

**OFICINA DEL COMISIONADO DE ASUNTOS MUNICIPALES
ÁREA DE ASESORAMIENTO, REGLAMENTACIÓN E INTERVENCIÓN FISCAL
ÁREA DE ARCHIVO DIGITAL**

**MUNICIPIO DE AGUAS BUENAS
AUDITORÍA 2008-2009
30 DE JUNIO DE 2009**

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SINGLE AUDIT REPORTING PACKAGE
FOR THE YEAR ENDED JUNE 30, 2009

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MUNICIPAL DE AGUAS BUENAS

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SINGLE AUDIT REPORTING PACKAGE
FOR THE YEAR ENDED JUNE 30, 2009**

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COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2009

Carlos R. Diaz Negrón

Certified Public Accountant

MEMBER:

American Institute of Certified Public Accountants
Puerto Rico Society of Certified Public Accountants

PO BOX 408, RAFAEL LASA NO. 44, AGUAS BUENAS, PR 00703 – TEL: 787-732-8020 – FAX: 787-732-0685 - E-MAIL: oficinacarlosdiazcpa@yahoo.com

INDEPENDENT AUDITOR'S REPORT

**To the Honorable Mayor and
Municipal Legislative Body
Municipality of Aguas Buenas
Aguas Buenas, Puerto Rico**

We have audited the financial statements of the governmental activities, each major funds, and the aggregate remaining fund information of the **Municipality of Aguas Buenas** as of and for the year ended June 30, 2009 which collectively comprise the basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Municipality's management. Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of the business-type activities. Those statements were audited by other auditors whose report has been furnished to us, and our opinion, insofar as it relates to the amounts included for Espiritu Santo Project, is based solely on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standard applicable to financial audits contained in Government Audit Standards, issued by the Comptroller General of the United States. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the **Municipality of Aguas Buenas** as of June 30, 2009, and the respective changes in financial position for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America.

INDEPENDENT AUDITOR'S REPORT (CONTINUED):

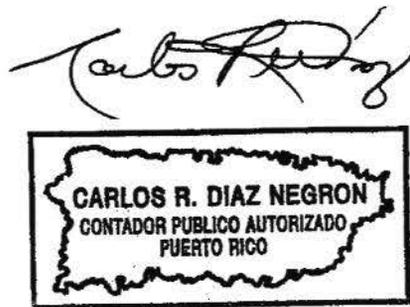
In accordance with Government Auditing Standards, we have also issued our report date December 23, 2009 on our consideration of **Municipality of Aguas Buenas'** internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulation, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion of the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and important for assessing the results of our audit.

The management's discussion and analysis and budgetary comparison information on pages 3 through 13 and 43 through 46 are not a required part of the basic financial statements, but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Municipality of Aguas Buenas basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applies in the audit of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relations to the basic financial statements taken as a whole.

December 23, 2009
Aguas Buenas, Puerto Rico

License No. 1339
Expire December 1, 2010



The stamp No. 2446970 of the Puerto Rico Society of Certified Public Accountants was affixed to the original of this report.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

Management of the Municipality of Aguas Buenas of the Commonwealth of Puerto Rico (the Municipality) provides this *Management's Discussion and Analysis* (MD&A) for the readers of the Municipality's basic financial statements. This narrative represents an overview and analysis of the financial activities of the Municipality for the fiscal year ended June 30, 2009. Because this MD&A is designed to focus on the current year activities, resulting changes and currently known facts, we encourage readers to consider the information presented in this MD&A in conjunction with the additional information furnished in the accompanying basic financial statements.

FINANCIAL HIGHLIGHTS

Government-Wide Highlights-Governmental Activities

- **Assets** – The Municipality has reported assets amounting to \$26.6 million for the governmental activities in the accompanying statement of net assets, of which the most significant are capital assets, cash and cash equivalents, and receivables amounting to \$19.3 million, \$4.8 million, and \$2.4 million, respectively.
- **Liabilities** – The Municipality has reported liabilities amounting to \$10.3 million in the accompanying statement of net assets, of which the most significant are bonds and notes payable compensated absences estimated liability for landfill cost, unearned revenues, accounts payable amounting to \$5.5 million, \$1.1 million, \$1.4 million, \$0.9 million and \$1.6 million, respectively.
- **Net assets** – The assets of the Municipality exceeded its liabilities by \$16.3 million at June 30, 2009, which is presented as “net assets” in the accompanying statement of net assets. Restricted net assets and unrestricted deficit amounted to \$3.2 million and \$2.3 million, respectively. Net assets invested in capital assets amounted to \$15.4 million.
- **Net change in net assets** – The Municipality's net assets increased by \$0.7 million during fiscal year ended June 30, 2009. Net assets at June 30, 2009 amounted to \$16.3 million. The increase in net assets represents a positive result of operations in the Municipality's overall financial position.
- **Revenues** – The Municipality has reported total revenues amounting to \$19.6 million in the accompanying statement of activities, of which the most significant are intergovernmental grants and contributions, and taxes amounting to \$15.0 million and \$3.4 million, respectively.
- **Expenses** – The Municipality has reported total expenses amounting to \$18.9 million in the accompanying statement of activities.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

