

STATE OF LOUISIANA LEGISLATIVE AUDITOR

Avoyelles Parish Police Jury
Marksville, Louisiana

February 19, 1996



Investigative Audit

***Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor***

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AVOYELLES PARISH POLICE JURY
Marksville, Louisiana

Under the provisions of state law, this report is a public document. A copy of this report has been submitted to the Governor, to the Attorney General, and to other public officials as required by state law. A copy of this report has been made available for public inspection at the Baton Rouge office of the Legislative Auditor and at the office of the parish clerk of court.

February 19, 1996

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February 19, 1996

**MR. V. W. COLE, PRESIDENT,
AND MEMBERS OF THE AVOYELLES
PARISH POLICE JURY**
Marksville, Louisiana

Transmitted herewith is our report on the Avoyelles Parish Police Jury. Our examination was conducted in accordance with Title 24 of the Louisiana Revised Statutes and was performed to determine the propriety of certain allegations received by this office.

This report presents our findings and recommendations, as well as the responses of the police jury. Copies of this report have been delivered to members of the police jury and others as required by state law.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel G. Kyle".

Daniel G. Kyle, CPA, CFE
Legislative Auditor

AFB/ka

Executive Summary

Investigative Audit Report Avoyelles Parish Police Jury

The following summarizes the findings and recommendations that resulted from this examination. Detailed information relating to the findings and recommendations may be found at the page number indicated. Management's responses may be found at Attachment I.

Failure to Establish a Capital Improvements Program

(Page 8)

Finding: The police jury does not have a capital improvements program as required by Louisiana Revised Statute (LSA-R.S.) 48:755(A). This deficiency was referred to in the police jury's last two audit reports.

Recommendation: We recommend that the police jury comply with LSA-R.S. 48:755(A) and prepare a capital improvements program which prioritizes improvements based on parish-wide needs.

Management's Response: In December 1995, the police jury adopted a capital improvement road priority plan. This capital improvements program priorities road improvements based on parish wide needs.

Work Performed on Private Property

(Page 8)

Finding: The police jury used parish equipment and personnel to perform work on private property in violation of Article 7, Section 14 of the Louisiana Constitution.

Recommendation: We recommend that the police jury comply with the Louisiana Constitution by no longer performing work on private property unless such work serves a public purpose or is performed under a properly documented hardship policy. In addition, in

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Marksville, Louisiana

Executive Summary (Continued)

circumstances where it is necessary to perform work on private property, we recommend that the project be brought before the full jury for approval and the parish acquire right-of-ways *granting access to the property or document why a right-of-way is not necessary.*

Management's Response: The police jury will no longer perform work on private property unless such work serves a public purpose or is done under a properly documented hardship policy. When it is necessary to perform work on private property, the project will be brought before the full jury for approval and the parish will acquire the necessary right-of-ways.

Inadequate Accounting for Fuel

(Page 10)

Finding: The police jury does not have adequate procedures in place to reconcile the amount of fuel purchased to the amount of fuel used, thereby creating unnecessary risks that parish assets may be used for unauthorized purposes.

Recommendation: We recommend that the police jury reconcile fuel purchased to fuel used and implement additional procedures to ensure that all fuel is properly controlled and accounted for.

Management's Response: The police jury will reconcile fuel purchased to fuel used and implement procedures to ensure that all fuel is properly accounted for.

Louisiana Bid Law Violated

(Page 10)

Finding: In 1994, the police jury violated the Louisiana Bid Law by not advertising and letting for bid \$24,922 of limestone purchased for the construction of a boat ramp in the Brouillette area.

Recommendation: We recommend that the police jury comply with the public bid law.

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Marksville, Louisiana

Executive Summary (Continued)

Management's Response: The police jury will comply with the public bid law. All purchases of \$10,000 will be bid out.

Payments to Contractor in Excess of Contract Amount

(Page 11)

Finding: The police jury paid more than the contract limit of \$18,000 to the CPA firm who completed the two year audit ended December 31, 1993. Although it appears that the CPA firm had to perform additional procedures and additional audit work, the police jury did not modify the terms of the contract to include the additional amount of work and funds necessary to complete the audit.

Recommendation: We recommend that the police jury amend its contracts when additional work will cause payments to be made in excess of the original contract amount.

