# Audit Report

CITY OF TALLAHASSEE
OFFICE OF THE CITY AUDITOR

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**City Auditor**

# *City Energy Loan Program*

***Report #0613*** ***May 19, 2006***

## *Summary*

Overall, our audit of the City's Energy Loan Program showed that loan participants were eligible and loans were properly established and participants properly billed through the utility billing system. However, we identified issues that indicate the need to strengthen internal controls and improve processes.

Significant improvements are needed, especially in regard to proper and timely recording of property liens and loan satisfactions. Efforts should also be made to ensure reconciliations are properly performed, tax forms are prepared and distributed, and loan documentation is retained.

The issues identified in this audit include:

- Liens were often not timely recorded at the Leon County Clerk of Courts after the related loan proceeds had been distributed.
- The reconciliation process, performed for the purpose of ensuring that each executed energy loan was properly recorded in the PeopleSoft CIS and Financials Systems, was not adequate.
- A process was not in place to identify and provide customers, who paid $600 or more in interest per year on their individual Utility Services program loans, 1098 tax statements as required by the Internal Revenue Service (IRS).
- Loan satisfactions resulting in lien removals were often not timely prepared and recorded for loans that had been paid in full.
- For 22 of 60 loans tested, Utility Customer Service Department staff incorrectly recorded the loans at the Leon County Clerk of Courts as "satisfied" when the loans had not been paid in full.
- Instances were noted where critical loan documentation was not maintained.

Actions to address the noted issues have been identified and developed in conjunction with applicable City staff. We would like to acknowledge the full and complete cooperation and support of staffs in Energy Services, Utility Accounting, and Utility Customer Service (UCS) during this audit.

## *Scope, Objectives, and Methodology*

The objectives of this audit were to determine: (1) if energy loans granted to utility customers were made in accordance with established policies and procedures; (2) disbursements of energy loan proceeds were accurate and properly recorded in the City's financial records; and (3) energy loans were properly and adequately administered and accurately accounted for in the City's PeopleSoft Customer Information System (CIS).

The scope of this audit included a review of all energy loans with activity from October 1, 2003, through May 31, 2005. Additional analytical procedures were performed for loans existing during the time of our audit fieldwork (winter 2006). To address the stated objectives, we selected samples of loans for each process and reviewed the related supporting documentation, completed analytical procedures, interviewed applicable staff, and made observations as necessary.

This audit was conducted in accordance with Generally Accepted Government Auditing Standards and the Standards for the Professional Practice of Internal Auditing.

## *Background*

The City offers energy loans to residential and commercial customers for the purchase of equipment or material/services to improve the energy efficiency of their respective homes and/or businesses. Loans may be obtained, for example, to acquire heat pumps, natural gas dryers and stoves, or ceiling and floor insulation. Equipment acquired with loan proceeds must meet specified energy efficiency ratings. The interest rate charged on these loans is 5%. The maximum loan amount for a residential customer is $7,000. The maximum loan amount for a commercial customer is $10,000. (However, the maximum loan amount for a commercial customer may be increased to as much as $50,000 with the approval of the City Commission.)

For each new loan, a signed promissory note is obtained from the customer and a lien is recorded with the Leon County Clerk of Courts. The lien is placed on the property on which the related energy improvement is made. The lien serves as collateral for the City in the event that a customer defaults on a loan. Upon paying off the loan, a loan satisfaction is recorded with the Leon County Clerk of Courts that results in the removal of the lien.

Loan recipients repay their loans through the City's utility billing system. Specifically, loans are established and amortized in the City's PeopleSoft CIS billing system. Individual loan payments are billed and collected as part of the customer's monthly utility bill.

While the Energy Loan Program is primarily administered by Energy Services, the Utility Customer Service (UCS) and Utility Accounting divisions within Utility Business Customer and Services (UBCS) also have responsibilities relating to administering and accounting for loans once they are approved and the loan proceeds distributed.

During the period from October 1, 2003, through May 31, 2005, there were 1716 active residential and 28 active commercial energy loans. In addition, 931 loans were closed during that period. As of January 23, 2006, the outstanding balance for residential and commercial energy loans was $4,257,505.

## Issues and Recommendations

An overview of the testing performed, issues identified, and recommendations made are addressed in the following sections of this report.

