convert their audited accounting information into a standard format using a Microsoft Excel tool developed by our office titled the Municipal Chart of Accounts Crosswalk (crosswalk). This will allow our office to capture uniform financial data from all incorporated Tennessee municipalities. This information is required to be submitted annually to the Comptroller's Office by each municipality's audit firm.

Section 9 of the contract to audit accounts addresses this requirement. Section 9 relates exclusively to contracts to audit of a municipality, municipality's fund(s), and municipality's school board of education. Section 9 states that the municipality's audit firm will "convert respective municipal audited financial data into a condensed chart of accounts by use of a Microsoft Excel crosswalk tool prescribed by the Comptroller of the Treasury, State of Tennessee, **or** if a respective municipality, municipality's fund(s), or municipality's school board of education chooses to convert their own audited financial data by use of the crosswalk, the auditor shall verify the accuracy of their conversion." The completed chart of accounts crosswalk in Microsoft Excel format should be submitted to the Comptroller's Office, by the audit firm through the Comptroller's Contract and Report System (CARS) when the audited financial report is submitted.

We plan to use the municipal data to build an application like Transparency and Accountability for Governments in Tennessee (TAG) that will promote transparency, comparability of financial data across municipalities, and data analysis.

Resources for the crosswalk are available here:

<https://comptroller.tn.gov/office-functions/la/resources/chart-of-accounts/municipal-chart-of-accounts.html>



## Auditor’s Responsibility for Cyber Security Plan

### Utilities and Auditors’ Responsibility for Cyber Security Plan

TCA Sections 7-51-2301 et seq. were added by 112<sup>th</sup> General Assembly, Public Chapter 1111, effective June 1, 2022. This law amends sections of TCA to require certain utilities to prepare and implement a cyber security plan to provide for the protection of the utility’s facilities from unauthorized use, alteration, ransom, or destruction of electronic data. This amendment requires the Comptroller of the Treasury to:

- Verify that a governmental utility has implemented a cyber security plan in accordance with this amendment;
- Enforce the provisions of this amendment;
- Submit a report to the legislature and the department of safety regarding compliance with this amendment; and
- When applicable, report a noncompliant utility to the applicable regulatory board for consideration of sanctions, or, if no such board applies, impose sanctions directly.

To comply with the statutory requirements, utilities subject to Public Chapter 1111 should prepare and implement a cyber security plan by July 1, 2023. Audit firms of the applicable utilities are required to verify and report utilities’ compliance with the law starting with the audit year ending June 30, 2023, and annually thereafter. The comptroller’s office implemented a reporting method in the Contract and Report System (CARS) for audit firms to report a utility’s compliance with the law each year at the time of the submission of the utility’s audit report. Our office will annually compile the information reported by utilities’ audit firms to generate a report for the legislature as required by the law. A copy of the utilities’ cyber security plan does **not** need to be submitted to the Comptroller’s Office.

To verify compliance with the law, audit firms should evaluate cyber threats during their risk assessment, read the cyber security plan, and design the appropriate audit procedures. Auditors should use their professional judgment in determining appropriate audit procedures in relation to the specific entity they audit. We believe typical audit procedures will include (1) inquiries of appropriate management, supervisory, and staff personnel, (2) inspection of the entity’s relevant documents, and (3) observation of the entity’s activities and operations. Auditors will also need to verify that utilities assess and update their utility cyber security plan to address new threats every 2 years.

A utility is considered noncompliant with the law when a cyber security plan does not exist or when the utility is not assessing and updating their plan to address new threats every two years. The auditor should include a finding in the report on internal control and compliance for any non-compliance with the law.

### Helpful Resources for Cyber Security Plan Implementation for Utilities

<https://www.epa.gov/waterriskassessment/epa-cybersecurity-water-sector>

<https://www.cisa.gov/>

<https://www.fcc.gov/cyberplanner>

<https://comptroller.tn.gov/office-functions/la/resources/cyberaware.html>

<https://www.tn.gov/cybersecurity/local-government-cybersecurity/helpful-tools---resources.html>

<https://taud.org/>

<https://cybersecurity.awwa.org/>

<https://www.tva.com/energy/transmission/protecting-the-grid>

<https://www.mtas.tennessee.edu/reference/water-and-sewer-system-security>

<https://www.ctas.tennessee.edu/cybersecurity-awareness-training-certificate>

### **COVID-19 Local Government Guidance:**

<https://www.comptroller.tn.gov/office-functions/la/resources/information.html>

### **Alternative Compliance Examination Engagement**

The 2023 and 2024 Compliance Supplement for the State and Local Fiscal Recovery Fund (SLFRF) have identified a new option for performing federal program audit procedures. The option involves an Alternative Compliance Examination Engagement (Examination).

The Examination is an alternative to a full Single Audit and is intended to be less burdensome for entities and auditors.

To be eligible for the Alternative Compliance Examination Engagement, SLFRF entities that expend \$750,000 or more in Federal Awards during the entity's fiscal year must also meet the following criteria:

- a) The recipient's total SLFRF award received directly from Treasury or received (through the State of Tennessee) as a non-entitlement unit of local government is at or below \$10 million; and
- b) Other Federal award funds the recipient expended (not including their SLFRF award funds) are less than \$750,000 during the recipient's fiscal year.

Additional Guidance for the Alternative Compliance Examination Engagement:

- a) For federal program compliance purposes, a financial statement audit is not required (refer to Important Note below).
- b) A formal Schedule of Expenditures of Federal Awards (SEFA) is not required.

- c) Internal Control requirements of the Uniform Guidance at 200.514(c) are not relevant, although AT-C 315, paragraph .15 still requires an understanding of relevant portions of internal controls over compliance.
- d) Only two compliance requirements need to be tested (see Compliance Matrix on page 4-21.027-15) –
  - 1) Activities allowed or unallowed, and
  - 2) Allowable costs/cost principles
- e) An Examination Opinion must be issued.
- f) The Examination Engagement is conducted in accordance with AT-C 315 and Government Auditing Standards.
- g) A Schedule of Findings and Responses is required. The Schedule must include findings required to be reported under GAGAS and utilize the related finding elements required by GAGAS.
- h) Submission deadlines are the same as for the normal Single Audit.
- i) The Examination Report will be filed with the Federal Audit Clearinghouse although all the particulars of this filing have not been determined by the Clearinghouse as of the date of this memo. Auditors will need to closely monitor their usual sources for updates on filing.

**IMPORTANT NOTE:**

**Even though the “Compliance Supplement” does not require a financial statement audit when utilizing the Alternative Compliance Examination Engagement, “STATE STATUTES” do require an annual financial statement audit for all local governments and this statutory audit cannot be omitted. Normal contracting and filing requirements are required for the annual financial statement audit.**

*CARS Filing Guidance:*

Any contract to audit accounts you currently have on file in CARS for a government that qualifies for the Alternative Compliance Examination Engagement should be amended to indicate that the Single Audit part of the audit will be performed under the Alternative Procedures. The Examination Engagement Report should be filed separately from the Annual Financial Audit Report in CARS.

If you have additional questions about filing, please contact Jean Suh at Jean.Suh@cot.tn.gov or 615.401.7919.

**Lease Information Summary Sheet**

State legislators passed the Uniformity in Local Government Lease Financing Act of 2021 (the "Act") which is codified at Tenn. Code Ann. §§ 9-24-101 et seq. Pursuant to the Act, prior to the adoption of any action authorizing the issuance of lease financing, local governments shall submit a request to the Comptroller of the Treasury for approval for leases entered into on and after January 1, 2022. Please find the lease information summary sheet on the “Leases” tab at the below website: <https://comptroller.tn.gov/office-functions/lgf/debt/debt-guidance.html>

### **Annual CMFO Reporting Requirement for Municipalities**

Municipalities are required to complete an annual CMFO reporting form in the Contract and Reporting System (CARS) annually. A notification will be emailed to municipalities once the submission is reviewed or if the reporting was not completed. The 2023 information should be reported at this time, as well as any other years that have not been filed. Municipalities should complete the annual reporting as soon as possible after the end of each calendar year.

### **Comptroller’s Guidelines for Evaluating Peer Review and Audit Documentation Review:**

<https://www.comptroller.tn.gov/office-functions/la/resources/information.html>

### **Public Works Funds- Transfers and Employee Benefit Contributions:**

Sections 7-34-115, Tennessee Code Annotated, requires all public works to remain self-supporting. Therefore, transfers should not be made from any other fund to public works to subsidize their operations unless it is a one-time transfer of lawfully available funds to pay a non-operating expense that has been pre-approved by the Division of Local Government Finance.

Likewise, employee benefit contributions (e.g., pension and other post employment benefits) for public works’ employees should be made by the public works rather than another fund of the local government. All associated assets, deferrals, and liabilities should also be reported by the public works.

### **Additional Reporting Requirements of the Comptroller’s Office:**

*All Stand Alone Departmental, Individual Fund(s) Financials Should Follow GAAP*

- GASB has not established GAAP for reporting of stand-alone financial statements for governments’ departments, individual funds, or agencies. The AICPA Audit and Accounting Guide, *State and Local Governments* (AAGSLG) provides guidance to auditors who present stand-alone financial statements for the government’s departments, individual funds, agencies, or programs. (Paragraphs 16.87 through 16.91). The footnotes to paragraphs 16.87 and 16.91 state that GASB did not clear this guidance.
- The guidance in the AAGSLG is that practitioners should apply all relevant GAAP when presenting stand-alone financial statements for the government’s departments, individual funds, agencies or programs.
- Although GASB did not clear the AAGSLG guidance, it is the Division of Local Government Audit’s judgment that relevant GAAP should be followed in all stand alone departmental, individual fund, agency or program financial statements.

## School Related Items

### *School Support Organizations (SSO):*

The Division of Local Government Audit has prepared the “*Model Financial Policy for School Support Organizations*.” It provides minimum required accounting policies and internal controls to assist SSO members and officers in improving accountability over SSO funds. As such, SSOs must follow the required accounting policies and the required internal control procedures listed in the manual which can be found here:

<https://comptroller.tn.gov/office-functions/la/resources/manuals.html>

We are continuing to evaluate the numerous questions that are being presented to us regarding the operations of school support organizations. Many of those questions require the collaborative effort of several offices to determine what action needs to be taken. We encourage everyone to continue directing school support organization questions to the comptroller’s office.

### *All Tennessee Charter Schools:*

Section 49-13-127, Tennessee Code Annotated, requires an annual audit of all books and records, including internal school activity and cafeteria funds of charter schools.

As of the fiscal year ending June 30, 2021, a uniform contract to audit accounts should be executed separately and a separate report should be issued for charter schools, and the charter schools’ internal school funds. In order to execute a separate contract and to submit a separate report for the charter schools’ internal school funds, a new account should be created in CARS for the charter schools’ internal school funds. For reporting and auditing requirements of the charter schools’ internal school funds, please see *Section F* of this Manual.

## Audit Committees

Local governments are encouraged to consider establishing an audit committee. The annual audit report should list the committee members with the roster of officials.

The comptroller may require that an audit committee be established in any local government in this state that:

- (1) Is in noncompliance with the accounting and financial reporting standards required by the GASB; or
- (2) Has a recurring finding from the annual audit for three (3) or more consecutive years as determined by the comptroller to be a material weakness in internal control or material noncompliance under government auditing standards.

All meetings of an audit committee created pursuant to Section 9-3-405, TCA shall adhere to all of the notice requirements and administrative requirements contained in that statute.

## Regulated Industry Accounting

An entity that applies the provisions of the *Codification of Governmental Accounting and Financial Reporting Standards*, Section Re10.105, and capitalizes an incurred cost that would otherwise be charged to expense (e.g., bond issue costs, interest, etc.) must comply with all of the requirements related to being a regulated industry. When auditing an entity who is applying those guidelines, if they have not met all of the requirements, it is quite possible that the financial statements will be materially misstated and if the entity will not revise its reporting, a modification to the opinion would be required. Please note that unless there is a clear and unambiguous reason why a regulatory basis of accounting should be adopted, as in the instance of electric systems, the comptroller's office **does not recommend implementing those provisions.**

## Pensions

### *Testing Census Data:*

Several memorandums have been issued by The Division of Local Government Audit (LGA) related to pension auditing requirements. The documents presenting the plan for auditing census data for those local governments that participate in the Tennessee Consolidated Retirement System (TCRS) can be accessed under the pension tab on LGA's website:

<https://www.comptroller.tn.gov/office-functions/la/resources/information.html>

### *Single Employer Plans Administered by Local Governments:*

A number of single employer plans for various local governments have been identified that have never been audited. In many cases both the local government and the auditor believed that a private sector company was the administrator. However, when the plan documents were reviewed, the private sector company was managing/administering the plan as an agent of the local government and the local government was identified as the administrator. When the administrator is a Tennessee local government, the plan is subject to the audit oversight of Local Government Audit.

In some cases, the pension plan was listed as subject to the federal Employee Retirement Income Security Act (ERISA) or the plan financial statements were prepared in accordance with the FASB's *Accounting Standards Codification*. Local government pension plans are not subject to ERISA and should use the reporting standards established by GASB.

If a local government has a non-TCRS pension plan, both the local government and the auditor should review the plan documents to determine if the plan is subject to the audit oversight of Local Government Audit.

*Statutory Pension Funding Requirements:*

Section 9-3-504, Tennessee Code Annotated, requires political subdivisions to develop a funding plan for any defined benefit pension plan that it maintains, directly or indirectly, and irrespective of the manner in which the pension plan is administered. The funding plan must be developed for fiscal years beginning after June 15, 2015, and must be submitted to the Division of State Government Finance within the comptroller's office within thirty (30) days after adoption. Amendments to the plan should be filed in the same manner.

*Other Post Employment Benefits*

Actuarial reports, related journal entries, footnotes, and RSI for Tennessee Local Governments and Local Education Agencies OPEB plan are available on the Department of Finance & Administration's website. For OPEB Census DATA please contact [Tammy.Steele@cot.tn.gov](mailto:Tammy.Steele@cot.tn.gov)

**New Legislation of Interest for all Local Governments and Special Purpose Governments**

**Effective 3/19/2024, Public Chapter 537**, as enacted, replaces the uniform accounting policy manual for local school systems with an internal school funds manual; removes the requirement that the commissioner of finance and administration approve the manual so that only the comptroller of the treasury's approval is required. - Amends TCA Title 49, Chapter 2, Part 1. relative to financial recordkeeping procedures for local school systems.

SECTION 1. Tennessee Code Annotated, Section 49-2-110(e), is amended by deleting the subsection and substituting instead the following:

(e) The department of education shall prepare an internal school funds manual for local school systems, subject to the approval of the comptroller of the treasury, and each local school system shall adopt the manual when issued and maintain all internal school funds books and records in accordance with the requirements of the manual.

SECTION 2. Tennessee Code Annotated, Section 49-2-110(g), is amended by deleting the subsection and substituting instead the following:

(1) If funds raised by organizations composed of parents and teachers or parents and students are used in a manner that benefits less than the student body as a whole, then § 49-2-203 and the internal school funds manual for local school systems do not prohibit such use of funds; provided, that such use:

(A) Benefits the overall school program; and

(B) Is subject to the policies of the local board of education.