Management's Response: The police jury will monitor amounts spent in order to realize when contract limits have been met. At that time, the police jury will amend its contract if necessary.

Police Jury Vehicles Missing

(Page 11)

Finding: The police jury cannot locate four parish vehicles that were previously removed from service.

Recommendation: We recommend that the police jury implement procedures that ensure all vehicles or other major pieces of equipment are accounted for.

Management's Response: The police jury is currently implementing procedures to ensure that all vehicles and equipment are accounted for.

Meetings Violate State Law

(Page 12)

Finding: Police jurors may be violating LSA-R.S. 42:5(A), the Open Meeting Law, by holding "supper meetings" at the maintenance facility.

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Marksville, Louisiana

Executive Summary (Concluded)

Recommendation: We recommend that the police jury comply with the requirements of the Open Meeting Law.

Management's Response: The police jury will comply with the requirements of the Open Meeting Law.

Background and Methodology

The Legislative Auditor's Office received information that indicated improprieties may exist within the Avoyelles Parish Police Jury. We performed our investigation to determine the propriety of these allegations.

Our procedures consisted of (1) interviewing selected police jurors and police jury employees; (2) examining documents relating to the allegations, (3) making inquiries and performing tests to the extent we considered necessary to achieve our purpose; and (4) reviewing applicable Louisiana laws and other regulations.

The result of our investigation is the findings and recommendations presented herein.

Findings and Recommendations

FAILURE TO ESTABLISH A CAPITAL IMPROVEMENTS PROGRAM

The police jury does not have a capital improvements program as required by LSA-R.S. 48:755(A). This deficiency was referred to in the police jury's last two audit reports.

LSA-R.S. 48:755(A) requires each parish to adopt a parish-wide system of road administration, inclusive of parish roads within municipalities, which shall include the development of a capital improvement program on a selective basis, centralized purchasing of equipment and supplies, centralized accounting, and selective maintenance and construction. All construction is to be based upon engineering plans and inspection. During our examination, we learned that the police jury did not have a capital improvements program for 1995.

We recommend that the police jury comply with LSA-R.S. 48:755(A).

WORK PERFORMED ON PRIVATE PROPERTY

The police jury used parish equipment and personnel to perform work on private property in violation of Article 7, Section 14 of the Louisiana Constitution.

Police jury records indicate that during 1994 and 1995, the police jury performed work on private roads and property as follows:

- A parish work order, dated August 22, 1994, indicates that a parish bulldozer operator performed work on a private road belonging to a "hunting club in the Burns."
- In June 1995, the police jury used parish personnel and equipment to grade Michot Lane and also to clear a piece of private property adjacent to Eustis Lane. Michot Lane is a private drive that the police jury does not consider to be a public road. The parish superintendent, Mr. Vernel Vidrene, stated that the clearing along Eustis Lane

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Findings and Recommendations (Continued)

was done to widen the road and the ditch. However, we noted that parish workers only cleared the front of one person's property; the land immediately before this parcel of property and the land immediately after had not been cleared. Furthermore, even though the property was cleared approximately 20 feet beyond the road and the ditch, several trees were left standing adjacent to the ditch. Therefore, it appears that the clearing performed by parish workers did not improve passage by motorist or drainage but, rather, enhanced the condition of one individual's private property.

- In September 1994, the police jury provided the labor and equipment necessary to repair a bridge located on private property; the landowner paid for all materials necessary for the repairs. Mr. Vidrene acknowledged that the bridge was on private property, but stated that it is used by several farmers to access their land.
- In May 1994, the police jury used parish equipment and personnel to clean up debris after fire destroyed a local store. According to Mr. Kyle Dupuy of the Dupuy Store, the police jury had parish employees pick up the burned debris. Parish residents also informed our office that they witnessed parish equipment being used to clear the site after the fire. Mr. Vidrene confirmed that parish equipment and employees were used in the clean-up.
- In December 1995, the police jury dug a canal approximately three quarters of a mile long and six feet wide on private property. According to Mr. Vidrene, the canal was dug to alleviate flooding problems along the east side of Highway 71. The project was requested by Police Juror Matt Bordelon who owns several acres of land on the east side of Highway 71.