### Energy Services

Energy Services is responsible for administering the loan application, loan approval, and account establishment processes. Energy Services also records lien agreements for new loans with the Leon County Clerk of Courts. In addition, Energy Services requests the creation and issuance of a City check to distribute the loan proceeds to the applicable customer or the customer's contractor/vendor.

We selected and tested a sample of 60 energy loans to ensure that new loans are processed in accordance with the Energy Loan Program guidelines. The sample consisted of 59 residential energy loans and one commercial energy loan. Audit criteria applied to the new loan process performed by Energy Services included, but was not limited to:

- verifying that the customer met the energy loan program requirements for loan approval;
- verifying that the equipment installed in the customer's home and/or business met the energy efficiency requirements established by Energy Services;
- verifying that the equipment installed was inspected and approved by a City or County inspector, as required;
- verifying that the customer or vendor was paid in accordance with loan program guidelines;
- verifying that the disbursements of loan proceeds were properly recorded in the City's financial records (PeopleSoft Financials System);
- verifying that the energy loan information was timely and accurately entered into the Peoplesoft CIS; and
- verifying that a lien agreement was prepared, signed, notarized, and recorded in a timely manner.

Overall, we found that (1) energy loans were made to customers that met the loan program requirements, (2) equipment installed in the customer's home and/or business met the energy efficiency requirements and was inspected and approved by a City or County inspector when required, (3) vendors were paid in accordance with loan program guidelines and those disbursements of loan proceeds were properly recorded in the financial records, (4) loans were accurately and timely established in the billing system and properly amortized, and (5) liens were recorded with the Leon County Clerk of Courts. However, as described in the following paragraphs, we did note instances where improvements should be made in regard to timely recording of liens.

<u>Lien agreements were not recorded timely for 52 of the 60 loans tested</u>. Energy Services is responsible for ensuring that lien agreements are recorded at the Leon County Clerk of Courts. Those liens should be recorded for an energy loan once the related loan proceeds have been paid to the customer/vendor. The purpose of those liens is to protect the City in the event of default on a loan by the customer. Specifically, in the event that a customer defaults on a loan, the City has recourse through the lien on the customer's property for which the energy improvements were made.

For 52 of 60 loans tested (87%), the period between the dates the loan proceeds were paid to the customer/vendor and the dates the corresponding liens were recorded ranged from 10 to 110 days, with a median of 32 days. Such delays increase the City's exposure to risk, as in the event that a customer defaults on a loan, the City would have limited recourse if the customer sold the applicable property and the City had recorded no lien.

Energy Services concurred with this assessment and attributed these delays to the absence of written procedures that document the timeframe in which staff is to submit the lien agreements for recording at the Leon County Clerk of Courts. We recommend that Energy Services establish written procedures requiring the timely preparation and recording of liens. In addition, Energy Services management should periodically review the timeframes in which lien agreements are recorded, in relation to when the City has issued payment to the applicable customers/vendors, to ensure adherence to those written procedures.

## *Utility Accounting*

Utility Accounting is responsible for reconciling disbursements of loan proceeds as recorded in the PeopleSoft Financials System (accounting records) to loans established in the PeopleSoft CIS (billing system). A special general ledger account, as well as system queries, interfaces, and reports, have been created and established to assist in these reconciliations.

We selected and reviewed reconciliations performed by Utility Accounting. Overall, we found that reconciliations were being performed monthly. However, as noted in the following, we identified issues that indicate the need for Utility Accounting to strengthen and enhance this reconciliation process.

In addition, during our review we found that Utility Accounting needs to ensure compliance with IRS reporting requirements for all Utility Services loan programs.

<u>The reconciliation process performed by Utility Accounting staff, for the purpose of ensuring that each executed energy loan was properly recorded in the PeopleSoft CIS and Financials Systems, was not adequate</u>. We found that Utility Accounting staff did perform monthly reconciliations that compared (1) new loans established in the PeopleSoft CIS, (2) records of new loans maintained by Energy Services staff, and (3) new loans as evidenced by disbursements of loan proceeds recorded in the PeopleSoft Financials System. For each individual loan, the amounts recorded in the PeopleSoft CIS differed from the corresponding disbursements recorded in the PeopleSoft Financials System by the amount of the loan application fee charged the customer (borrower). For loans that were "matched" by the reconciler (i.e., matched a loan recorded in PeopleSoft CIS to the corresponding disbursement in PeopleSoft Financials and the Energy Services records), an adjusting entry was recorded in the applicable account within the PeopleSoft Financials System to reflect the loan fee charged the customer.