- (2) This subsection (g) does not prohibit the use of funds in any manner that was authorized prior to April 17, 1995, under § 49-2-203 and the former uniform accounting policy manual for local school systems.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

**Effective 3/07/2024, Public Chapter 538**, as enacted, specifies that the ratings services that grade potential investments for idle funds of local governments be nationally recognized statistical rating organizations as identified by the United States securities and exchange commission.

SECTION 1. Tennessee Code Annotated, Section 5-8-301 (b)(5)(B), is amended by deleting the subdivision and substituting instead:

- (B) Funds invested pursuant to this subdivision (b)(5) must be invested only in bonds rated A or higher by any nationally recognized statistical rating organization as identified by the United States securities and exchange commission.

SECTION 2. Tennessee Code Annotated, Section 5-8-301(b)(6), is amended by deleting the subdivision and substituting instead:

- (6) Nonconvertible debt securities of the following federal government-sponsored enterprises that are chartered by the United States congress; provided, that the securities are rated equal to or higher than bonds, notes, or treasury bills of the United States by at least two (2) rating services that are nationally recognized statistical rating organizations as identified by the United States securities and exchange commission:

- (A) The federal home loan bank;
- (B) The federal national mortgage association;
- (C) The federal farm credit bank;
- (D) The federal home loan mortgage corporation; and
- (E) Any other obligations that are guaranteed as to principal and interest by the United States or any of its agencies; and

SECTION 3. Tennessee Code Annotated, Section 5-8-301(d)(1)(B), is amended by deleting the subdivision and substituting instead:

- (B) Prime commercial paper that is rated at least A1 or equivalent by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission.



SECTION 4. Tennessee Code Annotated, Section 5-8-301(d)(2)(A), is amended by deleting the subdivision and substituting instead:

(A) Such paper shall be rated in the highest category by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission.

SECTION 5. Tennessee Code Annotated, Section 6-56-106(a)(2), is amended by deleting the subdivision and substituting instead:

(2) Nonconvertible debt securities of the following federal government-sponsored enterprises that are chartered by the United States congress; provided, that such securities are rated equal to or higher than bonds, notes, or treasury bills of the United States by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission:

- (A) The federal home loan bank;
- (B) The federal national mortgage association;
- (C) The federal farm credit bank; and
- (D) The federal home loan mortgage corporation;

SECTION 6. Tennessee Code Annotated, Section 6-56-106(a)(7)(A)(ii), is amended by deleting the subdivision and substituting instead:

(ii) Prime commercial paper that is rated at least A 1 or equivalent by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission;

SECTION 7. Tennessee Code Annotated, Section 6-56-106(a)(7)(B)(i), is amended by deleting the subdivision and substituting instead:

(i) Such paper shall be rated in the highest category by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission;

SECTION 8. Tennessee Code Annotated, Section 6-56-106(c)(1)(A), is amended by deleting the subdivision and substituting instead:

(A) Are rated in either of the two (2) highest-rated categories by any nationally recognized statistical rating organization as identified by the United States securities and exchange commission;

SECTION 9. Tennessee Code Annotated, Section 7-82-108(a)(1)(B), is amended by deleting the subdivision and substituting instead:

(B) Nonconvertible debt securities of the following federal government-sponsored enterprises; provided, that the securities are rated equal to or higher than bonds, notes, or treasury bills of the United States by at least two (2) nationally recognized statistical rating organizations as identified by the United States securities and exchange commission:

- (i) The federal home loan bank;
- (ii) The federal national mortgage association;
- (iii) The federal farm credit bank; and
- (iv) The federal home loan mortgage corporation;

SECTION 10. Tennessee Code Annotated, Section 7-82-108(b)(1)(A)(i), is amended by deleting the subdivision and substituting instead:

(i) Are rated in either of the two (2) highest rating categories by any nationally recognized statistical rating organization as identified by the United States securities and exchange commission;

SECTION 11. Tennessee Code Annotated, Section 7-82-108(b)(1)(B)(i), is amended by deleting the subdivision in its entirety and substituting instead the following:

(i) Are rated in the two (2) highest rating categories by any nationally recognized statistical rating organization as identified by the United States securities and exchange commission;

SECTION 12. This act takes effect upon becoming a law, the public welfare requiring it.

**Effective 3/07/2024, Public Chapter 539**, as enacted, modifies the course work required to receive a certified municipal finance officer (CMFO) designation; requires examinations, including test questions, administered by MTAS and CTAS to be designated as a municipal or county finance officer, respectively, to be confidential. - Amends TCA Title 6, Chapter 56, Part 4 and Title 10, Chapter 7, Part 5.

**Effective 3/19/2024, Public Chapter 552**, as enacted, requires proposals received in response to a solicitation for goods or services, and related records, including evaluations and memoranda, to be available for public inspection only after the completion of the evaluation of the same by the state. - Amends TCA Title 10, Chapter 7.

**Effective 7/1/2024, Public Chapter 572**, as enacted, requires all requests for amendments to county budgets by county departments and other entities to be approved by the department or entity seeking the amendment prior to being submitted to the county legislative body for consideration; applies only to counties that have adopted the Local Option Budgeting Law of 1993. - Amends TCA Title 5, Chapter 12 and Title 9.

SECTION 1. Tennessee Code Annotated, Section 5-12-213(a)(3), is amended by designating the existing language as subdivision (a)(3)(A) and adding the following as a new subdivision (a)(3)(B):

All requests for amendments to the county budget by a county department or other entity after the adoption of the budget by the county legislative body or by operation of law must be approved by a majority vote of the members appointed or elected to serve on the governing body of the department or entity seeking the amendment prior to being submitted to the county legislative body for consideration in accordance with this part.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

**Effective 3/27/2024, 7/1/2025, Public Chapter 614**, as enacted, expands the permitted uses for money received by a county for each tire sold in the county to include removal of illegally disposed waste tires from public or private property; authorizes the department of environment and conservation to provide funds to a local government for the investigation and clean-up of unpermitted waste tire disposal sites; makes other related changes. - Amends TCA Section 67-4-1610 and Title 68, Chapter 211.

**Effective 4/22/2024, Public Chapter 763**, as enacted, generally prohibits, in Montgomery, Williamson, Rutherford, Hamilton, Knox, Davidson, and Shelby counties, a member of a county governing body from simultaneously serving as a member of the governing body of a municipality within the county for whom the member is a commissioner during the member's term of office, and vice versa, if such prohibition is passed by a two-thirds vote of the entire county or municipal governing body; authorizes a member simultaneously serving on April 22, 2024, to serve out the remainder of the member's terms of office. - Amends TCA Title 5; Title 6 and Title 7.

SECTION 1. Tennessee Code Annotated, Section 5-5-102(c), is amended by adding the following new subdivision:

(A) Upon approval under subdivision (c)( ) (C), a member of a county governing body shall not simultaneously serve as a member of the governing body of a municipality within the county for whom the member is a commissioner during the member's term of office.

(B) Notwithstanding subdivision (c)( ) (A), a member of a county governing body simultaneously serving on the governing body of a municipality on the effective date of this act may serve out the remainder of the member's terms of office.

(C) This subdivision (c)( ) applies to each county with a population of more than two hundred thousand (200,000), according to the 2020 or a subsequent federal census, and that approves this subdivision (c)( ) by a two-thirds (2/3) vote of the entire county governing body.

(D) As used in this subdivision (c)( ), "municipality" means an incorporated city or town.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

- (a) Notwithstanding another law or private act to the contrary, and upon approval under subsection (c), a member of the governing body of a municipality shall not simultaneously serve as a member of the governing body of any county in which the municipality is located during the member's term of office.
- (b) Notwithstanding subsection (a), a member of the governing body of a municipality simultaneously serving on the governing body of a county on the effective date of this act may serve out the remainder of the member's terms of office.
- (c) This section applies to a municipality that is located, in whole or in part, in a county with a population of more than two hundred thousand (200,000), according to the 2020 or a subsequent federal census, and that approves this section by a two-thirds (2/3) vote of the entire governing body of the municipality.
- (d) As used in this section, "municipality" means an incorporated city or town.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

**Effective 7/1/2024, Public Chapter 798**, as enacted, prohibits a member of a county legislative body, who is also an employee of the county or whose spouse is such an employee, from voting on matters in which such member has a conflict of interest; requires each vote taken by a county legislative body that has the effect of increasing the pay or benefits of county employees to be by recorded electronic vote or by roll call vote; makes related changes. - Amends TCA Title 5, Chapter 5.

SECTION 1. Tennessee Code Annotated, Section 5-5-112, is amended by deleting subsection (a) and substituting instead:

- (a)
  - (1) No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse.
  - (2) Each vote taken by a legislative body of a county that has the effect of increasing the pay or benefits of county employees must be by recorded electronic vote or by roll call vote.
  - (3) The vote of any member having a conflict of interest is void if successfully challenged pursuant to subdivision (a)(4).

(4) After each vote is taken that could involve a conflict of interest under subdivision (a)(1) and prior to the vote being announced by the chair, the chair shall ask the members of the legislative body if a member of the legislative body voted in violation of subdivision (a)(1). If the chair finds that a member voted in violation of subdivision (a)(1), the chair shall declare that member's vote void.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

**Effective 4/29/2024, Public Chapter 813**, as enacted, requires the comptroller to conduct a study of all insurers, including insurance pools, that provide policies of workers' compensation coverage to local governmental entities, including a review of each insurer's solvency, a comparative rate study, and an analysis of the process to bid out, procure, or otherwise obtain such a policy; requires the comptroller to report the findings to the speakers no later than January 1, 2025. - Amends TCA Title 12; Title 50 and Title 56.

**Effective 7/1/2024, Public Chapter 877**, as enacted, requires a political subdivision to provide a written attestation with the political subdivision's annual audit to the comptroller of the treasury certifying that the political subdivision has not sought or received a grant in intentional pursuit of certain prohibited policies. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 20; Title 21; Title 27; Title 28 and Title 29.

SECTION 1. Tennessee Code Annotated, Section 4-1-422, is amended by adding the following new subsections:

(d) As part of a political subdivision's annual audit, the executive of the political subdivision or the governing body of the political subdivision shall present a written attestation to the comptroller of the treasury certifying that the political subdivision has not sought or received a grant in intentional pursuit of a policy described under subsection (b).

(e)(1) An individual who believes that a political subdivision has violated subsection (b) or (c) may bring a private cause of action in a court of competent jurisdiction.

(2) A court shall award court costs and fees, including reasonable attorneys' fees, to the prevailing party in an action brought pursuant to this subsection (e). In addition, the court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection (e):

(A) Actual damages; and

(B) Punitive damages.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

**Effective 5/3/2024, 1/1/2026, Public Chapter 913**, as enacted, authorizes municipal tax collectors and taxing entities to also accept partial payments of delinquent property taxes in the same manner as county trustees; requires such officials to include in their plan for accepting partial payments a description of the accounting system technology or manual processes to be used to record partial payments of delinquent property taxes and a statement indicating that funds received as partial payments on delinquent property taxes will reduce the amount of delinquent property tax, interest, statutory fees, and court costs, by relative amounts on a pro-rata basis. - Amends TCA Section 67-5-2001.

SECTION 1. Tennessee Code Annotated, Section 67-5-2001 (d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) This subsection (d) applies to a county trustee, municipal tax collector, or taxing entity qualifying to accept partial payments of delinquent property taxes.

(2) Notwithstanding another law or private act to the contrary, a county trustee, municipal tax collector, or taxing entity to whom this subsection (d) applies may accept partial payments of delinquent property taxes, including, but not limited to, payment by electronic transfers, bank customer preauthorized payments, wire transfers, or ACH credits. If the entire amount of delinquent taxes due is not paid prior to the date the trustee, tax collector, or taxing entity delivers the delinquent tax lists to the delinquent tax attorney, then the entire property is subject to the tax lien and enforcement by a tax sale or other legally authorized procedures.

(3) At least thirty (30) days before the county trustee, municipal tax collector, or taxing entity seeks to begin accepting partial payments of delinquent property taxes, the county trustee, municipal tax collector, or taxing entity shall file a plan with the comptroller of the treasury. The comptroller must acknowledge the receipt of the plan prior to its implementation. The plan must contain the following:

(A) A description of the accounting system technology or manual processes to be used to record partial payments of delinquent property taxes;

(B) A statement indicating that funds received as partial payments on delinquent property taxes reduce the amount of delinquent property tax, interest, statutory fees, and court costs, by relative amounts on the pro-rata basis as described in subdivision (d)(4);

(C) A statement indicating whether such a process of collecting delinquent property taxes will be implemented within the existing operating resources of the office or an indication of prior approval by the county legislative body if accounting system upgrades or additional operating resources are needed; and

(D) Documentation of the internal controls that ensure all delinquent property tax payments are being recorded and accounted for as required by law.

(4) For purposes of this section, partial payments of delinquent property taxes must be applied on a pro-rata basis to the delinquent property tax, interest, statutory fees, and court costs due, as follows:

(A) The delinquent property taxes due prior to the partial payment must be reduced by the amount of the partial payment multiplied by the quotient of delinquent property taxes due prior to the partial payment and the sum of the delinquent property tax, interest, statutory fees, and court costs due prior to the partial payment;

(B) The application of payment of interest on a partial payment must be calculated by the amount of the partial payment multiplied by the quotient of the interest due prior to the partial payment and the sum of the delinquent property tax, interest, statutory fees, and court costs due prior to the partial payment;

(C) The application of payment of statutory fees on a partial payment must be calculated by the amount of the partial payment multiplied by the quotient of the fees due prior to the partial payment and the sum of the delinquent property tax, interest, statutory fees, and court costs due prior to the partial payment;

(D) The application of payment of court costs on a partial payment must be calculated by the amount of the partial payment multiplied by the quotient of the court costs due prior to the partial payment and the sum of the delinquent property tax, interest, statutory fees, and court costs due prior to the partial payment; and

(E) A rounding difference between the total of the individual applications of amounts due and the partial payment amount may be applied to any of the amounts due to make the total of the individual applications equal to the partial payment amount.

(5) The comptroller, in consultation with the Tennessee county trustee's association, shall develop guidelines for the implementation of plans for the acceptance of partial payments of delinquent property taxes.

(6) The delinquent date for property taxes and interest applicable to delinquent property taxes is not affected by application of a partial payment system established in the county.

(7) After a partial payment is applied to delinquent property taxes and interest in accordance with subdivision (d)(4), interest applies only to the amount of delinquent property taxes remaining due.

(8) If a partial payment of delinquent property taxes is accepted, then the partial payment does not release the tax lien on the property upon which the taxes were assessed.

(9) This subsection (d) does not authorize a clerk of a court in which a proceeding is pending, to accept a partial payment of delinquent taxes, interest, or court costs, except pursuant to part 28 of this chapter, § 67-5-2003(9)(5), or a payment distribution plan approved in a bankruptcy proceeding. As used in this subdivision (d)(9), "proceeding" has the same meaning as defined in § 67-5-2502(c)(1)(D).

SECTION 2. For purposes of developing guidelines, processes, and forms, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2026, the public welfare requiring it, and applies to property taxes that are due and payable on or after the first Monday in October 2026.

**Effective 5/13/2024, Public Chapter 933**, as enacted, prohibits the county legislative body from adopting a budget that reduces the budget for the county mayor's office below the budgeted amount for the previous fiscal year for office personnel salaries and benefits, office supplies, communication expenses, postal charges, duplicating services, professional development training, and membership dues and fees, unless the reduction is approved by the county mayor. - Amends TCA Title 5 and Title 9.