Governmental Funds' Highlights:

- ***Assets*** – The Municipality's governmental funds have reported combined assets amounting to \$7.5 million in the accompanying balance sheet – governmental funds, of which the most significant are cash, taxes receivable, and due from governmental agencies amounting to \$4.8 million, \$1.3 million, and \$1.1 million respectively.
- ***Liabilities*** – The Municipality's governmental funds have reported combined liabilities amounting to \$3.9 million in the accompanying balance sheet – governmental funds, of which the most significant are deferred revenues, and accounts payable and accrued liabilities amounting to \$2.1 million, and \$1.4 million respectively.
- ***Governmental fund balances*** – The Municipality's governmental funds reported combined fund balances amounting to \$3.5 million that represent unreserved fund balances.
- ***Net change in governmental fund balances*** – The Municipality's governmental fund balances decreased by \$.2 million during fiscal year ended June 30, 2009. Governmental fund balances at June 30, 2009 amounted to \$3.5 million. The decrease in fund balance represents the excess of expenditures and other financing uses over revenues and other financing sources.
- ***Revenues*** – The Municipality's governmental funds have reported combined revenues amounting to \$19.9 million in the accompanying statement of revenues, expenditures and changes in fund balances governmental funds, of which the most significant are intergovernmental grants and contributions, property taxes, municipal license taxes, and sales taxes amounting to \$15.0 million, \$1.8 million, \$0.7 million, and 1.1 million respectively.
- ***Expenditures*** – The Municipality's governmental funds have reported combined expenditures amounting to \$20.0 million in the accompanying statement of revenues, expenditures and changes in fund balances – governmental funds, of which the most significant are categorized as public works, general government and health sanitation and welfare amounting to \$10.9 million, \$3.7 million, \$2.1 million, respectively.

USING THIS ANNUAL REPORT

The financial statements' focus is on both the Municipality as a whole (government-wide) and the major individual funds. Both perspectives (government-wide and major fund) allow the user to address relevant questions, broaden a basis for comparison (year to year or government to government) and enhance the Municipality's accountability.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

OVERVIEW OF THE BASIC FINANCIAL STATEMENTS

The Municipality's financial statements include three components: (1) the government-wide financial statements, (2) the fund financial statements, and (3) the notes to the financial statements (collectively known as the basic financial statements). This report also contains additional required supplementary information (budgetary schedules) in addition to the basic financial statements themselves. These components are described below:

Government-Wide Financial Statements

The *government-wide financial statements* are designed to provide readers with a broad overview of the Municipality's operations and finance as a whole in a manner similar to private-sector business. These statements provide short-term and long-term information about the Municipality's financial position, which assist the Municipality's management to determine the economic condition at the end of the fiscal year. These financial statements are prepared using the flow of economic resources measurement focus and the accrual basis of accounting. This basically means that these financial statements follow methods that are similar to those used by most businesses. They take into account all revenues and expenses connected with the fiscal year ended June 30, 2009 even if cash involved have not been received or paid. The government-wide financial statements include: (1) the Statements of Net Assets and (2) the Statement of Activities. The Statement of Net Assets and the Statement of Activities are divided into two categories:

- Governmental activities – Apply for governmental funds
- Business-type activities-Apply for property funds

Statement of Net Assets

The statement of net assets presents all of the Municipality's assets and liabilities, with the difference between these two items reported as "net assets" (equity). Over time, increases or decreases in the net assets may serve as a useful indicator of whether the financial position of the Municipality is either improving or deteriorating.