We noted that timely actions were not taken for many of those loans that were not "matched" by the reconciler. Rather, those unreconciled differences each month were accumulated and accounted for in a unique account maintained in the PeopleSoft Financials System. Accordingly, all unreconciled loan activity was brought forward as a "net" balance each month. (NOTE: Unreconciled activity included loans recorded in the PeopleSoft CIS for which a corresponding disbursement was not identified in the PeopleSoft Financials System, and vice versa. Those unreconciled differences may offset each other.) We found that many of the unreconciled items dated back to the fall of 2002, when the City converted from a former Legacy system to the PeopleSoft CIS System. Furthermore, we found that although some of those unreconciled items had been researched and explained, appropriate adjustments had not been made to the PeopleSoft CIS or PeopleSoft Financial Systems. As a result, those items continue to "roll forward" as unreconciled items.

Additionally, we found that the monthly reconciliation records did not always clearly document the specific items that comprised the unreconciled balance. Without a clear identification of those items, it was not apparent that the reconciliations were complete and adequate. Lastly, management asserted that there was some supervisory oversight of the reconciliation process, but acknowledged that this supervision was not adequate or documented.

The result of this process where reconciling differences were not being timely reconciled, resolved, and/or documented was:

- Assurance was not provided that all loans were properly established in the PeopleSoft CIS, and
- Assurance was not provided that loan application fees were properly accounted for in the PeopleSoft Financials System.

Subsequent to our audit inquiry on this matter (which also paralleled a similar inquiry of Utility Accounting received from the City's external auditors conducting an audit of the City's financial statements), Utility Accounting management assigned a different employee to research and retroactively reconcile the previous accumulated unreconciled activity. We reviewed that reconciliation and noted that it was adequate. As a result of that reconciliation, appropriate adjusting entries were made to resolve many of the older reconciling differences. In addition, those reconciliation records clearly documented the specific items that comprised the remaining unreconciled difference.

We recommend that Utility Accounting modify its monthly reconciliation process to (1) clearly document unreconciled differences, (2) timely research and initiate resolution of those differences, (3) timely initiate adjustment of the appropriate system records for differences that are successfully researched and resolved, and (4) document supervisory reviews of the reconciliations performed. Utility Accounting management indicated that it intended to implement these recommendations.

<u>A process was not in place to identify and provide customers, who paid $600 or more in interest per year on their individual Utility Services loans, 1098 tax statements as required by the Internal Revenue Service (IRS)</u>. The City records liens at the Leon County Clerk of Courts against the property on which the energy loan improvements/enhancements are made. Those liens are filed based on the loan agreements executed between the City and the customer. Those loan agreements meet the IRS definition of a mortgage. As a result, the City is required to comply with IRS interest reporting requirements for mortgages.

IRS regulations require the mortgagor (City) to prepare and mail IRS 1098 interest statements to any mortgagee (customer) that paid $600 or more in interest in any calendar year. Those forms are to be mailed by January 31st of the year subsequent to the tax year to which they apply. In addition, the mortgagor (City) is required to prepare and file with the IRS a 1096 form by February 28th of the year subsequent to the applicable tax year. The 1096 form is an annual summary and transmittal of all 1098 forms submitted to customers by the filing entity (City).

We noted that the City has properly been preparing, mailing, and submitting the required 1098 and 1096 forms for various other City loan programs, including for example, Special Assessments, Historic Preservation Loans, and NCS Housing Loans. However, we determined that City staff was not reviewing interest paid by recipients of Utility Services loan programs (including energy loans covered by the scope of this audit as well as storm-water loans and water/sewer loans) to determine if 1098 forms were required for any of the customers (participants) of those programs.

Based on our inquiry and review, Utility Accounting staff identified all Utility Services loan recipients that paid the City $600 or more for the 2005 calendar year. A total of four customers were identified (two energy loans for two commercial customers and two residential customers for water/sewer and storm-water loans). Utility Accounting staff promptly requested Accounting Services staff to file the 1098 forms for the two residential customers. Accounting Services promptly complied and filed those two forms and also submitted an amended 1096 form to the IRS for those two additional customers.

