



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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June 23, 2023

TO: Nebraska Political Subdivisions

FROM: Jeff Schreier, Audit Manager
Nebraska Auditor of Public Accounts

RE: Filings with the Auditor of Public Accounts (APA)

Public entities in the State of Nebraska are required to annually file three forms/reports with the Auditor of Public Accounts:

1. Budget Forms –*Due September 30, 2023*
2. Interlocal Agreement Form –*Due September 30, 2023 - Penalty for filing late.*
3. Audit Report or Request for Waiver of Audit Requirement – *Penalty for filing late.*
 - Audit Report - Due 6 months after end of fiscal year end unless otherwise specified in statute.
 - Waiver Requests - Due 3 months after end of fiscal year end.

If there is a change in any of the Correspondence Information or you obtain a new email address after submitting your form, please contact our office so we can maintain the most current contact for correspondence.

▪ **Budget Requirement**

2023 New Legislation Impacting Budget Process

LB 727 – Updates requirements related to the Joint Public Hearing and postcard notification requirements implemented last year due to LB 644. Changes/Updates include:

- Definition of “Property Tax Request” no longer includes taxes levied to pay for school district bonds. This exclusion only applies to school districts and does not apply to Counties, Cities, or Community Colleges.
- At least one elected official from each political subdivision required to participate must attend the joint public hearing. This elected official could also be the “designated representative” that provides a brief presentation on their intent to increase the property tax request by more than the allowable growth percentage. Or, the political subdivision could also send a separate “designated representative”.
- The presence of a quorum or the participation of elected officials at the joint public hearing does not constitute a meeting as defined by the Open Meetings Act.
- Joint Public Hearings will be held between September 14th and September 23rd.
- Counties are required to publish notice of the joint public hearing on their website (if county population is more than 10,000)
- If required to participate in joint public hearing, participating subdivisions must provide their information to the County Assessor electronically by September 4th.
- Each participating subdivision must include a prominently displayed and easily accessible link on the home page of their website to their proposed budget.
 - Does not apply to: 1) Counties with a population of less than 10,000; 2) Cities with a population less than 1,000; and 3) for joint public hearings prior to January 1, 2024, school districts.

Is Your Subdivision Able To By-Pass the Budget Process?

If your entity meets the criteria below, you can complete the “Budget Waiver” form and you do not have to file a budget. *Please read carefully.*

- The Nebraska Budget Act shall not apply to any governing body for any fiscal year in which the governing body will not have a property tax request or receive State Aid as defined in Section 13-518. This means that if the lid on restricted funds is not applicable to your political subdivision, you are not required to file a budget document.

If your entity does not meet this criteria, you must complete the budget forms and submit them to our office and the County Clerk by September 30th.

How to get the budget forms

Forms can be downloaded from the left side of the APA website at:

auditors.nebraska.gov

Click on Local Governments > Budget Forms and Information > “Click Here for Budget Forms” button

Also available on this website are additional resources to assist political subdivisions in completing their budget (Instructions, FAQ’s, Sample Forms, etc).

For entities that cannot access the website or have trouble printing or downloading the necessary forms, we recommend you visit your local school or public library. If you are unable to obtain the forms via the Internet, you may contact the office and the forms will be provided to you.

Filing the Forms

1. **Submit Online** – From our website select “Submit your Audit or Budget” from the left side of the screen and follow the on screen steps. Please upload a single PDF file that contains all attachments for the entity.
2. **Mail** – Submit a paper copy of your budget including any attachments necessary to:

Auditor of Public Accounts
PO Box 98917
Lincoln, NE 68509

▪ **Report of Joint Public Agency and Interlocal Agreements**

State Statute requires **all** governing bodies to provide information to the APA regarding Trade Names, Corporate Names, Business Names, Joint Public Agencies and Interlocal Agreements on or before **September 30th** each year. **There is a \$20 per day penalty for filing this report late.**

If your entity does not have any of the above operations or agreements, please indicate such on the cover page of the Budget Document or Budget Waiver to complete this filing requirement. If your entity must file this report, a form is available on our website.

▪ **Audit Requirement**

State Statute and the Nebraska Administrative Code require local political subdivisions to file annual audit reports with the APA unless a waiver of the audit requirement has been requested and approved.

If your subdivision intends to have an audit for fiscal year 2023 conducted by a CPA firm, please file a copy of the report and management letter, if applicable, as soon as you receive the completed audit.

If your subdivision's expenditures are less than \$500,000, your governing board may request an audit waiver. The request for an Audit Waiver must be received within three months after the end of your fiscal year to allow time to complete an audit if your request is denied.

If a political subdivision fails to file a report with the Auditor of Public Accounts by the applicable due date, the Auditor of Public Accounts may assess the political subdivision a late fee of \$20 per day for each calendar day the required report remains not filed.

Can I Use My Budget As My Audit Waiver Request?

Political subdivisions that have the ability to request an audit waiver can use the Budget Document for the Audit Waiver Request if, Column 2 (2022-2023) is completed using actual numbers. Check "Yes" on the cover page of your budget in the section titled "Budget Document To Be Used As Audit Waiver." This would eliminate filing the separate Audit Waiver Form with our office. **NOTE:** Minutes must be attached documenting the waiver was requested and approved by the governing board.

Fire Districts and Townships must attach copies of the following items for the waiver to be considered:

- Monthly bank statements for all accounts (including CDs and other investment type accounts) for July 2022 through June 2023. The bank statements must include copies of cleared checks.
- Fiscal year end (June 2023) bank reconciliation for all bank accounts. The reconciliation should identify outstanding checks and outstanding deposits.
- A copy of meeting minutes for **one** regular board meeting, **including claims (bills) approved for payment**, for a meeting that occurred during the months of March 2023 through June 2023.

Villages cannot request an audit waiver as part of the budget filing. Villages must submit a separate audit waiver request after the fiscal year ending September 30, 2023 is completed.

Questions/ Contact Information

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