Statement of Activities

The statement of activities presents information showing how the Municipality's net assets changed during the fiscal year ended June 30, 2009. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will not result in cash flows until future fiscal periods (such as uncollected taxes and earned but unused vacation leave). This statement also presents a comparison between direct expenses and program revenues for each function of the Municipality.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009

Both of the abovementioned financial statements present all the governmental activities of the Municipality, which consist mostly by taxes and intergovernmental revenues (such as federal grants). Most services provided by the Municipality fall into this category, including educational, culture and education, general government, welfare public safety and public housing, etc.

Fund Financial Statements

The Municipality's fund financial statements consist of: (1) the balance sheet – governmental funds and (2) the statement of revenues, expenditures and changes in fund balances – governmental funds. These financial statements report the financial position and results of operations of the Municipality's governmental funds.

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Municipality, like most other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. Each fund is considered an independent fiscal entity accounted for within a set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenue, and expenditures. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with legal, financial and contractual provisions.

The fund financial statements focus on: (1) individual parts of the Municipality's government and (2) reporting the Municipality's operations in more detail than the government-wide financial statements.

Governmental funds are used to account for all of the services provided by the Municipality. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources. They also focus on the balances of spendable resources available at the end of the fiscal year (June 30, 2009). This approach is known as using the flow of current financial resources measurement focus and the modified accrual basis of accounting. These statements provide a detailed short-term view of the Municipality's finances that assists in determining whether there will be adequate financial resources available to meet the current needs of the Municipality, that is, evaluating the Municipality's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the fund information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Municipality's near-term financial decisions.

For financial reporting purposes the Municipality has three major funds: (1) the general fund, (2) debt service fund, and (3) athletic race track fund.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

Notes to the Basic Financial Statements

The notes to the basic financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and the fund financial statements. The notes to the basic financial statements can be found immediately following the basic financial statements.

Required Supplementary Information

The basic financial statements are followed by a section of required supplementary information consisting of a budgetary comparison between actual operating results with the original budget and the final amended budget for the general fund.

FINANCIAL ANALYSIS OF THE MUNICIPALITY AS A WHOLE

Net Assets

As noted earlier, net assets may serve over time as a useful indicator of the Municipality's financial position. In the case of the Municipality, net assets (excess of assets over liabilities) amounted to \$16.3 million at June 30, 2009, compared to \$15.6 million at the end of the previous year.

The largest portion of the Municipality's net assets is invested in capital assets net of their related debt (\$15.4 million). The Municipality's net assets is also composed of net assets amounting to \$3.2 million that are restricted for (1) future debt service payments, (2) the future acquisition or construction of capital assets and (3) other purposes, mainly the financing of federal and state assisted programs. In addition, the Municipality's net assets are reported as unrestricted deficit of \$2.3 million.

The unrestricted deficit is the consequence of previous budgets which did not provide funding for incurred long-term obligations such as compensated absences and others. Historically, such obligations have been budgeted on a pay as you go basis without providing funding for their future liquidation. Consequently, the Municipality cannot draw from its existing assets to provide services to its citizens and depends on its taxing ability to continue its operations.

The portion of the Municipality's net assets invested in capital assets such as land, buildings, equipment, etc., less any outstanding related debt used to acquire those assets, are used by the Municipality to provide services to its citizens; consequently these assets are not available for future spending. Although the Municipality's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from the debt service fund, since the capital assets themselves cannot be used to liquidate these liabilities.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

The following is a condensed presentation of the Municipality's financial position, as reported in the government-wide financial statements:

CONDENSED STATEMENT OF NET ASSETS

	Governmental Activities			Business-Type Activities			Total		
	2009	2008	Change	2009	2008	Change	2009	2008	Change
ASSETS									
Current and other assets	\$ 7,226,307	\$ 7,826,501	\$(600,194)	\$314,577	\$268,583	\$ 45,994	\$ 7,540,884	\$ 8,095,084	\$(554,200)
Capital assets, net	19,349,571	18,601,038	748,533	552,239	606,322	(54,083)	19,901,810	19,207,360	694,450
<i>Total assets</i>	<u>26,575,878</u>	<u>26,427,539</u>	<u>148,339</u>	<u>866,816</u>	<u>874,905</u>	<u>(8,089)</u>	<u>27,442,694</u>	<u>27,302,444</u>	<u>140,250</u>
LIABILITIES AND NET ASSETS									
Current and other liabilities	3,638,708	3,805,838	(167,130)	68,218	57,377	10,841	3,706,926	3,863,215	(156,289)
Long-term debt liabilities	6,668,370	7,057,716	(389,346)	524,064	565,494	(41,430)	7,192,434	7,623,210	(430,776)
<i>Total liabilities</i>	<u>10,307,078</u>	<u>10,863,554</u>	<u>(556,476)</u>	<u>592,282</u>	<u>622,871</u>	<u>(30,589)</u>	<u>10,899,360</u>	<u>11,486,425</u>	<u>(587,065)</u>
Net assets									
Invested in capital assets, net of related debt	15,419,693	15,407,045	12,648	-	-	-	15,419,693	15,407,045	12,648
Restricted	3,199,628	3,337,074	(137,446)	197,893	172,785	25,108	3,397,521	3,509,859	(112,338)
Unrestricted	(2,350,521)	(3,180,134)	829,613	76,641	79,249	(2,608)	(2,273,880)	(3,100,885)	827,005
TOTAL NET ASSETS	<u>\$16,268,800</u>	<u>\$15,563,985</u>	<u>\$ 704,815</u>	<u>\$274,534</u>	<u>\$252,034</u>	<u>\$ 22,500</u>	<u>\$16,543,334</u>	<u>\$15,816,019</u>	<u>\$727,315</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

Changes in Net Assets

The Municipality's net assets increased by \$.7 million. Approximately 17 percent of the Municipality's total revenues came from taxes, while 76 percent resulted from restricted and unrestricted capital and operating grants, contributions and reimbursements, including federal financial assistance. The Municipality's expenses cover a range of services. The largest expenses were for general government (22 percent), public works and sanitation (55 percent) and public health and welfare (11 percent). An increase of public works and sanitation are noted due to the permanent improvement expenses.

The following is a comparative condensed presentation of the Municipality's results of operations as reported in the Governmental Activities:

**CONDENSED STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2009 AND 2008**

	2009	2008	Change	%
Program Revenues				
Operating grants and contributions	\$3,208,961	\$2,345,681	\$ 863,280	37%
Capital grants and contributions	5,373,537	3,837,515	1,536,022	40%
Charge for services	58,679	45,783	12,896	28%
General revenues				
Taxes				
Property taxes	1,587,939	2,534,333	(946,394)	(37%)
Municipal taxes	656,446	635,931	20,515	3%
Sales taxes	1,141,105	1,309,917	(168,812)	(13%)
Grants entitlements	6,373,687	4,993,140	1,380,547	28%
Other	1,246,707	1,521,710	(275,003)	(18%)
Total revenues	<u>19,647,061</u>	<u>17,224,010</u>	<u>2,423,051</u>	<u>14%</u>
Expenses				
General administration	4,244,447	4,162,477	81,970	2%
Public safety	693,592	596,527	97,065	16%
Education, culture and recreational	1,182,477	1,439,332	(256,855)	(18%)
Public works and sanitation	10,432,200	7,840,081	2,592,119	33%
Health and welfare	2,109,703	1,832,247	277,456	15%
Interest	279,827	309,006	(29,179)	(9%)
Total general activities	<u>18,942,246</u>	<u>16,179,670</u>	<u>2,762,576</u>	<u>17%</u>
Change in net assets	704,815	1,044,340	(339,525)	(33%)
Net assets at beginning	<u>15,563,985</u>	<u>14,519,645</u>	<u>1,044,340</u>	<u>7%</u>
Net assets at end	<u>\$16,268,800</u>	<u>\$15,563,985</u>	<u>\$ 704,815</u>	<u>5%</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

FINANCIAL ANALYSIS OF GOVERNMENTAL FUNDS

As discussed earlier, the Municipality uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds - The focus of the Municipality's *governmental funds* is to provide information on near-term inflows, outflows, and balance of *spendable resources*. Such information is useful in assessing the Municipality's financing requirements. In particular, *unreserved fund balance* may serve as a useful measure of a government's net resources available for spending at the end of fiscal year. The following is a condensed presentation of the Municipality's balance sheet of governmental funds:

**Condensed Balance Sheet-Governmental Funds
June 30, 2009 and 2008**

	2009	2008	Change	%
Total assets	\$7,478,851	\$8,282,272	\$(803,421)	(10%)
Total liabilities	3,942,096	4,579,055	(636,959)	(14%)
Fund equity and other credits	3,536,755	3,703,217	(166,462)	(4%)
	<u>\$7,478,851</u>	<u>\$8,282,272</u>	<u>\$(803,421)</u>	<u>(10%)</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

The following is a condensed presentation of the Municipality's statement of revenues, expenditures and changes in fund balance of governmental funds:

**Condensed Statement of Revenues, Expenditures and Changes
in Fund Balances-Governmental Funds
June 30 2009 and 2008**

	2009	2008	Change	%
Total revenues	\$19,893,634	\$16,580,915	\$3,312,719	20%
Total expenditures	20,060,096	19,240,327	819,769	4%
Excess of expenditures over revenues	(166,462)	(2,659,412)	2,492,950	94%
Total other financing sources(uses), net	-	255,000	(255,000)	-100%
Excess of expenditures and other financing uses over revenues and other financing sources	(166,462)	(2,404,412)	2,237,950	93%
Fund balance, at beginning of fiscal year	3,227,710	5,632,122	(2,404,412)	-43%
Fund balance, at end of fiscal year	<u>\$ 3,061,248</u>	<u>\$ 3,227,710</u>	<u>\$ (166,462)</u>	<u>-5%</u>

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The accompanying statement of net assets reported total gross capital assets, at cost, amounting to \$31.1 million at June 30, 2009. The related accumulated depreciation and amortization of capital assets amounted to \$11.8 million at June 30, 2009. This investment in capital assets includes land, buildings, improvements, equipment, infrastructure and construction in progress. Infrastructure assets are items that are normally immovable and of value only to the municipal government, such as roads, bridges, streets and sidewalks, drainage systems, lighting systems, and similar items. The municipality elected to depreciate infrastructure assets.

Actual costs incurred to purchase or construct capital assets were \$1.8 million, net of retirements, for the year ended June 30, 2009. Depreciation and amortization charges for the year totaled \$1.0 million, net of retirements.

The Municipality finances a significant portion of its construction activities through bond issuances and state and federal grants. The proceeds from bond issuances designated for construction activities are committed in its entire for such purposes and cannot be used for any other purposes.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

Comparison of Capital Assets for governmental activities is as follows:

	2009	2008	Change	%
CAPITAL ASSETS				
Nondepreciable asset:				
Land	\$ 1,971,577	\$ 1,971,577	\$ -	-
Depreciable assets:				
Infrastructure	1,631,315	1,317,685	313,630	24%
Buildings, parks and courts	22,879,102	22,387,466	491,636	2%
Machinery and equipment	2,386,481	1,754,564	631,917	26%
Automobiles	2,263,293	1,906,923	356,370	19%
Total capital assets	<u>31,131,768</u>	<u>29,338,215</u>	<u>\$1,793,553</u>	<u>6%</u>
Less accumulated depreciation:				
Infrastructure	133,531	92,174	41,357	45%
Buildings, parks and courts	8,522,681	7,937,775	584,906	7%
Machinery and equipment	1,341,490	1,133,539	207,951	18%
Automobiles	1,784,495	1,573,689	210,806	13%
	<u>11,782,197</u>	<u>10,737,177</u>	<u>1,045,020</u>	<u>10%</u>
Net capital assets	<u>\$19,349,571</u>	<u>\$18,601,038</u>	<u>\$ 748,533</u>	<u>4%</u>

Debt Administration

The laws and regulations of the Commonwealth of Puerto Rico have established a limitation for the issuance of general obligation municipal bonds and notes for the payment of which the good faith, credit and taxing power of each municipality may be pledged.

The applicable laws and regulations also require that in order for a municipality to be able to issue additional general obligation bonds and notes, such municipality must have sufficient "payment capacity". Act No. 64 provides that a municipality has sufficient "payment capacity" to incur additional general obligation debt if the deposits in such municipality's redemption fund and the annual amounts collected with respect to such municipality's special additional tax (as defined below), as projected by the Government Development Bank for Puerto Rico, will be sufficient to service to maturity the Municipality's outstanding general obligation debt and the additional proposed general obligation debt ("payment capacity").

The Municipality is required under applicable laws and regulations to levy the special additional tax in such amounts as shall be required for the payment of its general obligation municipal bonds and notes. In addition, principal of and interest on all general obligation municipal bonds and notes and on all municipal notes issued in anticipation of the issuance of general obligation bonds issued by the Municipality constitute a first lien on the Municipality's basic tax revenues. Accordingly, the Municipality's basic tax revenues would be available to make debt service payments on general obligation municipal bonds and notes to the extent that the special additional tax levied by the Municipality, together with moneys on deposit in the Municipality's redemption fund, are not sufficient to cover such debt service. It has never been necessary to apply Basic Taxes to pay debt service on general obligation debt of the Municipality.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED JUNE 30, 2009**