In regard to the two commercial customers, no corrective actions had been initiated as of the end of our audit fieldwork. Our discussions with the IRS indicated that the 1098 forms should be submitted to commercial entities as well as residential entities (e.g., individuals). Accordingly, we recommend that 1098 forms be prepared and distributed to those two commercial customers that paid more than $600 in interest in calendar year 2005. A revised 1096 form should be submitted based on those actions.

## *Utility Customer Service*

Utility Customer Service (UCS) is responsible for monitoring, researching, adjusting, and satisfying energy loans. UCS utilizes two PeopleSoft CIS queries, the “closed loan query” and the “stopped loan query”, to monitor energy loans. These queries are run daily to identify loans that may require adjustments and/or satisfaction once the loan has been paid in full. Audit criteria applied to the monitoring processes of energy loans performed by UCS included, but was not limited to:

- verifying that the system queries were run and worked in a timely manner;
- verifying that loan satisfactions were timely prepared for loans identified as paid in full;
- verifying that satisfactions were accurate, appropriate, and timely submitted for recording at the Leon County Clerk of Courts; and
- verifying that appropriate and timely adjustments were made for loans identified by the “stopped loan query” (e.g. loans were synchronized and/or transferred to a new service agreement) such that subsequent loan billings were not delayed.

Overall, we found that UCS (1) ran the two system queries on a consistent basis to identify loans that either required manual adjustments and/or satisfaction, and (2) performed appropriate manual adjustments in a timely manner. However, as described in the following paragraph, we noted several issues that indicate the need to strengthen internal controls and improve the energy loan monitoring processes.

For 22 of 60 loans tested, UCS staff incorrectly recorded the loans at the Leon County Clerk of Courts as "satisfied" when the loans had not been paid in full. Loan satisfactions are prepared and recorded at the Leon County Clerk of Courts by UCS staff after the customer makes the final payment on the loan. Those satisfactions result in the removal of the related lien on the property. UCS staff is responsible for verifying that a customer's loan has been paid in full (i.e., balance is zero) prior to preparing and recording a loan satisfaction with the Leon County Clerk of Courts.

During our audit fieldwork, we noted a backlog of loans paid in full that had not been satisfied by UCS. (See the following report issue.) In an attempt to satisfy those loans that had been paid in full, UCS management assigned staff to address and resolve that backlog. However, due to a lack of understanding by the assigned staff, satisfactions were incorrectly prepared and recorded for some loans that our office (City Auditor's Office) had selected for testing which had not been paid in full (i.e., loans with outstanding balances).

Specifically, we found that 22 of the 60 loans we selected for review had incorrectly been satisfied in error. For 18 of those 22 loans, the satisfactions were recorded with the Leon County Clerk of Courts on the same day, August 31, 2005. Those 18 loans had an outstanding balance totaling $31,680 at the time they were incorrectly satisfied by UCS. The remaining four loans satisfied in error were satisfied on different dates. The outstanding balances for those four loans totaled $303.

For each of the 22 loans, we noted that the customers continued to be properly billed through the PeopleSoft CIS system, notwithstanding the incorrect recording of the satisfactions. However, recording of those satisfactions jeopardizes the City's recovery of funds in the event customers default on their respective loans.

We recommend that UCS verify that energy loans are paid in full prior to preparing and recording loan satisfactions. In addition, for those 22 loans where satisfactions were recorded in error and the related property lien removed as a result, we recommend that UCS (1) notify each applicable customer of the error and (2) to the extent practicable, reestablish property liens through the Leon County Clerk of Courts. UCS management indicated that these corrective actions have been initiated.

Loan satisfactions resulting in lien removals were often not timely prepared and recorded for loans that had been paid in full. As previously noted, UCS has a process to run a system query on a daily basis to identify loans that have been paid in full. Those query results are to be researched by assigned UCS staff to verify that the applicable loans have actually been paid in full. Upon verification that a loan has been paid in full, UCS staff should prepare and record a loan satisfaction with the Leon County Clerk of Courts. The recording of that satisfaction releases the lien on the property that received the corresponding energy improvement.