**Effective 5/13/2024, Public Chapter 947**, as enacted, directs the administrative office of the courts (AOC) to define and develop a centralized system of case management, document management, electronic case filing, electronic payment methods, data reporting, and any other capability deemed necessary for collection and reporting of all state and local court public case level data. - Amends TCA Title 8; Title 16 and Title 18.

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, Part 8, is amended by adding the following as a new section:

16-3-822

(a) The administrative office of the courts (AOC) is directed to define and develop a centralized system of case management, document management, electronic case filing, electronic payment methods, data reporting, and any other capability deemed necessary for collection and reporting of all state and local court public case level data. The system may consist of software solutions capable of integrating with existing state and local systems to report case dispositions, statistics, and other related data with the goal that information in such system should be easily reportable, retrievable, accessible, and uniform and consistent throughout the state. The development of the centralized system must include projections for ongoing costs and maintenance of such a system.

(b) Beginning on January 31, 2025, and every six (6) months thereafter until initial implementation of the system, the AOC shall submit a written update as to the progress of the development, including projections for ongoing costs and maintenance of such a system to the speakers and chief clerks of each house of the general assembly; the governor; the chairs of the finance, ways and means committees of the house of representatives and senate; the chair of the civil justice committee of the house of representatives; the chair of the judiciary committee of the senate; and the office of legislative budget analysis.



SECTION 2. Tennessee Code Annotated, Section 18-1-105(d), is amended by deleting the subsection and substituting instead the following:

(d)(1) It is also the duty of the clerk of each of the courts to install and maintain the court information system as provided by the administrative office of the courts (AOC) that will collect and report electronically all data required under Tenn. Sup. Ct. R. 11, § 11, or otherwise statutorily mandated, and the AOC shall provide for the necessary data transfers with other state agencies as defined by the AOC or as statutorily required.

(2) Notwithstanding any other law to the contrary and until the AOC has completed the development of the system described in § 16-3-822, court clerk offices shall maintain existing court information computer systems and report electronically all data required under Tenn. Sup. Ct. R. 11, § II, or otherwise statutorily mandated.

(3) The AOC shall provide each court clerk with a list of the data that is required under Tenn. Sup. Ct. R. 11, § 11, or state law. The AOC and court clerks shall coordinate efforts to ensure that the court clerks submit the required data pursuant to procedures established by the AOC.

(4) When the AOC has completed the development of the system described in § 16-3-822, the system must be made available to all offices of court clerks, including those offices previously automated and those offices within Shelby, Davidson, Knox, and Hamilton counties, and those offices shall adopt and convert to the new system on a schedule to be determined in consultation with the AOC.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

**Effective 5/21/2024, Public Chapter 997**, as enacted, increases the annual continuing education requirement for county commissioners from seven to eight hours; encourages counties to offer a \$600 stipend to county commissioners for completion of annual training requirements. - Amends TCA Title 2; Title 5 and Title 7.

SECTION 1. Tennessee Code Annotated, Section 5-5-113, is amended by deleting the section and substituting:

(a) Each member of a county legislative body shall:

(1) No later than one hundred twenty (120) days after election or appointment, complete orientation training provided by the University of Tennessee's county technical assistance service (CTAS). This subdivision (a)(1) applies only to members newly elected or appointed on or after April 12, 2018; and

(2) Annually, complete at least eight (8) hours of continuing education training at conferences or meetings provided or approved by CT AS. The period for compliance under this subdivision (a)(2) begins on September 1, 2024. This subdivision (a)(2) does not apply to:

(A) A person appointed to fill a vacancy on a county legislative body until September 1 after the person's appointment;

(B) An incumbent in office prior to April 12, 2018, until the incumbent is separated from office for any reason and is subsequently elected or appointed to serve as a member of a county legislative body; and

(C) Any commissioner after eight (8) years of service.

(b) CTAS may provide the training required under subsection (a) in person or by any other means available.

(c) The comptroller of the treasury shall, at least annually, post on its website the name of each member of a legislative body and the hours of training required and completed for each member in compliance with subsection (a).

(d) A county may, and is encouraged to, pay a supplement of six hundred dollars (\$600), in addition to the commissioner's regular salary, to a commissioner for such county who successfully completes in each year the continuing education training required by subdivision (a)(2).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

**Effective 5/28/2024, Public Chapter 1016**, as enacted, requires a municipality levying the hotel-motel tax under general law to submit a report annually detailing the amount of revenue spent by the municipality, and its subordinate contractors, and how those expenditures have been designated and used for tourism and tourism development; makes related changes. - Amends TCA Title 7, Chapter 4 and Title 67, Chapter 4.

SECTION 1. Tennessee Code Annotated, Section 67-4-1403, is amended by adding the following new subsections:

(c)(1) Not less than thirty (30) days after the end of a municipality's fiscal year, each municipality that receives revenue from a tax levied pursuant to this part shall provide an annual written report to the comptroller of the treasury, the commissioner of the department of tourist development, the chair of the state and local government committee of the senate, and the chair of the local government committee of the house of representatives. The report must detail the amount of revenue spent by the municipality, and its subordinate contractors, and how those expenditures have been designated and used for tourism and tourism development pursuant to this part.

(2) If an audit by the comptroller, in consultation with the department of tourist development, or by contractors employed by a local municipality with the approval of the comptroller, finds that a municipality has spent funds derived from a tax levied pursuant to this part for purposes not related to the promotion of tourism and tourism

development as required by subsection (a), the municipality shall, using general funds, appropriate an amount equal to the amount spent improperly to be used to support tourism and tourism development purposes within the immediately following fiscal year.

(d) Except as provided in subsection (b), a municipality shall not use revenue from the tax levied pursuant to this part for general government spending or on items that were previously funded by the municipality's general appropriations.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

### **Prior Legislation of Interest for all Local Governments and Special Purpose Governments**

Effective 7/1/2023, Public Chapter 22, as enacted, increases the statute of limitation for prosecution of official misconduct and destruction of and tampering with governmental records to six years from the date of the offense. Amends TCA Title 40, Chapter 2.

Effective 7/1/2023, Public Chapter 83, as enacted, deauthorizes the use of promissory notes secured by a first mortgage or a first deed of trust upon residential real property as collateral by banks in which public funds are invested or deposited by a governmental entity for investments or deposits above the insurance limitations provided by the FDIC. Amends TCA Section 9-1-107.

Effective 7/1/2023, Public Chapter 184, as enacted, removes the authority of the state board of equalization to create an assessment appeals commission to hear and act upon complaints and appeals regarding the assessment, classification, and value of property for purposes of taxation.

Effective 7/1/2023, Public Chapter 463, as enacted, terminates the water and wastewater financing board and the utility management review board and creates a new Tennessee Board of Utility Regulation in the office of the comptroller of the treasury; makes various changes to the management of affected utility systems. Amends TCA Title 4; Title 7; Title 8; Title 64; Title 65; Title 67 and Title 68.

Effective 3/21/2023, Public Chapter 54, as enacted, increases the threshold, from \$10,000 to \$25,000, above which sealed bids are required by a city chartered under the city manager-commission general law charter; increases the threshold, from \$10,000 to \$25,000, below which the board of commissioners in such city may delegate the approval of contracts to the city manager. Amends TCA Section 6-19-104.

Effective 4/25/2023, Public Chapter 213, as enacted, requires a legislative body for a municipal, metropolitan, or county government to make available to the public, at no charge and at least 48 hours prior to a meeting, the agenda for the upcoming meeting in a place accessible to the public; authorizes such body to deliberate or act upon matters not listed on the agenda if the body follows its bylaws or properly adopted rules and procedures and complies with all other applicable state laws. Amends TCA Title 8, Chapter 44.

Effective 7/1/2023, Public Chapter 300, as enacted, requires governmental entities to provide a period of public comment for public meetings; authorizes the governmental entities to place reasonable restrictions on the period for public comment. Amends TCA Title 8, Chapter 44, Part 1.

Effective 4/28/2023, Public Chapter 254, as enacted, revises law relative to the total number of beds in private for-profit and private not-for-profit intermediate care facilities for individuals with intellectual disabilities (ICF/IID). Amends TCA Title 71, Chapter 5, Part 1.

Effective 7/1/2023, Public Chapter 250, as enacted, reorganizes provisions regarding new specialty earmarked license plates; removes outdated provisions, including the obsolete street rod specialty plate; adds new specialty earmarked license plates. Amends TCA Title 55, Chapter 4.

Effective 4/28/2023, Public Chapter 276, as enacted, revises provisions relating to contracts executed for purchases, services, and leases by the president of a municipal energy authority or the superintendent of a municipal electric plant. Amends TCA Title 7, Chapter 34; Title 7, Chapter 36; Title 7, Chapter 52 and Title 12.

SECTION 1. Tennessee Code Annotated, Section 7-36-112(a), is amended by deleting "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 7-36-112, is amended by adding the following new subsections:

( ) In addition to the authorization set forth in subsection (a), the president may let other contracts with the approval of the supervisory board, or pursuant to the purchasing policy or other delegation of authority adopted by the board; provided, that purchasing exceeding in cost the amount specified in subsection (a) must, before a contract is let or work is done, be advertised by the president or the president's designee for bids in accordance with the purchasing policy of the authority.

( ) The authorization set forth in this section supplements the authorization provided to an energy authority or utility authority created by a private act of the general assembly that operates an electric, water, wastewater, gas, telecommunications, cable television, internet, or broadband facility, and is applicable to the extent provided by the board or other supervisory board of the utility authority.

SECTION 3. Tennessee Code Annotated, Section 7-52-117, is amended by deleting subsections (d) and (e) and substituting:

(d) The superintendent shall let all contracts, subject to the approval of the supervisory body, but may, without such approval, obligate the electric plant on

purchase orders up to an amount to be fixed by the supervisory body, but not to exceed one hundred thousand dollars (\$100,000). The superintendent shall let all other contracts with the approval of the supervisory body or pursuant to a purchasing policy or other delegation of authority adopted by the supervisory body. Work or construction exceeding in cost the amount specified in this subsection (d) must, before a contract is let or work is done, be advertised by the superintendent for bids as required by applicable law; provided, that the supervisory body may reject any and all bids.

(e) The superintendent shall make and keep full and proper books and records, subject to the supervision and direction of the supervisory body.

(f) If the supervisory body has jurisdiction over other utility systems, and the superintendent of the plant serves in a similar role for such other utility systems, then this section applies to all purchases of services or property, whether real or personal, all leases and lease-purchases, all contracts, and the disposition of all property for the other utility systems. As used in this subsection (f), "other utility systems" means waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband systems.

(g)(1) In addition to the powers provided to boards of public utilities operating pursuant to this section, the authorization set forth in this section supplements the authorization provided to a municipal electric system or other similar system that operates an electric, waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband facility pursuant to otherwise applicable law, and applies to the extent provided by the supervisory body for the system or, if there is no supervisory body, by the legislative body of the municipality.

(2) Subdivision (g)(1) does not supersede any authority, limitation, or requirement established by the legislative body of the municipality in accordance with the charter of the municipality.

(h) For the purposes of this section, "superintendent" includes a designee of the superintendent or another officer or person as may be authorized by the superintendent of the electric system.

SECTION 4. Tennessee Code Annotated, Title 12, Chapter 3, Part 12, is amended by adding the following as a new section:

Where any local or private act, charter, or general law requires that a local governmental unit purchase by competitive procurement method, the local governmental unit may, notwithstanding the local or private act, charter, or general law, purchase, without public advertisement or competitive soliciting, under contracts or price agreements entered into by the state building commission.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

Effective 7/1/2023, Public Chapter 207, as enacted, makes various changes to law relative to county officials. - Amends TCA Title 5; Title 8; Title 9; Title 18; Title 54 and Title 67.

*Charter Management Organization:*

Section 49-13-127(a), Tennessee Code Annotated, was amended and authorizes the comptroller of the treasury to audit financial transactions of a charter management organization (CMO); requires all CMOs operating a charter school in this state to file an annual financial report with the comptroller of the treasury no later than August 31 of each year.

*Closing the Books:*

Section 9-2-102, Tennessee Code Annotated, was amended to require all local governments to close their official accounting records and to have those records available for audit no later than two (2) months after the close of their fiscal year end. The requirement was effective on July 1, 2015. Auditors should develop a finding for local governments that do not comply with this law. Guidance regarding closing the books can be found in *Appendix D*

*Internal Control:*

Section 9-18-102(a), Tennessee Code Annotated, was amended to require all local governments to establish and maintain internal controls that would provide reasonable assurance that (1) obligations and costs are in compliance with applicable laws, (2) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriations and (3) revenues and expenditures are properly recorded and accounted for to permit the preparation of accurate and reliable financial and statistical reports and to maintain accountability over the assets.

For Tennessee local governments, the principles of the Green Book have been incorporated into the internal control guide issued in December 2015. The internal control requirement was effective June 30, 2016. All local governments should currently have their internal control policies and procedures developed, in writing, and in place. Auditors should develop a finding for local governments that have not developed and documented their internal control policies and procedures.

**Standardized Chart of Accounts**

Effective July 1, 2022, the comptroller's office will begin to maintain the Chart of Accounts that has been maintained by MTAS for many years. The Chart of Accounts will be posted to the Comptroller's website at [www.comptroller.tn.gov](http://www.comptroller.tn.gov).

## Current Developments

### Summary of Changes in Auditing and Reporting Requirements

- 1. GASB Statement No. 103, Financial Reporting Model Improvements**, Effective Date: The requirements of this Statement are effective for fiscal years beginning after June 15, 2025, and all reporting periods thereafter. Earlier application is encouraged. If a primary government chooses early implementation of this Statement, all component units also should implement this Statement in the same year, subject to the provisions of paragraph 59 of Statement 14.
- 2. GASB Statement No. 102, Certain Risk Disclosures**, Effective Date: The requirements of this Statement are effective for fiscal years beginning after June 15, 2024, and all reporting periods thereafter. Earlier application is encouraged.
- 3. GASB Statement No. 101, Compensated Absences**, Effective Date: The requirements of this Statement are effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter. Earlier application is encouraged.
- 4. GASB Statement No. 100, Accounting Changes and Error Corrections**—an amendment of GASB Statement No. 62, Effective Date: For fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged.
- 5. GASB Statement No. 99, Omnibus 2022**, effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.
- 6. GASB Statement No. 98, The Annual Comprehensive Financial Report**, effective for fiscal years ending after December 15, 2021.
- 7. GASB Statement No. 97, Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans**—an amendment of GASB Statements No. 14 and No. 84, and a supersession of GASB Statement No. 32, see website for effective dates.
- 8. GASB Statement No. 96, Subscription-Based Information Technology Arrangement**, effective for fiscal years beginning after June 15, 2022

### **2024 Yellow Book**

The 2024 revision of Government Auditing Standards supersedes the 2018 Revision Technical Update April 2021 (GAO-21-368G, April 2021). The 2024 revision of Government Auditing Standards is effective for financial audits, attestation engagements, and reviews of financial statements for periods beginning on or after December 15, 2025, and for performance audits beginning on or after December 15, 2025. A system of quality management that complies with Government Auditing Standards is required to be designed and implemented by December 15, 2025. An audit organization should complete its evaluation of the system of quality management by December 15, 2026. Early implementation is permitted.