The police jury did not obtain a right-of-way although Mr. Bordelon informed us that he received verbal permission from the land owners to dig the canal. Although a right-of-way is normally appropriate when a public body performs work on private property, the attorney general opined in Opinion Number 74-547 that the police jury has the right to maintain a natural drain on private property without the property owner's consent. We are unable to determine whether the location of this canal is a natural drain and, therefore, we cannot conclude as to whether the police jury was required to obtain a right-of-way.

We recommend that the police jury comply with the Louisiana Constitution by no longer performing work on private property unless such work serves a public purpose or is performed under a properly documented hardship policy. In addition, in circumstances where it is necessary to perform work on private property, we recommend that the project be brought

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Findings and Recommendations (Continued)

before the full jury for approval and the parish acquire right-of-ways granting access to the property or document why a right-of-way is not necessary.

INADEQUATE ACCOUNTING FOR FUEL

The police jury does not have adequate procedures in place to reconcile the amount of fuel purchased to the amount of fuel used, thereby creating unnecessary risks that parish assets may be used for unauthorized purposes.

The police jury maintains an inventory of fuel for use in parish vehicles. Current procedures require that employees obtaining fuel record the date the fuel is obtained, the type and amount of fuel obtained, the vehicle's identification, and the vehicle's odometer reading. Because most of the parish vehicle's odometers are broken, the odometer readings are not being recorded.

Although the information collected as a result of the current procedures is available to the parish, no one uses the information to reconcile the amount of fuel used to the amount purchased. Ms. Darla Bordelon, purchasing agent, stated that no reconciliations were performed.

We recommend that the police jury reconcile its fuel purchases to the amount of fuel used in parish vehicles and implement additional procedures, as necessary, to ensure that fuel is used only for authorized purposes. In addition, all police jury vehicles should have working odometers.

LOUISIANA BID LAW VIOLATED

In 1994, the police jury violated the Louisiana Bid Law by not advertising and letting for bid \$24,922 of limestone purchased for the construction of a boat ramp in the Brouillette area.

In the summer of 1994, the Red River Waterway Commission requested that the parish build a boat ramp in the Brouillette area on the Red River. The parish contracted with Larry Grayson & Son Trucking to provide limestone and asphalt for the boat ramp and paid Grayson \$24,922.20 for the limestone. However, the project was not advertised for competitive bid.

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Findings and Recommendations (Continued)

LSA-R.S. 38:2212(A)(1)(a) provides, in part, that all purchases of materials and supplies exceeding the sum of \$10,000 to be paid out of public funds to be done by a public entity shall be advertised and let by contract to the lowest responsible bidder.

We recommend that the police jury comply with the public bid law.

**PAYMENTS TO CONTRACTOR IN EXCESS
OF CONTRACT AMOUNT**

The police jury paid more than the contract limit of \$18,000 to the CPA firm who completed the two year audit ended December 31, 1993. Although it appears that the CPA firm had to perform additional procedures and additional audit work, the police jury did not modify the terms of the contract to include the additional amount of work and funds necessary to complete the audit.

On December 14, 1993, the CPA firm of Broussard, Poche, Lewis, & Breaux was awarded the two year audit of the police jury for \$18,000. The firm was paid a total of \$29,850.25. This amount covered the audit and also additional charges for extra work. The additional work was not approved by the police jury as a whole. In addition, neither the police jury nor Broussard, Poche, Lewis, & Breaux informed the Legislative Auditor of this change in the scope of the audit engagement as required by LSA-R.S. 24:513.

We recommend that the police jury amend its contracts when additional work will cause payments to be made in excess of the original contract amount.

POLICE JURY VEHICLES MISSING

The police jury cannot locate four parish vehicles that were previously removed from service.

Police jury records indicate that 16 vehicles or other pieces of equipment had been dropped from insurance coverage in the past three years. According to the police jury's purchasing agent, the vehicles removed from insurance coverage were never sold; they are stored on a lot

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Marksville, Louisiana

Findings and Recommendations (Concluded)

behind the maintenance facility. However, we were unable to locate 4 of these 16 vehicles and the police jury does not know their location.

We recommend that the police jury implement procedures that ensure there is a proper accounting for vehicles or other major pieces of equipment.