We selected for review 30 loans that were closed on the PeopleSoft CIS billing system during our audit period. We found that 28 of those 30 loans were closed because the respective customers had paid the loans in full. (The remaining two loans were closed due to default and had been properly processed for collection efforts.) For 26 of the 28 loans (93%), we found that the loan satisfactions had not been prepared and recorded in a timely manner. For 25 of the 26 instances, the days between the dates that the loans were paid in full and the dates that the satisfactions were recorded ranged from 15 to 389 days, with a median of 91 days. For the one remaining loan, we found that the loan satisfaction still had not been prepared and recorded as of our fieldwork date, November 23, 2005. As of that date, the loan had been paid in full for 632 days, close to two years.

Similar results were noted in regard to our selection and testing of 60 loans for other activity occurring during the audit period. In addition to testing those 60 loans for those other criteria, we reviewed to see if any of those loans had been paid in full as of the end of our audit fieldwork on December 19, 2005. For any of those loans that were paid in full as of that date, we reviewed to determine if the loan satisfactions had been timely recorded. For the 25 loans that were paid in full as of December 19, 2005, we noted that loan satisfactions had not been timely prepared in 21 instances (84%). For those 21 instances:

- Satisfactions for 18 loans were not recorded until periods ranging from 15 to 368 days had passed since the loans were paid in full. The median period from full payment until recording of the loan satisfaction for these loans was 89 days.
- Loan satisfactions had not been recorded for the remaining three instances. As of December 19, 2005, those loans had been paid in full for 42, 66, and 83 days, respectively.

Not timely recording loan satisfactions after loans have been paid in full could result in significant customer inconvenience. For example, inappropriate lien recordings could hinder and/or delay an individual's efforts to sell the property on which the lien was recorded, or negatively impact a customer's efforts to refinance the property. Accordingly, we recommend that UCS establish and implement documented procedures providing for the timely preparation and recording of loan satisfactions for loans that are paid in full. Those procedures should include all aspects of the process ranging from identifying, researching, satisfying, and monitoring loan activity for this purpose.

A few instances were noted where insufficient loan documentation was maintained. As noted above, we selected and reviewed 60 loans that had activity during the audit period. While we generally found adequate documentation was available to substantiate that activity, loan files were not provided by UCS (or Energy Services) for four of the 60 loans. For those four loans, we were able to verify that billings were properly made and that liens were properly filed with the Leon County Clerk of Courts. However, without those loan files, the City has not adequately documented that the applicable recipients and loan purposes met program requirements. In addition, the City has not documented that the loan amounts were proper or that the related energy improvements were inspected and verified by City or County staff.

In addition to these four missing loan files, we also noted the following:

- Three instances where City staff inspection reports were not provided. For those three instances, records are not available to substantiate that (1) City staff inspected and verified that the loan proceeds were used for the purposes indicated on the loan application and (2) the intended equipment was properly installed.
- Five instances where loan records did not document that the installed equipment met the program's energy efficiency requirements.

Loan files are established by Energy Services. After the loans are approved and liens recorded by Energy Services staff, the loan files are transferred to UCS for retention and further processing (e.g., preparing and recording of loan satisfaction when the loan is paid in full). A determination could not be made as to whether Energy Services or UCS was responsible for the missing loan files and documentation. We recommend that loan documentation be prepared and retained in accordance with City record retention requirements. In addition, to clearly document responsibility for loan files and records, we recommend that the transfer of those files/records between Energy Services and UCS be documented.

## *Conclusion*

Overall, we found that the Energy Loan Program was properly administered. Participants were eligible and loans were properly established and billed through the utility billing system. However, we noted that significant improvements are needed, especially in regard to proper and timely recording of property liens and loan satisfactions. Efforts should also be made to ensure reconciliations are properly performed, tax forms are prepared and distributed, and loan documentation is retained.

Actions to address the noted instances have been identified and developed in conjunction with applicable City staff. We would like to acknowledge the full and complete cooperation and support of staffs in Energy Services, Utility Accounting, and UCS during this audit.

## *Appointed Official's Response*

### City Manager Response:

I'm pleased that the auditors found the program was administered properly. Standards will be established to provide a benchmark to measure timeliness of all transactions related to the loan cycle. We will also continue to hold all employees accountable for their actions. I acknowledge the cooperation of the audit staff during this audit.