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## APPENDIX C

### AUDIT PROCEDURES

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#### 1. Centralized Cafeteria Procedures

##### Procedures for Centralized Cafeteria Systems

The Division of Local Government Audit has established certain additional audit procedures for centralized cafeteria systems of county school systems and special school districts that are audited by the Division of Local Government Audit. These additional procedures must be performed by certified public accountants who have contracted to audit the internal school funds of an applicable special school district or county school system. These additional procedures include many procedures that must be performed while school is in session to ensure compliance with federal and state regulations. Therefore, the audits should be contracted early enough to allow adequate time for planning and performing the additional cafeteria procedures.

A separate report on these procedures is not required; however, an auditor from the Division of Local Government Audit will review the supporting audit documentation for these procedures to determine that sufficient work was performed and adequately documented. The supporting audit documentation should be completed and available for review by the audit staff of the Division of Local Government Audit no later than September 30 of each year unless prior arrangements are made with the Division of Local Government Audit. The Division of Local Government Audit is the principal auditor for centralized cafeteria systems and will rely on the work performed by the certified public accountant at the individual schools as a basis for its opinion.

The additional procedures are to be performed at the schools selected for physical observation in procedure No. 1 below. However, if the certified public accountant becomes aware that the scope should be expanded to include all schools in the system, the auditor should immediately contact the Division of Local Government Audit. The following are audit procedures for centralized cafeteria systems:

1. Prior to the end of the school year, physically observe (on a sample basis of schools) meal counts, cash collections, and internal controls during the year under audit. At least 25 percent of the total schools in the system must be included in this sample on a yearly rotation basis. At the same time the internal control questionnaire is filled out; prepare a short summary of daily operations as stated by the cafeteria manager. Compare the cafeteria manager's responses with your observations and review of internal controls. Prepare a list of all internal control weaknesses noted and recommendations for improvement.



2. Determine that “collection procedures” submitted annually to the Tennessee Department of Education are implemented properly. Auditors should determine that an actual meal count for reimbursable meals is taken at the point of service. Determine that reimbursable meal counts are accurate and that supplemental sales (a la carte) are not included in the reimbursable meal counts. Verify that the procedures established are in effect.
3. If the individual school maintains a bank account for cafeteria funds, perform standard bank account reconciliation procedures and confirm balances as of June 30 by written communication or other available documentation.
4. If a bank account is maintained, determine that all checks are made payable to the central office. Note any exceptions.
5. On a sample basis, foot and extend daily collection reports, if the reports are prepared manually. Investigate any differences noted.
6. If collections are made in the classroom, trace classroom teacher reports on a sample basis to amounts reported on daily collection reports of the cafeteria manager. Investigate any differences noted.
7. Review frequency of bank deposits and determine compliance with the three-day deposit requirement. Compare bank deposits with cash collections on a monthly basis. Investigate any differences noted. If deposits are made directly to an outside bank account, such as the county trustee's account, it will be necessary to trace to those records.
8. For the whole year, prepare a schedule of receipts by source from collection reports. Trace cash collections per these schedules to cash receipt records of the centralized cafeteria fund. Investigate any differences noted.
9. Review collection reports for the manner of recording number of children served by meal (lunch, breakfast, and snack) according to eligibility (free, reduced, full pay) to determine if these numbers are used in the report that is consolidated at the central office level and then submitted to the state as part of the monthly Claim for Reimbursement.
10. Check the approved applications to ensure that there are a sufficient number on hand to support the reported free and reduced-price meals served. (Note: Applications may contain the name of more than one child.)  
**Note: Step 10 will not apply if the cafeteria participates in the Community Eligibility Provision (CEP).**
11. The cafeteria system is required by USDA to verify a percentage of free and reduced-price applications. Review the procedures used by the system and determine that the system maintains the records required to document its verification procedure as follows:
  - a. Summary of verification efforts (to include total number of applications on file October 1 and the percentage or number of applications verified)

- b. Copies of all correspondence with the household selected
- c. Documentation or proof of benefit eligibility
- d. Report of verification results on each household selected for verification

**Note: Step 11 will not apply if the cafeteria participates in the Community Eligibility Provision (CEP).**

- 12. For the whole fiscal year, prepare a schedule of the number of meals sold to children and adults as reported on daily collection reports and reconcile potential cash collections from such sales to receipts as determined from procedure No. 8. Investigate any differences noted. Discuss with the director of schools and state auditors any unusual variances detected as a result of the procedure.
- 13. Observe and test compliance with the USDA minimum meal pattern requirements for food components. Review menu and production records to determine that required components and food items were planned and offered. Document any noncompliance noted.
- 14. Document food supply inventory management procedures and test procedures in place to properly account for and safeguard food receipts, usage, and inventory. Document any deficiencies with inventory management and control practices.

## **2. Municipal and Charter School Cafeteria Procedures**

### **Procedures for Centralized Municipal Systems and Charter School Systems**

Auditors should develop an individualized audit program to meet the audit objectives for a municipal school system's or charter school system's centralized cafeteria operations. The procedures required for centralized county school systems should be considered when developing the audit program.

## **3. Audit Considerations - State of Tennessee Subrecipient Contracts**

### **State Subrecipient Contracts**

In auditing subrecipient funds received from the State of Tennessee that are subject to audit, the auditor should become familiar with the program and the related requirements of the state department funding the program. The following list represents points of interest the auditor should consider in preparing the audit program for state subrecipient funds.

- 1. Program funds (subrecipient contracts, loans, commodities, etc.) received from the state may include both state and federal dollars. The federal portion does not lose its identity simply because it flows through the state; therefore, federal funds should be audited in accordance with the applicable federal requirements.

2. A portion of state dollars disbursed may represent matching funds. These funds are governed by the same requirements as the related federal program.
3. In-kind contributions may or may not be allowable as the entity's matching share for a program.
4. Calculations for determining matching shares may vary between contracts, and different rates for different cost categories may be applicable for a single contract.
5. Indirect cost allocation plans must be approved by the grantor.
6. Most subrecipient agreements require the entity's accounting system to provide for separate and identifiable account balances for each contract with subsidiary ledgers for each project within a contract. Grantor reports should agree with these accounts.
7. One entity may apply for subrecipient funds, but another entity may ultimately use the funds (pass-through funds). The entity that applies for the funds is responsible for ensuring the funds are used in compliance with grantor guidelines. The entity should report these funds in accordance with applicable accounting guidelines.
8. The following compliance attributes should be considered for each subrecipient expenditure item in the audit sample and for each subrecipient contract in the sample of subrecipient contracts selected for specific compliance testing.
  - a. Are expenditures necessary and reasonable for the proper administration of the contract?
  - b. Do expenditures conform to limitations or exclusions in the contract?
  - c. Was consistent accounting treatment applied for expenditures of all the recipient's activities?
  - d. Were expenditures net of applicable credits?
  - e. Were costs correctly allocated to a particular award?
  - f. Were expenditures correctly recorded and supported by source documentation?
  - g. Were expenditures approved in advance, if subject to prior approval?
  - h. Were expenditures in accordance with competitive purchasing procedures, if applicable?
  - i. Were expenditures allocated equitably to contracts and other activities in accordance with the relative benefits received?

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## APPENDIX D

### LAWS, REGULATIONS, AND ATTORNEY GENERAL OPINIONS

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#### 1. Selected State Laws Affecting Counties

Counties must comply with federal, state, local laws and regulations, grant requirements, and contract requirements. When determining which laws and regulations have a material direct or indirect impact on the financial statements, both qualitative and quantitative aspects must be considered. No one source summarizes all applicable laws and regulations. The following list of references should only be used as a guideline in determining which state laws affect a county and should not be considered a comprehensive list. These references represent areas in which recurring questions have arisen and do not necessarily represent the most significant laws.

#### **Selected Tennessee Code Annotated references for Counties**

##### **Audits and Other Regulatory Reporting to Local Government Audit**

Sections 4-3-301 – 304	General audit requirement
Section 4-3-305	Issuance of Guidance Manuals
Section 4-30-101	Local Government Electronic Technology Act of 2009
Sections 5-8-505 & 67-5-1902	County officials are to file an annual financial report. Fiscal year end requirement of June 30
Section 8-4-109	Audits of governmental entities, Comptroller authorized
Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Section 9-3-206	Comptroller to have access to all books and records
Section 9-3-211	Annual audits required
Section 9-3-401 et. seq.	Local Government Modernization Act of 2005/Audit Committees
Sections 10-7-503(d) and 29-20-401(g)(1)	Insurance Pool Audits
Sections 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see <i>Section J</i> of this manual for additional information)
Section 47-10-119	Electronic Transactions Pre-Implementation Statement and Post-Implementation Review
Section 9-3-407	Requires a local government receiving annual audit findings to file a corrective action plan with the Comptroller of the Treasury

### **Criminal Statutes**

Section 18-2-105	Clerks of court - embezzlement
Section 39-14-103	Theft of property
Section 39-14-130	Destruction of valuable papers with intent to defraud
Section 39-16-401	Definitions of public misconduct
Section 39-16-402	Official misconduct
Section 39-16-403	Official oppression
Section 39-16-407	Misrepresenting information to state auditors
Section 39-16-501	Definitions for interference with government operations
Section 39-16-504	Destruction of and tampering with governmental records
Sections 40-15-105(a) and 40-35-313(a)	Public officials, appointed officials and public employees ineligible for pretrial diversion or probation for criminal offences committed in their official capacity or that involve the duties of their office.

### **Books and Records**

Section 5-8-501	Uniform Accounting System, including Chart of Accounts
Section 9-2-102	Books closed within two (2) months after fiscal year end <b>(GO TO DETAILED GUIDANCE – APP.D-10)</b>
Section 9-2-138	Administrative officers are required to reconcile the fund accounts with the trustee’s cash balance
Section 9-18-102(a)	Government to establish internal controls (effective 6-30- 2016)
Section 10-7-504	Confidential records

### **Budgeting and Purchasing**

Section 5-8-107	Revenues to be appropriated for expenditure by County Commission
Section 5-8-507	Publication of annual operating budget
Section 5-9-109	Contributions to nonprofit charitable organizations <b>(GO TO DETAILED REGULATIONS – APP.D-9)</b>
Section 5-9-401	The County Commission must appropriate all funds
Section 5-9-402	Budget adoption timeline
Section 5-9-404	Continuation Budgets, automatic approval of school budget if County Commission and School Board cannot agree
Section 5-9-407	Budget amendments
Section 5-12-101	Fiscal Control Act of 1957 – Budgeting
Section 5-14-101	Fiscal Control Act of 1957 – Purchasing
Section 5-14-201	Purchasing Law of 1983
Section 5-16-105	Purchasing – Urban type public facilities
Section 5-21-101	Financial Management System of 1981

### **Budgeting and Purchasing (continued)**

Section 9-21-403	Local Government Budget Modernization
Section 12-2-421	Purchasing at public auctions
Section 12-2-501	Negotiated sale of surplus property
Section 12-3-1212	Entities with central purchasing system can increase their bid limit to \$50,000
Section 12-3-1201	Purchasing under state contracts
Section 12-3-1202	Purchasing used/second-hand goods from private individuals
Section 12-3-1203	Purchasing through another local government's contract
Section 12-3-1205	Out-of-state and regional purchasing cooperatives; cooperative purchasing agreements with federal agencies
Section 12-3-1208	Competitive Reverse Auction Process
Section 12-3-1209	Contracts with professional persons
Section 12-4-101	Personal interest of officers prohibited
Section 12-4-107	Contracts for professional services
Section 49-2-203	General School Law
Section 54-7-113	Uniform Road Law
Section 62-2-107	Architect needed for construction projects exceeding \$50,000

### **Electronic Commerce**

Section 4-30-101	Local Government Electronic Technology Act of 2009
Section 5-21-116(c)	Approval of mechanical check signing machine (applies only to the Financial Management System Act of 1981)
Section 5-21-130	Sale of surplus, unusable or obsolete equipment on an internet site (applies only to the Financial Management System Act of 1981)
Section 9-1-108	Acceptance of credit cards
Section 10-7-123	Electronic access to county information
Section 62-6-119	Electronic bid documents

### **Bonds/Insurance**

Section 4-4-108	Blanket Surety Bond Required
Section 5-6-109	Bond of County Executive
Section 8-8-103	Sheriff insured under blanket coverage insurance.
Section 8-11-103	Bond of Trustee
Section 8-13-103	Bond of Register
Section 8-19-101	Can either obtain surety bond or insurance
Section 8-19-102	Bonds/insurance to be filed with County Clerk

**Bonds/Insurance (continued)**

Section 8-19-103	Bonds/insurance to be recorded in the Register's Office
Section 8-19-106	County to pay the premiums on the official's bonds/insurance
Section 54-4-103	Bond of Highway Administrator
Section 67-1-505	Bond of Assessor of Property

**County Commission**

Section 5-1-104	Vacancies on the County Commission must be filled within 120 days
Section 5-5-102	County employee may serve on County Commission
Section 5-5-107	Compensation of County Commission
Section 49-2-101	Powers and duties of County Commission concerning School Department
Section 5-5-112	Conflict of interest of County Commission member

**County Monies**

Sections 5-8-201 & 9-1-107	Escrow coverage
Section 5-8-207	Three-day deposit law. Requires every constitutional officer handling public funds to maintain an official bank account. Also requires that all funds be disbursed by prenumbered check.
Section 5-8-210	Checking System
Sections 5-8-301 & 9-4-107	Investment of idle funds
Section 9-1-109	Penalty for worthless checks/money orders
Section 9-2-103	Official receipts required
Section 9-2-104	Official receipts to be prenumbered

**County Officials**

Section 8-20-101	Hiring of deputies – letter of agreement or salary decree required
Section 8-21-401	Authorized fees – Circuit and General Sessions
Section 8-21-601	Authorized fees – Clerk and Master
Section 8-21-701	Authorized fees – County Clerk
Section 8-21-801	Special Commissioners
Section 8-21-901	Authorized fees – Sheriff
Section 8-21-1001	Authorized fees – Register
Section 8-22-101	Clerks and county officials deprived of fees when salaries are paid by the county

**County Officials (continued)**

Section 8-22-103	Excess fees are property of the county
Section 8-22-104	Remittance of excess fees to county
Section 8-24-102	Compensation of county officials, except schools
Section 12-4-101	Conflict of interest statute
Section 16-15-5003	Salary of the General Sessions Judge
Section 66-29-101	Unclaimed funds
Section 67-1-403(e)	County Mayor to require training for members of county board of equalization. Resolution to be adopted by county legislative body detailing hours, content, recordkeeping, etc.
Section 67-5-1411(b)	Required content of county board of equalization notices of final decision

**Clerks of Courts (also see County Officials)**

Section 8-21-801	Special commissioner fees
Section 18-2-101	Receipts and disbursements to be posted to dockets
Section 18-2-103	Docket trial balance
Section 18-4-103	Circuit Court Clerk's duty to file for court costs in state cases and file case disposition of criminal cases with TBI
Section 18-4-203	General Sessions Clerk required to file criminal case dispositions with TBI
Section 18-6-108	Probate of instruments
Section 20-12-141	Payments to clerks – costs
Section 40-24-105	Lump sum partial payment in full settlement of case balance
Section 40-25-123(c)	General sessions or criminal court judge permitted to suspend court costs and litigation tax for indigent defendant
Section 55-10-207	Electronic citation fees – special revenue fund

**Debt**

Section 7-51-904	County Commission approval required for all leases and installment purchase contract requirements
Section 9-21 et seq.	Debt – bonds, notes, loans
Section 9-24-101	Local Government Lease Financing Act of 2021
Section 9-21-133	Approval of Comptroller's Office required for issuance of balloon indebtedness
Section 9-21-134	Requirement to file a report on debt obligations –with the Division of Local Government Finance within the Comptroller's Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.