MEETINGS VIOLATE STATE LAW

Police jurors could be in violation of LSA-R.S. 42:5(A), the Open Meeting Law, by holding "supper meetings" at the maintenance facility.

We obtained a copy of a notice that was sent to all police jurors notifying them of a "supper meeting" that would be held at the maintenance facility on a Thursday night. All regularly scheduled meetings are held at the courthouse on the second Tuesday of each month. According to employees of the police jury, the supper meetings are held each month and not considered public meetings.

LSA-R.S. 42:5(A) provides that every meeting of a public body shall be open to the public unless the matters discussed in the meeting are confidential communications, negotiations with respect to collective bargaining, report in security, or cases of extraordinary emergency.

The Louisiana Attorney General has opined that meetings include gatherings to discuss or act, and the fact that no binding action is taken or intended will not remove a meeting from the requirements of the Open Meeting Law.

We recommend that the police jury comply with the requirements of the Open Meeting Law.

Attachment I

Management's Responses

Carole Scalfan, Vice President
Marrero, La.

V.W. Cole, President
Effie, La.

Alfon B. Dauzat, Secretary-Treasurer
Marksville, La.

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V.W. Cole - District 1
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Michael R. Doodle - District 3
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Paul J. Chetlain - District 6
Carole Scalfan - District 7
Samuel T. Madote - District 8
Myron Juneau - District 9
Stanley Armand - District 10
Arvin Gagnard - District 11
McKinley Koller - District 12
Matt Bordelon - District 13
Charles E. Britton - District 14
Anthony Dosselle - District 15

Avoyelles Parish Police Jury

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Vernel Vickins, Parish Supt.
Curtis Armond, Drainage
Foreman and Asst. R & B Supt.
Janice D. Breville, Asst. Sec. Treas.
Tholma Dupar, Jury Secretary

February 13, 1996

Daniel G. Kyle, CPA CFE
Legislative Auditor
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P O Box 94397
Baton Rouge, Louisiana 70804-9397

Dear Mr. Kyle:

I am writing in response to your letter dated February 5, 1996 wherein you forwarded a copy of the preliminary draft of the investigative report of the Avoyelles Parish Police Jury. The written responses to the findings and recommendations are attached.

Sincerely,

V. W. Cole
V. W. Cole
President

INVESTIGATIVE AUDIT REPORT

AVOUELLES PARISH POLICE JURY

Failure to Establish a Capital Improvements Plan

Management's Response: In December, 1995, the Police Jury adopted a capital improvement road priority plan. This capital improvements program priorities road improvements based on parish-wide needs.

Work Performed on Private Property

Management's Response: The Police Jury will no longer perform work on private property unless such work serves a public purpose or is done under a properly documented hardship policy. When it is necessary to perform work on private property, the project will be brought before the full jury for approval and the parish will acquire the necessary right-of-ways.

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Management's Response: The Police Jury will reconcile fuel purchased to fuel used and implement procedures to ensure that all fuel is properly accounted for.

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Management's Response: The Police Jury will comply with the public bid law. All purchases of \$10,000 will be bid out.

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Management's Response: The Police Jury will monitor amounts spent in order to realize when contract limits have been met. At that time, the Police Jury will amend its contract if necessary.

Police Jury Vehicles Missing

Management's Response: The Police Jury is currently implementing procedures to ensure that all vehicles and equipment are accounted for.

Meetings Violate State Law

Management's Response: The Police Jury will comply with the requirements of the Open Meeting Law.

Attachment II

Rebuttal to Management's Response

LEGISLATIVE AUDITOR

AVOYELLES PARISH POLICE JURY
Marksville, Louisiana

REBUTTAL TO MANAGEMENT'S RESPONSE

The report's first finding stated that the police jury failed to establish a capital improvements program. The police jury responded by stating it has adopted a capital improvement road priority plan. Based on the information we received, the police jury did adopt a 1996 capital improvements program at the Police Jury's December 12, 1995, meeting. However, this plan is for only one year, 1996. LSA-R.S. 48:755(B)(1) requires that the capital improvements program include the current year and the projects that may reasonably be anticipated to be constructed in the following two years; thus the program must be a three-year program.