## Appendix A - Action Plan

| Action Steps | Responsible Employee(s) | Target Date |
|---|---|---|
| ***Objective A:*** ***Ensure that energy loans are timely processed.*** | | |
| **ENERGY SERVICES** | | |
| 1. Establish written procedures to address the timeframe for which lien agreements are to be prepared and recorded with the Leon County Clerk of Courts. | Bob Seaton, Jan McCall, Julian Ganoudis | 4/21/2006* |
| 2. Energy Services management will periodically review the timeliness in which lien agreements are recorded with the Leon County Clerk of Courts to ensure adherence to the written procedures established pursuant to the preceding action step. | Bob Seaton | 4/21/2006* |
| ***Objective B:*** ***Ensure that the energy loans are timely and correctly recorded in the PeopleSoft Financial System and the PeopleSoft CIS.*** | | |
| **UBCS – UTILITY ACCOUNTING** | | |
| 1. Monthly reconciliations will be modified to clearly document all outstanding and unresolved differences. | Vickie Morgan-Gates | 6/30/2006 |
| 2. Outstanding and unresolved differences identified during the monthly reconciliations will be timely researched and resolved. This will include making timely adjustments in the PeopleSoft Financials and CIS systems, when appropriate. Documentation will be maintained to demonstrate the appropriate and timely resolution of those items. | Vickie Morgan-Gates | 9/30/2006 |
| 3. Supervisory reviews and approvals of the monthly reconciliations will be performed and documented. | Kim Meeks/Reese Goad | 6/30/2006 |
| ***Objective C:*** ***Ensure that mortgage interest paid by customers is properly reported as required by the Internal Revenue Service.*** | | |
| **UBCS - UTILITY ACCOUNTING** | | |
| 1. Prepare and submit 1098 forms to the two commercial energy loan customers that paid the City more than $600 in calendar year 2005 on their energy program loans. Amend the calendar year 2005 form 1096 for those additional 1098 forms, and resubmit that amended 1096 form to the IRS. | Lynn Hammelman | 4/30/2006* |
| 2. Establish a process to timely identify Utility Services loan customers that pay in excess of $600 in a calendar year. For those customers, develop a process whereby 1098 forms are timely prepared and issued. | Lynn Hammelman | 4/30/2006* |
| ***Objective D:*** ***Ensure that loan satisfactions are properly prepared and timely recorded with the Leon County Clerk of Courts.*** | | |
| **UBCS – UTILITY CUSTOMER SERVICE** | | |
| 1. For those 22 loans satisfied in error, (1) letters will be sent notifying the applicable individuals/entities of the error and (2) to the extent practicable, the liens will be reestablished with the Leon County Clerk of Courts. | Jacqueline Lawson | 4/26/2006* |

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|---|---|---|
| 2. Additional training will be provided to staff responsible for preparing loan satisfactions. That training will emphasize the importance of verifying that loans are paid in full before preparing and recording the loan satisfaction. | Jacqueline Lawson | 3/31/2006* |
| 3. Written procedures will be established requiring the timely preparation and recording of loan satisfactions for loans that have been paid in full. Those procedures will address all aspects of the process, including identifying, researching, satisfying, and monitoring loan activity for this purpose. | Jacqueline Lawson | 2/28/2006* |
| ***Objective E:*** | ***Ensure that adequate loan records are retained.*** | |
| **ENERGY SERVICES** | | |
| 1. The delivery and receipt of all loan files to/from UCS staff and any other entity will be documented for the purpose of providing an audit trail for the location of those documents. | Bob Seaton, Jan McCall, Julian Ganoudis | 4/21/2006* |
| **UBCS – UTILITY CUSTOMER SERVICE** | | |
| 2. The receipt and delivery of all loan files received from and sent to Energy Services, any other City department/office, or any other external entity will be documented as a means of providing an audit trail for the location of those records. | Jacqueline Lawson | 4/30/2006* |
| 3. Loan records will be retained in accordance with City record retention requirements. | Jacqueline Lawson | 9/30/2006 |

* As per department, action plan step has been completed as of indicated date. Completion will be verified during follow up process.

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