### Highway Departments

Section 54-7-101 et seq.	Uniform road law
Section 54-7-107	Chief administrative officer to name interim successor
Section 54-7-112	Annual listing of highway equipment inventory to be filed with County Mayor and County Commission by September. Also requires equipment to be plainly marked and numbered.
Section 54-7-113	Highway purchasing law
Section 54-7-202	Use of county owned equipment, tools, and materials for private purposes prohibited
Section 54-7-203	Personal financial interests prohibited
Section 54-10-103	Designation of county roads. Requires an annual listing of county roads to be approved by the County Commission at their January meeting.

### Sheriff and Drug Control Funds

Section 8-4-115	Fingerprint law requirements
Section 18-1-206	Disposal of physical evidence
Section 39-11-713	Disposal of forfeited property
Section 39-16-609	Failure to appear
Section 39-17-420	Drug control fines and forfeitures, allowed uses of drug funds, Comptroller's guidelines must be followed for confidential expenditures, fingerprinting equipment.
Section 39-17-428	Mandatory minimum fines – allocation of proceeds
Section 39-17-505	Possession of gambling device or record – forfeiture
Section 39-17-1317	Confiscation and disposal of confiscated weapons
Section 40-7-122	Jail booking fee
Section 41-2-129	Work release program requirements
Section 41-12-101	Regional Jail Authority Act
Section 53-11-201	Procedure in confiscation, sale of seized property
Section 53-11-415	Special revenue fund required for drug fund
Section 57-9-202	Procedures for seizing contraband

### Taxes

Section 67-1-801	Interest and penalty on delinquent taxes
Section 67-4-101	Privileges taxable
Section 67-4-602	Litigation tax
Section 67-4-719	Business tax collections - county clerk should issue distress warrants for delinquent business taxes
Section 67-5-510	Setting of property tax rate
Section 67-5-701	Tax Relief
Section 67-5-705	Property tax freeze act

### Taxes (continued)

Section 67-5-1801	Trustee shall not accept current taxes when delinquent taxes are due except in bankruptcy or dispute. Trustees may accept partial payments of property taxes if they have an approved plan.
Section 67-5-1801(c)(2), (3)	Bank shall provide evidence of taxes deposited to trustee at least every three days and trustee to verify correct amount of deposits and interest.
Section 67-5-1804	Discount for early payment of property taxes
Section 67-5-1805	Payment of taxes by part owner
Section 67-5-1806	County barred from collecting delinquent property taxes after 10 years
Section 67-5-2003	Requires the delivery of delinquent taxes to Chancery or Circuit Court. List must be delivered to the delinquent tax attorney between February 1 and April 1.
Section 67-5-2010	Interest and penalty on property taxes
Section 67-5-2403	Clerk must provide the trustee with a listing of delinquent taxpayers between June 1 and July 1
Section 67-6-712	At least 50 percent of the local option sales tax must be used for school purposes
Section 67-7-110(b)	Distribution of coal severance tax – 50% to schools and 50% to highways
Section 67-7-201	Mineral severance tax – to highways

### Trustee

Section 8-11-104	Duties of trustee
Section 8-11-110	Trustee's commission – general
Section 8-11-112	Confidential information
Section 49-3-358	Trustee's commission on state education funds
Section 49-3-315	ADA adjustments by trustee
Section 67-5-1808	Trustee may accept prepayments and partial payments of property taxes

### School Departments

Section 49-2-110	School activity funds
Section 49-2-112	School audits
Section 49-2-113	Approval of use of mechanical check-signing equipment. Requires filing of remote access statement
Section 49-2-203	Board of Education – duties
Section 49-2-301	Director of Schools
Section 49-2-601et seq	School support organizations (PTOs, booster clubs, etc.)

**School Departments (continued)**

Section Title 49-2-134 Assembly)	Fund raising for noneducational purposes (Teacher morale accounts).
Section 49-3- et seq	School debt issues
Section 49-3-314	Disposition of state funds/maintenance of effort
Section 49-3-351	BEP Formula
Section 49-3-1003	ADA split of school debt proceeds
Section 49-3-1005	No ADA split required if debt repaid from outside tax rate
Section 49-5-408	Teachers required to have a contract
Section 49-6-815	School Resource Officers
Section 49-6-2003	Teacher conflicts of interest
Section 49-6-2007	Sale of surplus school property
Section 49-6-2007	Donation of Surplus Computers to Low Income Families
Section 49-6-2109	Advertising on School Buses
Section 49-13-101 et seq	Charter Schools
Section 57-4-306	Mixed drink tax allocation from municipality

**Other**

Section 8-44-101	Sunshine Law – Policy
Section 9-3-505	Requirement to fully fund pension plans
Section 9-21-130	Guidelines and rules and regulations relating to contracts and agreements authorized. ( <b><i>GO TO SUMMARY – APP.D-10</i></b> )
Section 10-7-503	Records open to public inspection
Section 68-211-874	Landfills and incinerator operations must be accounted for in an enterprise fund. Other solid waste activities must be accounted for in either an enterprise fund or a special revenue fund, unless specifically prohibited by GAAP. Where GAAP prohibits use of a special revenue or enterprise fund, the solid waste activities shall be accounted for as a department of the general fund.
Section 7-82-703	Financially Distressed Utilities
Section 7-82-707(d)	Water Loss Report

## 2. County Donations to Nonprofit Organizations

Section 5-9-109, Tennessee Code Annotated, authorizes a county's governing body to appropriate funds for the financial aid of any nonprofit charitable organization, any chamber of commerce, exempt from taxation pursuant to the Internal Revenue Code of 1954, Section 501 (c) (6), as amended, or any nonprofit civic organization under guidelines required by subsection (b) of this statute. The auditor should consider the following items when determining whether a county has complied with this law.

1. A county may appropriate funds for only those nonprofit charitable organizations that promotes the general welfare of the residents of the county, or any nonprofit civic organization classified under Section 501(c)(4) or (c)(6) of the Internal Revenue Code working for the purpose of bringing about civic betterments, and social improvement through efforts to maintain and increase employment opportunities in the county.
2. The legislative body is required at a minimum to have a separate section of the appropriating resolution of the budget document which shall include the following: (1) the name of each nonprofit organization, (2) the specific amount appropriated to that organization.
3. The county shall devise guidelines directing for what purposes the appropriated money may be spent.
4. The payments to these organizations shall not exceed the amount appropriated to each organization.
5. Each organization receiving financial assistance shall file a copy of the annual audit or in lieu of an audit report an annual report detailing all receipts and expenditures in a form prescribed by the comptroller of the treasury. The annual reporting form can be found under "General Guidance" tab at <https://www.comptroller.tn.gov/office-functions/la/resources/information.html>.
6. For appropriations to nonprofit civic organizations, notices shall be published in a newspaper of general circulation in the county of the intent to make an appropriation, specifying the intended amount and purpose.

### **3. State Funding Board's Guidelines on Interest Rate and Forward Purchase Agreements**

As directed by 9-21-130, Tennessee Code Annotated, the revised Guidelines were effective November 1, 2009.

#### **Summary of Guidelines**

- Require adoption of debt management and derivative policies
- Require financial statements with a clean audit opinion
- Require independence of advisors and counsel
- Require avoidance of conflicts of interest among third party professionals involved in the transactions
- Specify staff and required knowledge
- Impose ongoing reporting for Interest Rate and Forward Purchase Agreement transactions

Additional information regarding these Guidelines can be found on the web at:

<https://comptroller.tn.gov/boards/tennessee-state-funding-board/state-funding-board-information/policies.html> .

#### **3a. Guidelines for Closing the Books**

For purposes of implementing the requirement of Section 9-2-102, Tennessee Code Annotated, "closing the books" refers to journal entries to close an accounting cycle and prepare the records for a new accounting cycle. These journal entries include, but are not limited to, entries to post amounts for year-end receivables, payables, deferred outflows, deferred inflows, capital assets, and accumulated depreciation; plus entries to rid or transfer the amounts from the temporary ledgers for revenues and expenditures/expenses to the permanent records for fund balances/net position. The term "closing the books" does not include some entries required to convert the fund accounting statements to the government-wide financial statements.

#### 4. Selected State Laws Affecting Municipalities

Municipalities must comply with federal, state, and local laws and regulations and charter and contract requirements. When determining which laws and regulations have a material direct or indirect impact on the financial statements, both quantitative and qualitative aspects must be considered. No one source summarizes all the applicable laws and regulations. The following list of references should be used only as a guideline in determining which state laws affect the municipality and should not be considered a comprehensive list of compliance features. These references do not necessarily represent the most significant laws but represent areas in which recurring questions have arisen.

**Many municipalities have “Private Act” charters. The Private Acts of the State of Tennessee should be reviewed for these municipalities to assess compliance requirements.**

##### Selected Tennessee Code Annotated References for Municipalities

###### Charters

Section 6-1-101	Mayor - Alderman
Section 6-18-101	City Manager - Commission
Section 6-30-101	Modified City Manager - Council

###### Books and Records

Section 6-56-201	Municipal budget law of 1982
Section 9-21-403	Local Government Budget Modernization
Section 8-44-104	Minutes required, open for public inspection
Section 9-2-102	Uniform accounting system
Section 9-2-102	Books closed within two (2) months after fiscal year end
Sections 9-2-103 – 104	Consecutively prenumbered receipts required
Section 9-2-106	Violation of receipt requirements is a Class C misdemeanor
Section 9-18-102(a)	Government to establish internal controls (effective 6-30-2016)
Section 10-7-504	Confidential records
Section 39-14-130	Destruction of valuable papers with intent to defraud
Section 39-16-504	Destruction of and tampering with governmental records
Section 66-29-113	Reporting abandoned property

###### Audits and Other Regulatory Reporting to Local Government Audit

Section 4-30-101	Local Government Electronic Technology Act of 2009
Section 6-54-903	Travel Policies – Filing Requirements
Section 6-56-105	Audits of municipalities
Section 8-4-109	Audits of governmental entities, Comptroller authorized
Section 8-4-115	Audit of Standardized Booking Procedures

### Audits and Other Regulatory Reporting to Local Government Audit (continued)

Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Section 9-3-212	Duty to order and pay for audits
Section 9-3-405	Audit Committees may be required
Section 9-3-407	Requires a local government receiving annual audit findings to file a corrective action plan with the Comptroller of the Treasury
Sections 10-7-503(d), and 29-20-401(g)(1)	Insurance Pool Audit
Sections 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see <i>Section J</i> of this manual for additional information)
Sections 47-10-101 – 103	Uniform Electronic Transactions (audit contract and audit report)
Section 47-10-119	Filing of pre-implementation statement and post-implementation review for electronic business systems that provide for electronic records of signatures and/or authorizations
Section 54-4-204	Request to combine State Street Aid with General Fund

### Taxes

Section 6-55-101	Collection and payment of tax
Section 6-55-201et seq.	Sale of real estate for delinquency and tax suit...
Section 6-55-301	Privilege tax
Section 8-21-107	Payment (receipt) of fees, fines, costs, etc. by credit card
Section 9-1-108	Collection of taxes with credit or debit card
Section 57-4-306	Mixed drink tax allocation of funds
Section 67-5-2005	Delinquent municipal real property taxes – Tax sale.
Section 67-5-2404	Delivery of delinquent tax list to attorney – Appeals.

### Purchasing

Section 6-54-107	Officers' interest in municipal contracts prohibited and indirect conflicts of interest
Section 6-56-301	Municipal purchasing law
Section 12-2-407	Sale of surplus property to governmental entities and not-for-profit corporations
Section 12-3-1201	Purchases for local governmental units (by department of general services)
Section 12-3-1205	Out-of-state and regional purchasing cooperatives; cooperative purchasing agreements with federal agencies

### **Purchasing (continued)**

Section 12-3-1207	Authorization to use competitive sealed proposals
Section 12-3-1209	Contracts with professional persons
Section 12-4-101	Personal interest of officers prohibited
Section 12-4-107	Contract for professional services
Section 39-16-105	Buying and selling in regard to offices held or elected to

### **Investing and Banking**

Section 6-56-106	Authorized investments
Section 6-56-110	Deposits to be secured by collateral
Section 6-4-402	Procurement of banking services
Section 9-1-107	Investments—deposits exceeding insurance limits
Section 9-4-101	Collateral

### **Debt**

Section 7-34-111(b), 9-21-105(4), & 12-10-116	Local Government Debt Law Modernization
Section 9-21-133	Approval of Comptroller’s Office required for issuance of balloon indebtedness
Section 9-21-134	Requirement to file a report on debt obligation with the Division of Local Government Finance within the Comptroller’s Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.
Section 9-21-408	Interfund loans
Section 9-21-601	Capital outlay notes
Section 9-21-903	Refunding bond issues
Section 9-24-101	Local Government Lease Financing Act of 2021

### **Disbursements**

Section 6-54-111	Appropriation of funds for nonprofit organizations <i>(GO TO LAW SUMMARY – APP.D-16)</i>
Section 6-54-901	Reimbursement for expenses incident to holding office
Section 6-56-111	Deposit within three working days—petty cash fund
Section 6-56-111(c)	Use of consecutively prenumbered checks
Section 6-56-112	Expenditures for lawful municipal purpose
Section 54-4-204	State street aid: Purposes for expending funds; Accounting



### Deficits, Losses and Unaccounted for Water

Section 7-82-703 Financially Distressed Utilities  
Section 7-82-707(d) Water Loss Report

### Landfills/Solid Waste

Section 68-211-835(g) Solid Waste Disposal Fees  
Section 68-211-874 Accounting

### Municipal Utilities

Section 7-34-115 Disposition of revenue (water and wastewater systems must be accounted for in an enterprise fund effective July 1, 2016)

Section 7-34-115(a)(2) through (a)(6) Municipal natural gas utility system funding chamber of commerce and economic and community organizations.

Section 7-34-115(j) & (k) Utility commissioner training required; comptroller to provide training no later than 3-1-2019

Section 7-35-401 Sewers and waterworks—authority granted

Section 7-39-302 Municipal gas companies

Section 7-52-101 Municipal electric plant law

Section 7-52-401 Telecommunications Services

Section 7-52-601 Cable Television, Internet and Related Services

Sections 7-34-115(a)(I), 7-39-404, 7-52-118, 7-52-304, 7-52-404, and 7-52-606 In-lieu of tax payments

### Police and City Courts

Section 8-4-115 Standardized procedures for booking of arrestees

Section 18-1-105 Court Clerk – Duties

Section 18-1-206 Disposal of physical evidence

Section 39-16-609 Failure to appear

Section 39-17-420 Drug control fines and forfeitures, allowed use of drug funds, Comptroller’s guidelines must be followed for confidential expenditures—fingerprinting equipment

Section 39-17-428 Mandatory minimum fines—allocation of proceeds

Section 39-17-505 Possession of gambling device or record—forfeiture

Section 39-17-1317 Confiscation and disposition of confiscated weapons

Section 39-17-1318 New serial numbers for confiscated firearms

Section 40-33-201 Application (procedures in confiscation – general)

Section 40-33-211 & 216 Asset forfeiture proceeds

Section 40-35-313 Expungement from official records

### **Police and City Courts (continued)**

Section 53-11-201	Procedure in confiscation
Section 53-11-204	Disposition of proceeds
Section 53-11-415	Special revenue account for drug fund
Section 53-11-451	Goods subject to forfeiture –seizure–disposition
Section 55-8-198	Citations based on surveillance cameras
Section 55-10-204	Illegal cancellation of traffic citations
Section 55-10-207	Electronic citation fees – special revenue fund
Section 55-10-208	Uniform traffic citation form
Section 55-10-303	Disposition of collections
Section 55-10-306	Record of traffic cases–report of convictions to department
Section 55-10-403	Forfeiture of vehicles (DUI)
Section 55-16-101	Report of unclaimed vehicles
Section 55-50-502	Suspension of licenses
Section 55-50-503	Surrender of license

### **Criminal Statutes**

Section 39-11-106	Definitions (criminal offenses)
Section 39-14-104	Theft of services
Section 39-16-401	Definitions for public misconduct offenses
Section 39-16-402	Official misconduct
Section 39-16-403	Official oppression
Section 39-16-407	Misrepresenting information to state auditors
Section 39-16-501	Definitions for interference with government operations offenses
Section 39-16-503	Tampering with or fabricating evidence
Section 40-39-201	Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004

### **Other**

Section 4-4-108	Blanket surety bond required
Sections 6-21-104 - 105	Surety bond required – City Manager-Commissioner Charter
Section 6-35-411	Surety bond required – Modified City Manager-Council Charter
Section 6-51-121	Recording of annexation ordinance or resolution by annexing municipality
Section 6-51-203	Recording of deannexation ordinance by contracting municipality

**Other (continued)**

Section 6-56-401 et seq	Municipal Finance Officer Certification and Education Act of 2007
Section 6-56-404	CPE Hours reduced for CMFOs
Section 6-56-406	Rules for Hiring or Contracting CMFO
Section 6-56-407	Penalty for noncompliance with Municipal Finance Officer Certification and Education Act of 2007
Section 8-44-101	Sunshine Law – Policy
Section 8-44-102	Open meetings
Section 8-44-103	Notice of public meetings
Section 9-1-109	Penalty for worthless checks/money orders
Section 9-3-504	Pension Funding Policies
Section 9-3-505	Requirement to fully fund pension plans
Section 9-21-130	Guidelines and rules and regulations relating to contracts and agreements authorized. <i>(GO TO SUMMARY – APP.D-10)</i>
Section 10-7-503	Records open to public inspection
Sections 6-54-107 & 12-4-101	Conflict of interest
Section 62-2-107	Employment of licensees in public works

**5. Municipal Donations to Nonprofit Organizations**

Section 6-54-111, Tennessee Code Annotated, as amended, authorizes a municipality's governing body to appropriate funds for the financial aid of any nonprofit charitable organization that provides services benefiting the general welfare of the residents of the municipality or any nonprofit civic organization working to maintain and increase employment opportunities in the municipality. This section also provides for the Comptroller of the Treasury to establish standard procedures to assist the municipal governing body in the disposition of funds so appropriated. The auditor should consider whether the municipality has complied with the following laws and rules:

1. A municipality may appropriate funds for only those nonprofit charitable organizations that provide services benefiting the general welfare of the residents of the municipality, or any nonprofit civic organization classified under Sections 501(c)(4) or (6) of the Internal Revenue Code working to maintain and increase employment opportunities in the municipality.
2. Municipal payments to nonprofit organizations shall be limited to the amounts appropriated for such purposes and in keeping with the municipality's guidelines for how the appropriated funds may be spent.
3. The municipality shall require that each nonprofit organization that desires financial assistance from a municipality shall file with the city clerk of the

municipality a copy of an annual report of its business affairs and transactions that includes, but is not limited to:

Either a copy of the entity's most recently completed annual audit or an annual report detailing all receipts and expenditures in a form prescribed by the comptroller of the treasury and prepared and certified by the chief financial officer of the nonprofit organization;

A description of the program that serves the residents of the municipality; and

the proposed use of the municipal assistance.

The annual reporting form can be found under "General Guidance" tab at <https://comptroller.tn.gov/office-functions/la/resources/information.html>.

4. For appropriations to nonprofit civic organizations, notices shall be published in a newspaper of general circulation in the municipality of the intent to make an appropriation, specifying the intended amount and purpose.

### **5a. Municipal Gas System's Donations to Chamber of Commerce and Economic and Community Organizations**

Section 7-34-115(a)(2), Tennessee Code Annotated authorizes, if the municipal utility system is a natural gas utility system, a municipality's utility board or, if there is no such board, the municipal governing body to devote revenues derived from the municipal natural gas utility system to funding chambers of commerce and economic and community organizations in accordance with ordinance or resolution adopted by the governing body of the municipality. This law only applies to municipal natural gas utility systems that are located in counties having a population of less than 336,400 according to the 2010 federal census and any subsequent federal census.

The municipal utility board, or if there is no such board, the municipal governing body, shall devise guidelines directing for what purpose the appropriated money may be spent. These guidelines must provide generally that any funds appropriated must be used to benefit the customers of the municipal utility system. Any funds appropriated under subdivision (a)(2) must be used and expended under the direction and control of the governing body of a municipality in conjunction with the guidelines and procedures set forth in subdivision (a)(2)(B). Subdivision (a)(2)(B) also provides for the Comptroller of the Treasury to devise standard procedures to assist a municipal utility system whose revenues are devoted pursuant to subdivision (a)(2). The following are procedures devised by the Comptroller of the Treasury.

1. A municipality may appropriate funds for only those chambers of commerce, and economic and community organizations that provide services benefiting the customers of the municipal utility system.
2. The municipality should devise guidelines for what purpose the appropriated funds may be spent. The guidelines should indicate that any funds not spent by the end of the fiscal

year should be considered restricted funds until spent in accordance with guidelines. The municipality's spending guidelines should be provided to any entity requesting or receiving appropriated funds.

3. Municipal natural gas utility system's payments to chambers of commerce and economic and community organizations shall be limited to the amounts appropriated for such purposes.
4. A municipal natural gas utility system, whose revenues are devoted pursuant to Section 7-34-115(a)(2), Tennessee Code Annotated shall not raise rates on customers to cover contributions targeted for economic development efforts.
5. The municipality shall require that each chamber of commerce, or economic and community organization that desires funding from a municipal natural gas utility system to submit an official request for funds. The request should include, but is not limited to:
  - a. Either a copy of the entity's most recently completed annual audit, or an internally prepared year-end income statement certified by the chief financial officer of the chamber of commerce or the economic and community organization;
  - b. A description of how the funding will serve the municipal utility system and its customers; and
  - c. the proposed use of the municipal utility system's contributions.
6. After the chamber of commerce's or economic and community organization's fiscal year end, the annual reporting form should be filed with the city clerk of the municipality within 90 days after the fiscal year end. The annual reporting will include a detail of all receipts and expenditures and any ending cash balance relative to the use of funds received from the municipal natural gas utility system. The annual reports filed under subdivision (a)(3) must be open for public inspection during regular business hours at the city clerk's office.

The annual reporting form can be found at <https://comptroller.tn.gov/office-functions/la/resources/information.html> under "General Guidance."

7. Financial reports must be available to fiscal officers of the municipality and are subject to audit under Section 6-56-105, Tennessee Code Annotated.
8. For appropriations to chamber of commerce, or economic and community organizations, notices shall be published either on the website of the municipality, if possible, or in a newspaper of general circulation in the municipality of the intent to make an appropriation, specifying the intended amount and purposes for which the appropriation will be spent.

The auditor should consider whether the municipality has complied with the above laws and procedures.

## **5b. Utility Filings with the Tennessee Board of Utility Regulation, Use of Utility Revenue, and Subsidies.**

Public Chapter 463 creates the Tennessee board of utility regulation (TBOUR) and terminates the water and wastewater financing board and the utility management review board. This change is effective July 1, 2023. This law added natural gas systems of a county, metropolitan government, or incorporated municipalities and natural gas systems created by another public or private act of the general assembly under the jurisdiction of the TBOUR.

Public Chapter 463 defines a financially distressed utility system when a utility system has;

- a deficit total net position in any one year;
- a deficit unrestricted net position in any one year;
- a negative change in net position for two consecutive years without regard to any grants or capital contributions: or
- a utility district/utility system is currently in default on any of its debt instruments.

The Comptroller of the Treasury is required to file with the TBOUR a copy of the audited annual financial report of any financially distressed utility system.

The Comptroller of the Treasury is also required to refer a utility system to the board if the utility system:

- Fails to complete and submit to the comptroller for administrative review an audited annual financial report for two (2) consecutive years;
  - Is found to have used utility funds to pay non-utility expenses, used non-utility funds to pay utility expenses, or transferred utility funds to any other non-utility fund or account, unless the use or transfer is allowed by law; or
  - Is found to have made an illegal payment or transfer of funds.
- 
- Sections 7-34-115 and 7-82-403, Tennessee Code Annotated, require all public works<sup>1</sup> and utility districts to remain self-supporting. In other words, transfers should not be made from any other fund to public works to subsidize their operations unless it is a one-time transfer of lawfully available funds to pay a non-operating expense that has been pre-approved by the Division of Local Government Finance. In the same manner, pension plan contributions and other post-employment benefit contributions for public works' employees should be made by the public works rather than another fund of the local government. Additionally, Section 7-34-115, Tennessee Code Annotated, details the appropriate uses of funds and requires illegal transfers to other funds to be repaid by those funds.

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<sup>1</sup> Section 7-34-102, Tennessee Code Annotated, defines public works as “one (1) or a combination of two (2) or more of the following: water, sewerage, gas or electric heat, light or power works, plants and systems or parking facilities....”

## 6. Selected State Laws Affecting Special Purpose Governments

Special purpose governments must comply with federal and state laws and regulations and contract requirements. When determining which laws and regulations have a material direct or indirect impact on the financial statements, both quantitative and qualitative aspects must be considered. No one source summarizes all the applicable laws and regulations. The following list of references should be used only as a guideline in determining which state laws affect special purpose governments and should not be considered a comprehensive list of compliance features. These references are not necessarily the most significant laws but represent areas in which recurring questions have arisen.

### **Selected Tennessee Code Annotated References for Emergency Communication Districts** (See separate manual for additional Tennessee Code Annotated references)

#### **Creation and Board Members**

Section 7-86-101 et seq.	Emergency Communications District Law
Section 7-86-105	Vacancies
Section 7-86-105(b)	Number of commissioners
Section 7-86-105(d)	Compensation
Section 7-86-105(i)	Board members may not be employees
Section 7-86-314	Removal of board members

#### **Audits and Other Regulatory Reporting to Local Government Audit**

Section 7-86-113	Annual audit required
Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Sections 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see Section K of this manual for additional information)
Sections 47-10-101 – 103	Uniform Electronic Transactions (audit contract and audit report)
Section 47-10-119	Filing of pre-implementation statement and post-implementation review for electronic business systems that provide for electronic records of signatures and/or authorizations

#### **Debt**

Section 7-86-114	Power to issue bonds, notes and other debt, subject to approval of county or municipality, except in certain cases
Section 7-86-115	Default – Liens
Section 7-86-116	Payment of bonds and interest
Section 7-86-121	Sale of bonds or notes

### **Debt(continued)**

Section 9-21-134 Requirement to file a report on debt obligation with the Division of Local Government Finance within the Comptroller's Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.

### **Financial Distress/Adverse Findings**

Sections 7-86-301 – 319 Tennessee Emergency Communications Board (TECB) established  
Section 7-86-304(b) TECB to act upon adverse audit findings  
Section 7-86-304(d) Financial distress - defined

### **Investments/Deposits**

Section 7-86-122 Authorized investments in accordance with Section 5-8-301  
Section 7-86-126 Deposits to be secured by collateral or on deposit with a financial institution participating in the state collateral pool

### **Meetings**

Section 7-86-123 Financial report required at every regularly scheduled meeting  
Section 8-44-101 Sunshine Law  
Section 8-44-103 Adequate public notice  
Section 8-44-104 Minutes recorded and open for public inspection  
Section 9-4-101 Collateral

### **Purchasing/Expenses**

Section 7-86-121(b) Subject to County Purchasing Law of 1983 (Section 5-14-201)  
Section 7-86-125 Required to adopt travel policy  
Section 7-86-306(a)(10) TECB to establish standards concerning acceptable uses of revenue  
Section 12-3-103 Contracts for professional services

### **Records**

Section 7-86-120 Annual budget required  
Section 7-86-304(a) Comptroller to develop uniform financial accounting system  
Section 9-2-102 Books closed within two (2) months after fiscal year end  
Section 9-18-102(a) Government to establish internal controls (effective 6-30-2016)



**Records (continued)**

Sections 10-7-501 – 515 Open Records law

**Other**

Section 7-86-102(d) District funds are public funds and limited as to purpose  
Section 7-86-102(c) Limited oversight of equipment by the Tennessee  
Regulatory Authority  
Section 7-86-108 Telephone service charges (rates, increases, disposition of  
charges)  
Section 7-86-109 Authority to receive funds  
Section 7-86-110 Service supplier to provide annual accounting of amounts  
billed and collected  
Section 7-86-112 Duty to reduce excess telephone service charge rate  
Section 7-86-119 Surety bonds required  
Section 7-86-205 Dispatcher training required within six months of hire date  
Section 9-3-504 Pension Funding Policies  
Section 12-4-101 Conflict of interest  
Section 66-29-101 Unclaimed property

**Selected Tennessee Code Annotated References for Housing Authorities**

**Creation and Commissioners**

Section 13-20-101 et seq. Housing Authorities Law  
Section 13-20-103 Meetings and residence of commissioners  
Section 13-20-408 Number, qualifications, vacancies and compensation of  
commissioners – City Housing Authorities  
Section 13-20-507 Number, qualification, vacancies – County and Regional  
Housing Authorities  
Section 13-20-408 Board members may not be city officials

**Debt**

Section 9-21-134 Requirement to file a report on debt obligation with the  
Division of Local Government Finance within the  
Comptroller’s Office. Added requirement for public  
entities to report certain financial obligations and events of  
default to the Comptroller of the Treasury.  
Sections 13-20-601 - 614 Bond types, issuance, remedies, etc.

### Investing and Banking

Section 9-1-107	Investments – deposits exceeding insurance limits
Section 9-4-101	Collateral
Section 13-20-104(a)(25).	Authority to invest funds in property or securities that savings banks may invest in
Section 45-2-620	Does not provide for deposits/investments in credit unions
Section 45-3-601	Authorized investments
Section 45-14-104(c)	Savings banks authorized to invest in same manner as associations in Chapter 3 of this Title

### Audits and Other Regulatory Reporting to Local Government Audit

Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Sections 9-3-212 – 213	Audit required and to be submitted to Comptroller
Sections 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see <a href="#">Section J</a> of this manual for additional information)
Sections 47-10-101 – 103	Uniform Electronic Transactions (audit contract and audit report)

### Other

Section 9-2-102	Books closed within two (2) months after fiscal year end
Section 9-3-504	Pension Funding Policies
Section 9-18-102(a)	Government to establish internal controls (effective 6-30-2016)
Sections 13-20-105, 13-20-108 & 29-17-501 – 504	Eminent domain
Sections 13-20-410 & 12-4-101 – 102	Conflict of interest
Section 13-20-412	Report to be filed with municipality at least annually
Section 66-29-101	Unclaimed property
Section 13-20-102	Authority to develop project with an LLC or partnership

### Selected Tennessee Code Annotated References for Utility Districts

#### Commissioners

Section 7-82-307	Vacancies fiduciary responsibilities
Section 7-82-308	Compensation
Section 7-82-308	Qualifications
Section 7-82-308(f)	Commissioner training required
Section 7-82-602	Number of commissioners

### Audits and Other Regulatory Reporting to Local Government Audit

Section 7-82-309	Expense reimbursement policy, file with comptroller
Section 7-82-401	Annual audit required
Section 7-82-501	Shall Adopt Annual Budgets
Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Sections 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see <a href="#">Section J</a> of this manual for additional information)
Sections 47-10-101 – 103	Uniform Electronic Transactions (audit contract and audit report)
Section 47-10-119	Filing of pre-implementation statement and post-implementation review for electronic business systems that provide for electronic records of signatures and/or authorizations

### Debt

Section 7-82-501	Issuance of bonds or notes: review by the Division of Local Government Finance within the Comptroller’s Office.
Sections 7-82-501–507	Bonds and notes
Section 9-21-134	Requirement to file a report on debt obligation with the Division of Local Government Finance within the Comptroller’s Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.

### Financial Distress/Unaccounted for Water Loss

Section 7-82-401	Audit manual
Sections 7-82-701–706	Tennessee Board of Utility Regulation ( <a href="#">GO TO DETAILED GUIDANCE – APP.D-19</a> )
Section 7-82-401(f)(3) & 7-82-703	Criteria for financial distress
Sections 7-82-707(d)	Unaccounted for water loss

### Investments

Section 7-82-108	Types authorized–to be secured
Section 9-4-103	Eligible collateral
Section 9-1-107	Depositories

### Meetings

Section 7-82-308	Required meetings
Section 7-82-308	Time and place published
Section 8-44-101	Sunshine Law
Section 8-44-103	Adequate public notice

### Records

Section 7-82-308	Minutes
Section 7-82-401	Audit–accounting manual–books and records
Section 7-82-401	Publishing financial statements & travel expenses
Section 8-44-104	Minutes open for public inspection
Section 9-2-102	Books closed within two (2) months after fiscal year end
Section 9-18-102(a)	Government to establish internal controls (effective 6-30-2016)

### Other

Section 7-82-113	Expenditures must be for a lawful district purpose
Section 7-82-302(a)	Power to sell appliances and heating systems that have a natural gas or propane gas component and have installment plans related to those sales.
Section 7-82-307(b)(1)(B)	Petitioner(s) to remove commissions to file \$350 bond
Section 7-82-402	Telephone listing, office address
Section 7-82-403	Rates
Section 7-82-801	Purchasing policy
Section 9-3-504	Pension Funding Policies
Section 9-3-505	Requirement to fully fund pension plans
Section 12-4-101	Conflict of interest
Section 12-4-107	Contracts for professional services – engineering
Section 62-2-107	Employment of licensees in public works
Section 66-29-101	Unclaimed property
Section 68-221-904	Operators–certified

### **Selected Tennessee Code Annotated References for Public Charter Schools**

#### **Creation & Governing Body**

Section 49-13-101 et seq.	Tennessee Public Charter Schools Act of 2002
Section 49-13-104-143	Revises various provisions of the Tennessee Public Charter Schools Act of 2002

**Creation & Governing Body (continued)**

Section 49-13-109 Parent representative on governing body  
Section 49-13-111(o) Annual training class required

**Audits and Other Regulatory Reporting to Local Government Audit**

Sections 8-4-501 – 505 Local Government Instances of Fraud Reporting Act  
Sections 49-13-111(j) & Audit required and to be submitted to Comptroller  
49-13-127  
Section 49-13-127(a)(2) Charter Management Organization (CMO) audit  
CMO required to submit annual financial report detailing transactions between the CMO and charter school operated by the CMO by August 31 of each year

**Books and Records**

Section 8-44-104 Minutes recorded and open for public inspection  
Section 8-44-103 Adequate public notice  
Section 9-2-102 Books closed within two (2) months after fiscal year end  
Section 9-4-101 Collateral  
Section 9-18-102(a) Government to establish internal controls (effective 6-30-2016)  
Section 49-13-111(m) Generally accepted accounting principles, uniform chart of accounts

**Purchasing**

Section 49-13-111(e) Bids required on purchases in excess of \$10,000  
Sections 49-13-119 & 8- Participation in group health insurance plans  
27-301 – 309  
Section 49-13-136 Use of capital outlay funds

**Debt**

Section 49-13-124 Authority to issue debt  
Section 9-21-134 Requirement to file a report on debt obligation with the Division of Local Government Finance within the Comptroller's Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.

**Other**

Section 9-4-103	Eligible collateral
Section 9-1-107	Depositories
Sections 49-13-111(g) & 12-4-101 – 102	Conflict of interest
Sections 49-13-111(h), 49-13-138 & 8-44-101	Sunshine Law
Section 8-44-103	Adequate public notice
Section 49-13-111(l)	Fiscal year end June 30
Sections 49-13-111(n) & 8-19-101	Surety bonds required
Section 49-13-120	Annual report to sponsor required
Section 49-13-139	Requirements for website

**Selected Tennessee Code Annotated References for Other Special Purpose Governments**

**Audits and Other Regulatory Reporting to Local Government Audit**

Sections 8-4-501 – 505	Local Government Instances of Fraud Reporting Act
Section 9-3-212	Audit required and to be submitted to Comptroller

**General Laws**

Section 8-44-101	Sunshine Law
Section 8-44-103	Adequate public notice
Section 9-1-107	Depositories
Section 9-2-102	Books closed within two (2) months after fiscal year end
Sections 9-3-212 – 213	Audit required and to be submitted to Comptroller
Section 9-3-504	Pension Funding Policies
Section 9-3-505	Requirement to fully fund pension plans
Section 9-4-103	Eligible collateral
Section 9-18-102(a)	Government to establish internal controls (effective 6-30-2016)
Sections 10-7-501 – 515	Open Records law
Section 12-4-101	Conflict of interest
Section 66-29-101	Unclaimed property
Section 9-21-134	Requirement to file a report on debt obligation with the Division of Local Government Finance within the Comptroller’s Office. Added requirement for public entities to report certain financial obligations and events of default to the Comptroller of the Treasury.

### Entity Specific Laws

Section 13-26-101 et seq	Human Resource Agency Act of 1973
Section 7-36-101 et seq	Municipal Energy Authority Act
Section 7-53-101 et seq	Industrial Development Corporations (IDB)
Section 7-53-304	IDB - Debt listing to be filed with state funding board
Section 7-67-103 et seq	Sports Authority Act of 1993
Section 7-69-101 et seq	Tourism Development Authority Act
Sections 7-87-101 et seq & 7-5-101 et seq	Port Authority Act & Metropolitan Governments' Port Authority Act
Section 13-14-101 et seq	Development District Act of 1965
Title 64	Regional Authorities

## 7. Selected State Laws – General Interest

### Selected Tennessee Code Annotated References – Miscellaneous

#### Voluntary Association for Sports

Section 49-6-416	Audit required for voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for public secondary schools in Tennessee
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#### Charter Management Organization (CMO)

Section 49-13-127(a)	Audit for charter management organization
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#### CPA, Public Official Immunity

Section 8-4-504	Public official, CPA or firm reporting, in good faith, what they believe to be unlawful conduct shall not be liable in any civil or criminal action that is based solely on the decision to report such matters to the comptroller of the treasury
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#### CPA, Public Official Required Reporting of Unlawful Conduct

Section 8-4-503	Public official, CPA or firm must report information that reasonably causes them to believe that unlawful conduct has occurred
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## 8. Selected Attorney General Opinions

The State Attorney General issues written legal opinions to certain state officials upon request. The Attorney General is required to provide written legal opinions to "the governor, secretary of state, state treasurer, comptroller of the treasury, members of the general assembly and other state officials...in the discharge of their official duties." 8-6-109 (b)(6), Tennessee Code Annotated.

The following is a summary of select opinions of interest;

### Books and Records

<u>Date</u>	<u>Opinion Number</u>	<u>Description</u>
08/16/89	89-102	Accounting and auditing standards for local housing authorities
11/28/89	U89-134	Vending machines and pay telephone operations
08/13/90	U90-114	Application of open meetings act to city council interviews with applicants for city manager position
12/23/91	U91-164	Publication of official notices
9/4/18	U18-41	County Debt Financing

### Audit

<u>Date</u>	<u>Opinion Number</u>	<u>Description</u>
05/29/91	91-52	Filing annual audit under Section 6-54-111(c), Tennessee Code Annotated

### Bids

<u>Date</u>	<u>Opinion Number</u>	<u>Description</u>
08/23/13	13-065	Requirement for local governments to seek competitive bids for liability insurance



### Disbursements

<u>Date</u>	<u>Opinion Number</u>	<u>Description</u>
11/04/80	None	In-lieu-of-tax payments by a municipality's wholly-owned utility
10/27/88	88-194	Use of state street aid funds at the intersection of a state highway and a municipal street
11/09/89	U89-130	Providing municipal services to residents on a private street
02/06/90	90-12	Spouse travel expenses
02/19/03	03-017	Utility District contributions to nonprofit organizations and other matters
09/01/92	U92-100	Municipal utilities and utility revenues
03/04/92	93-18	Loan by municipality to county industrial development corporation
06/11/93	U93-63	Conflict of interest/employee serving as mayor
04/08/94	U94-070	Installation of water lines in a private development
03/06/95	U95-021	Municipality's authority to engage in development of a residential subdivision

### Police and City Courts

<u>Date</u>	<u>Opinion Number</u>	<u>Description</u>
11/01/88	88-195	Disposition of confiscated weapons, Section 39-6-1708, Tennessee Code Annotated (TCA)
10/22/90	90-98	Law enforcement agencies' authority to use drug funds to acquire and install satellite communication equipment and pay officer tuition fees for drug enforcement training
10/28/91	91-85	Disposition of criminal fines
05/28/92	92-45	Use of drug fines for drug education programs
10/08/92	U92-121	Deposit of fines under Section 39-17-428, TCA

**Police and City Courts (continued)**

11/26/08	08-179	Issuance of traffic citations based on evidence obtained from a surveillance camera
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# APPENDIX E

## MISCELLANEOUS

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### **Audit Procurement Guide**

This document is included in the *Audit Manual* to assist auditors in understanding the audit environment in the State of Tennessee. Local governments are encouraged but not required to use this guide.

# AUDIT PROCUREMENT GUIDE

2024



DIVISION OF LOCAL GOVERNMENT AUDIT



# Table of Contents

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## AUDIT PROCUREMENT GUIDE

### 1. Introduction

Under existing laws, the Office of the Comptroller of the Treasury of the State of Tennessee is responsible for ensuring that each local government is audited annually. Such an audit may be performed under contract with an external audit firm or by the staff of the Comptroller's Office. This audit procurement guide is intended to assist government officials in selecting an auditor and contracting for the performance of such an audit. This is only a guide and may be modified to fit a local government's specific needs. Questions are often raised about this process and what should be included in the audit report. A synopsis of the questions asked most often follows:

### 2. What are the purposes of the financial and compliance audit?

The primary purpose of the audit is to determine if financial statements are presented fairly and comply with the requirements of state and local laws and regulations. However, the audit has many other benefits:

- The report is available to any citizen interested in the cost of government and how government is funded.
- The audit identifies problems in the local government's financial operation and recommends corrective action.
- The audit enables government officials to assess the local government's financial condition.
- The audit can be used to provide other agencies with information regarding grants.
- The audit can be used by lending institutions to establish the credit worthiness of the local government.
- The audit can be used by the governing body to determine whether the local government has faithfully followed its mandates and policies.
- The audit can serve as a means of preventing and detecting fraud and dishonesty or unintentional misapplication of funds.

### 3. What information should the audit contain?

There are several financial statements, schedules, and reports that the audit report must contain before approval by the State Comptroller. A qualified auditor will automatically ensure that these items are included in the report.

- A. Introductory Section (table of contents, letter(s) of transmittal, roster of officials and audit committee members, if an audit committee exists, etc.)
- B. Financial Section
  - 1. Independent Auditor's Report on the Financial Statements
    - a. The report should be either (1) unmodified, (2) qualified, (3) disclaimer, or (4) adverse. The report should detail why an unmodified opinion could not be given.
  - 2. Management's Discussion and Analysis
  - 3. Financial Statements
  - 4. Notes to the Financial Statements
  - 5. Required Supplementary Information (RSI)
  - 6. Combining Statements
  - 7. Individual Fund Statements
  - 8. Supplemental Schedules (including a Schedule of Expenditures of Federal Awards and State Financial Assistance)
  - 9. Statistical Information
  - 10. Independent Auditor's Report(s) on Internal Control and Compliance
  - 11. The report(s) on internal control and compliance should state that the audit was performed in accordance with *Government Auditing Standards* (generally accepted government auditing standards (GAGAS)) and the provisions of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (as applicable).
  - 12. The report(s) on internal control and compliance should detail any weaknesses noted or make reference to the findings and recommendations section of the audit report. When reporting on instances of noncompliance and internal control weaknesses, the requirements of *Government Auditing*

*Standards* (generally accepted government auditing standards (GAGAS)) and the provisions of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (as applicable) should be followed.

#### **4. What qualifications should an auditor have?**

For the audit to be accepted by state and federal governments, the auditor must be either a certified public accountant licensed to practice in Tennessee or in another state, or a member of the audit staff of the Tennessee State Comptroller's Office. Out-of-state firms auditing organizations that are not based in the State of Tennessee must comply with the requirements of the applicable state(s).

The auditor should have adequate training and experience in governmental accounting and be in good standing in the profession. The auditor in charge of the fieldwork should have a practical working knowledge of applicable state and federal laws and regulations. The auditor should be independent under the requirements of the American Institute of Certified Public Accountants (AICPA) and *Government Auditing Standards* in relationship to the engagement. The audit firm should be currently registered with the State Board of Accountancy (firms with a physical presence in the State of Tennessee) and should have participated in an external quality control review at least once every three years, conducted by an organization not affiliated with the firm. (A copy of the most recent external quality control review report should be provided to the local government.) All audit staff assigned to the audit should have the necessary hours of continuing professional education required by *Government Auditing Standards*.

#### **5. How is the auditor selected?**

Tennessee Code Annotated § 12-3-1209(a) requires contracts for professional services to be awarded on the basis of recognized competence and integrity. In order to award a contract on a firm's competence and integrity, it is recommended that a local government make the selection based on the technical criteria presented on page 14. The local government should choose the highest graded firm based on each firm's statement of qualifications. The highest graded firm should then be contacted to quote the cost of the audit services. If at this time the cost of the audit service is too high, the next highest graded firm should then be selected.

The evaluation factors found on page 12 are not exhaustive. The local government's representatives should not feel constrained about limiting the evaluation factors to those listed in this publication. However, additional evaluation factors should be relevant to the audit and to the audit firm's ability to respond.



## **6. How important is cost in making a decision?**

Tennessee Code Annotated § 12-3-1209(a) prohibits contracts for professional services from being awarded based on competitive solicitations. However, the local government may include the estimated maximum liability for the contract in the initial Request for Qualifications solicitation document. Doing so may help the local government from receiving responses from CPA firms that would exceed the budgeted amount for the audit.

## **7. Auditor rotation**

The Comptroller's Office encourages auditor rotation when a government engages a CPA firm to perform the annual audit. Auditor rotation can be effective only if a government has access to a sufficient number of interested and qualified firms. While we recognize there are statutory requirements for annual audits of governmental units in Tennessee, governments audited by CPA firms are encouraged to participate in an aggressive procurement process that promotes competition from all qualified firms, including the current audit firm.

## **8. The audit committee**

Local governments are encouraged to consider establishing an audit committee. The comptroller may require that an audit committee be established in any local government in this state that:

- (1) Is in noncompliance with the accounting and financial reporting standards required by the Governmental Accounting Standards Board (GASB); or
- (2) Has recurring findings from the annual audit for three (3) or more consecutive years as determined by the comptroller to be a material weakness in internal control or material noncompliance under government auditing standards.

The governing body of the local government shall create the audit committee. The audit committee members shall be external to management and may be members of the governing body, citizens from within the boundaries of the local government, or a combination of both. Members of the audit committee shall be selected by the legislative body. The audit committee shall establish responsibilities and duties that are stated in a resolution approved by the legislative body. The responsibilities and duties, at a minimum, shall address financial and other reporting practices, internal control, compliance with laws and regulations, and ethics. The resolution creating the duties and responsibilities of the audit committee shall be submitted to the comptroller prior to approval by the legislative body (Tennessee Code Annotated, Section 9-3-405). The comptroller shall review the proposed resolution and report back to the local government on whether the resolution follows recommended guidelines for an audit committee. The resolution adopted by the legislative body must conform to the report issued by the comptroller.

## 9. When to contract

So that an auditor may have time to adequately plan and schedule the audit, a local government should award the contract as early in a fiscal year as possible. A good time to start the procurement process is immediately after the annual audit of the prior year is completed and presented to the governing body and the Comptroller of the Treasury. Every effort should be made to award the contract prior to the end of the fiscal year to be audited.

## 10. The audit contract

An electronic audit contract should be executed and submitted in accordance with provisions detailed in this *Audit Manual*. The contract provides a section that allows the local government or auditor to add special restrictions or requirements. A local government would be well advised to use this section to formalize any verbal agreements made with the auditor.

Upon approval by the Comptroller of the Treasury, an amendment to the existing contract may be made by the organization's management, those charged with governance, and the auditor to address any special circumstances that require changes in the existing contract. Examples of special circumstances might include the additional work performed due to poor accounting records or a fraud investigation.

A sample copy of the most current version of the contract can be obtained at the following web address: <https://apps.cot.tn.gov/CARS/>.

## 11. What information should the local government have available for the auditor?

Government officials can reduce audit costs significantly by preparing in advance for the audit. Inaccurate and incomplete financial records will cause the auditor to spend many extra hours during the audit examination. The auditor will have no choice but to bill the local government for these hours.

The local government can prepare, in advance, certain information the auditor will need, including:

- A list of uncollected receivables.
- A list of capital assets acquired during the year.
- A list of principal revenue sources.
- A list of accounts receivable and payable and related reconciliations to the general ledger account balances.
- A list of insurance in force.

- Grant applications and regulations (grant contract numbers, federal CFDA numbers).
- Bank account reconciliations
- Investments.
- A list of grantors.
- Bond and note information.
- Minutes of the board meetings.

**12. Where can additional information be obtained?**

References

State of Tennessee, Department of Audit—*Audit Manual*

American Institute of Certified Public Accountants (AICPA), *Audit and Accounting Guide: State and Local Governments*.

Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*,

Government Finance Officers Association, *An Elected Official's Guide: Audit Committees and An Elected Official's Guide to Auditing*.

Technical Assistance

State of Tennessee, Comptroller of the Treasury, Division of Local Government Audit, (615) 401-7841.

**<sup>1</sup> REQUEST FOR QUALIFICATIONS**  
**Financial and Compliance Audit**  
**\_\_\_\_\_ (Local government)**

**Summary**

\_\_\_\_\_ has issued this request for qualifications from interested auditors, who are qualified under state law and regulations, for the performance of a financial and compliance audit of \_\_\_\_\_ in accordance with the requirements of the laws and/or requirements of the State of Tennessee. This audit shall be for the period beginning \_\_\_\_\_ and ending \_\_\_\_\_.

**Scope**

The auditor shall perform a financial and compliance audit of the financial statements of all funds and grant contracts of the local government.

Please Note:

The selection of an audit firm to provide the described scope of services will not be made on cost but will be made based on the consideration of qualifications-related factors contained in this Request for Qualifications. However, in no event shall the maximum liability of the contract resulting from this Request for Qualifications exceed <\$X.XX>.

Tentative Schedule:

	<b><u>EVENT</u></b>	<b><u>TIME</u></b>	<b><u>DATES</u></b>
1.	<u>RFQ Released to Audit Firms</u>		
2.	<u>Submittal for Intent to Respond by Email and Request for Clarifications.</u>		
3.	<u>Posting of RFQ Amendments, if necessary</u>		
4.	<u>RFQ Submittals Due to Local Government.</u>		
5.	<u>Review of Statements.</u>		
6.	<u>Notice to Audit Firm with Intent to Engage.</u>		
7.	<u>Engagement Discussions and Contract Execution.</u>		
8.	<u>Contract Start Date.</u>		

<sup>1</sup> The information provided in Section App.E should be used for general informational purposes only. Local governments should consult with their attorney(s) and/or procurement staff with respect to any specific issues relative to the respective procurement.

## Type of Audit

The auditor shall conduct the audit in accordance with *Government Auditing Standards* and requirements prescribed by the Comptroller of the Treasury, State of Tennessee. If applicable, the audit should be conducted in accordance with the provisions of the Single Audit Act and Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and any applicable federal management circulars.

## General Requirements

1. The auditor shall, as part of the written audit report, submit to the organization's governing body a report containing an expression of an opinion that the financial statements are fairly presented, or an opinion qualified as to certain funds or items in the financial statements, a disclaimer of opinion and the reasons therefore, or an adverse opinion, and shall explain in every detail any unusual items or circumstances under which the auditor was unable to reach a conclusion. This report shall state that generally accepted government auditing standards have been followed in the audit.
2. The auditor's opinion shall be expressed on the opinion units identified in the AICPA Audit and Accounting Guide: *State and Local Governments*, as well as the additional requirements in the State of Tennessee Department of Audit *Audit Manual*.
3. The auditor shall furnish copies of the report to the governing body. The auditor shall file copies of said report with the Comptroller of the Treasury, and with the appropriate officials of the granting agencies listed below:  

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4. If a management letter or any other reports or correspondence relating to findings or recommendations are issued in connection with this audit, a copy shall be filed with the Comptroller of the Treasury. Such management letters, reports, or correspondence shall be consistent with the findings published in the audit report (i.e., they shall disclose no matters not also required by GAS or the comptroller's additional requirements to be disclosed in the findings found in the published audit report).
5. The audit shall begin prior to \_\_\_\_\_, and the reports shall be submitted prior to \_\_\_\_\_, but in no case shall be filed later than six (6) months after the fiscal year-end.
6. Pertinent data from the working papers shall be available for five years for reference if requested by the local government.
7. Any reasonable suspicion of fraud, (regardless of materiality) or other unlawful acts including, but not limited to, theft, forgery, credit/debit card fraud, or any other act of unlawful taking, waste, or abuse of, or official misconduct, as defined in Tennessee Code

Annotated, § 39-16-402, involving public money, property, or services shall, upon discovery, be promptly reported in writing by the auditor to the Comptroller of the Treasury, State of Tennessee, who shall under all circumstances have the authority, at the discretion of the Comptroller, to directly investigate such matters. Notwithstanding anything herein to the contrary, the Comptroller of the Treasury, State of Tennessee, acknowledges that the auditor's responsibility hereunder is to design its audit to obtain reasonable, but not absolute, assurance of detecting fraud that would have a material effect on the financial statements, as well as other illegal acts or violations of provisions of contracts or grant agreements having a direct and material effect on financial statement amounts. If the circumstances disclosed by the audit call for a more detailed investigation by the auditor than necessary under ordinary circumstances, the auditor shall inform the organization's management and those in charge of governance in writing of the need for such additional investigation and the additional compensation required therefor. Upon approval by the Comptroller of the Treasury, an amendment to this contract may be made by the organization's management and those charged with governance and the auditor for such additional investigation.

8. An audit exit conference with those charged with governance will be conducted by the auditor in charge. At this time, the findings and recommendations regarding compliance and internal control shall be discussed. Those charged with governance shall have the opportunity to respond in writing, to the findings. Responses shall be included in the audit report.
9. The records of the local government will not be removed from government offices except with express written permission of the local government.
10. The audit firm shall state its willingness to enter into a contract for one year, renewable annually for each of the next two years by the local government.
11. All adjusting entries will be submitted to the local government in writing with sufficient explanation so that they can be easily understood and properly posted to the financial records. Example: listing of invoices charged to accounts payable supporting any adjusting entries.

### **General Information**

The local government shall have closed and balanced all accounts and shall have prepared financial statements for all funds to be examined by the auditor. Page 11 presents an example that should be expanded to provide the auditor with details of the local government's accounting system.

If additional information is required prior to submitting a proposal, inquiries should be directed to \_\_\_\_\_ at \_\_\_\_\_, or by telephone at \_\_\_\_\_.

INFORMATION REQUIRED FOR STATEMENT OF QUALIFICATIONS SUBMISSIONS

The statement of qualifications submission shall be styled at the discretion of the submitter; however, at a minimum it must address these areas:

1. Nature and extent of the firm's governmental auditing experience.
2. A copy of the audit firm's most recent external quality control review report should be provided to the local government.
3. Organization size and structure of the firm.
4. Qualifications of staff to be assigned to the work. Education, position in firm, and years and types of experience will be considered.
5. Availability of the auditor to the local government for specialized consultation and support assistance on sensitive or highly specialized issues.
6. Type and level of training provided to the firm's staff. Assurance that all audit staff assigned to the audit have obtained the necessary hours of continuing professional education required by *Government Auditing Standards*.
7. The audit fee must be quoted either as a fixed amount or rate per hour, with total estimated hours. If the latter method is used, a maximum amount must be stated for budgetary purposes. Also, estimated incidental expenses, such as travel and supplies, will be included.

**Reservation of Right**

<Local government name> reserves the right to reject any or all submissions, to waive technicalities or informalities, and to accept any proposal deemed to be in the best interest of the local government.

\_\_\_\_\_

Local government's Name

Budget \_\_\_\_\_

<b>Accounting System</b>	
Number of funds	
Number of component units (governmental, proprietary, trust and agency)	
Checking accounts	
Number of purchase orders	/year
Number of checks written	/year
Number of receipts	/year
<b>Payroll</b>	
Number of employees	
Frequency of payroll	
Number of payroll checks	/year
<b>Other Records</b>	
Item	Volume



## **EVALUATION**

The following factors should ordinarily be considered during the evaluation:

### **Technical Factors**

1. Does the proposal clearly state an understanding of the work to be performed?

Evaluators should consider:

- appropriateness and adequacy of proposed procedures;
  - reasonableness of time estimates;
  - appropriateness of assigned staff levels;
  - timeliness of expected completion.
2. Technical experience of firm.
  3. Qualifications of staff.
  4. Size and structure of firm.

**EXAMPLE EVALUATION METHOD FOR QUALIFICATIONS**

The following is an example of a method of evaluating qualifications submissions. The evaluation formula and the values assigned to the criteria given are for illustration only. Local governments should design formulas and criteria that meet its needs.

Total scores will be determined by adding the points received for technical qualifications (maximum of 100 points). The total score will be determined by the following formula:

$$\frac{\text{Technical score for this firm}}{\text{Highest technical score received}} \times 100 = \text{Technical score}$$

In the event that oral interviews are necessary, additional points will be given on a scale of 0-10. Although the total score will be a significant factor, the local government reserves the right to make the final selection.

The evaluation of technical qualifications will be based on the following criteria:

**Mandatory Criteria**

Auditors will not be considered unless they meet each of the following criteria:

1. Must be a certified public accountant properly licensed to practice in the State of Tennessee or be in compliance with the requirements of *TCA 62-1-117(a)(1)*.
2. Must meet the independence standard established by GAO.

## Technical Criteria

Auditors who have met each of the above criteria should be evaluated using the following:

	<b>Point Range</b>
1. Prior experience in auditing local governments. (Consider: size, complexity, etc.)	0-25
2. Organization size and structure of firm.	0-10
3. Qualification of staff, including consultants, to be assigned to the audit. (Education, position in firm, and years and types of experience will be considered.) (0-25)	
(a) Qualifications and audit team makeup	0-25
(b) Overall supervision to be exercised over audit team by firm's management	0-10
4. Firm's understanding of work to be performed. This will be determined by the approach to the audit and the time estimated to perform each section. (0-20)	
(a) Audit coverage	0-20
(b) Realistic time estimates of program section	0-10
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Technical points	0-100
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Maximum points	100

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## APPENDIX F

### AUDITS FOR STATE OF TENNESSEE FINANCIAL REPORT

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In order to facilitate the timely preparation of the ACFR for the State of Tennessee, the following audits with June 30 fiscal year ends must be submitted through the CARS system by October 31 of that same year. The Uniform Contract to Audit Accounts should reflect an October 31<sup>st</sup> or earlier due date. Audits with December 31 fiscal year ends should be submitted on or before June 30 of the following year.

Entity Name	Fiscal Year End	Relationship to State of TN
Agriculture Foundation for Tennessee Tech, Inc.	June 30	Tennessee Tech University
Cleveland State Community College Foundation	June 30	Cleveland State Community College
East Tennessee State University Foundation	June 30	East Tennessee State University
East Tennessee State University Research Foundation	June 30	East Tennessee State University
Medical Education Assistance Corporation	June 30	East Tennessee State University
Northeast State Community College Foundation	June 30	Northeast State Community College
Memphis Auxiliary Services Foundation	June 30	University of Memphis
Herff Trust-University of Memphis	June 30	University of Memphis
Tennessee Boll Weevil Eradication Foundation, Inc.	December 31	Component Unit
Tennessee Soybean Promotion Board	June 30	Fund of State of Tennessee
University of Chattanooga Foundation	June 30	University of Tennessee
University of Memphis Foundation	June 30	University of Memphis
University of Memphis Research Foundation	June 30	University of Memphis
University of Tennessee Foundation, Inc.	June 30	University of Tennessee
University of Tennessee Research Foundation	June 30	University of Tennessee
Walter State University Foundation (currently audited by State Audit)	June 30	Walter State University