At year-end the Municipality had \$5,004,000 in general and special bonds and notes, a decrease of 7% with respect to prior year. Total long-term liability for the year ended June 30, 2009 is as follows:

General and special obligation bonds and notes	\$5,004,000
Compensated absences	1,149,574
Landfill closure costs	1,360,000
Other	<u>758,318</u>
Total	<u><u>\$8,271,892</u></u>

ECONOMIC FACTORS AND BUDGETS AND RATES

The Municipality relies primarily on property and municipal license taxes, as well as, federal and state grants to carry out the governmental activities. Historically, property and municipal license taxes have been very predictable with increases not generally exceeding ten percent. Federal grant revenues may vary if new grants are available but the revenue is also very predictable.

Those factors were considered when preparing the Municipality's budget for the 2008-2009 fiscal year. There were no significant changes between the budget for fiscal year 2007-2008 and the one for fiscal year 2008-2009. Actual revenues were less than budget by approximately 8% due principally to license and permits budgeted but not earned during the year.

Expenditures were less than budgeted amount, due mainly to a decrease in actual general administration expenditures. See Budgetary Comparison Schedule.

FINANCIAL CONTACT

The Municipality's financial statements are designed to present users (citizens, taxpayers, customers, investors and creditors) with a general overview of the Municipality's finances and demonstrate the Municipality's accountability. If you have any questions about the report or need additional financial information, contact the Municipality' Director of Finance, Mr. Jose Emilio Carrasquillo, at (787) 732-2811.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF NET ASSETS
AS OF JUNE 30, 2009

PRIMARY GOVERNMENT

ASSETS	GOVERNMENTAL ACTIVITIES	BUSINESS – TYPE ACTIVITIES	TOTAL
Cash and cash equivalents	\$ 3,753,672	\$ 63,945	\$ 3,817,617
Cash with fiscal agent	1,017,954		1,017,954
Account receivable	1,266,337		1,266,337
Accounts receivable other agencies	1,097,534		1,097,534
Other assets	90,810	52,739	143,549
Restricted cash		197,893	197,893
Capital assets, net	<u>19,349,571</u>	<u>552,239</u>	<u>19,901,810</u>
Total Assets	<u>\$26,575,878</u>	<u>\$866,816</u>	<u>\$27,442,694</u>
LIABILITIES AND NET ASSETS			
Liabilities:			
Accounts payable and accrued expenses	\$ 1,572,595	\$ 26,788	\$ 1,599,383
Deferred revenue	886,656		886,656
Due to other agencies	141,429		141,429
Long-term debt:			
Due within one year	1,038,028	41,430	1,079,458
Due in more than one year	<u>6,668,370</u>	<u>524,064</u>	<u>7,192,434</u>
Total liabilities	<u>10,307,078</u>	<u>592,282</u>	<u>10,899,360</u>
Net Assets:			
Invested in capital assets, net of related debt	15,419,693		15,419,693
Restricted for:			
Debt service	1,089,996		1,089,996
Replacements and others		197,893	197,893
Capital project and others	2,109,632		2,109,632
Unrestricted	<u>(2,350,521)</u>	<u>76,641</u>	<u>(2,273,880)</u>
Total Net Assets	<u>\$16,268,800</u>	<u>\$274,534</u>	<u>\$16,543,334</u>

The accompanying notes are an integral part of these financial statements.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2009

PROGRAM REVENUES

<u>FUNCTIONS AND PROGRAMS</u>	<u>EXPENSES</u>	<u>CHARGE FOR SERVICES</u>	<u>OPERATING GRANTS AND CONTRIBUTIONS</u>	<u>CAPITAL GRANTS AND CONTRIBUTIONS</u>	<u>NET (EXPENSE)/REVENUE</u>
Governmental activities:					
General administration	\$ (3,677,229)	\$ 686	\$ 671,649		\$ (3,004,894)
Public safety	(693,592)		176,396		(517,196)
Education, culture and recreational	(1,182,477)	57,993	502,619		(621,865)
Public relations and citizen affairs	(567,218)				(567,218)
Public works and sanitation	(10,432,200)			\$5,373,537	(5,058,663)
Health and welfare	(2,109,703)		1,858,297		(251,406)
Interest	(279,827)				(279,827)
Total governmental activities	(18,942,246)	58,679	3,208,961	5,373,537	(10,301,069)
Business type-activities:					
Housing	(291,814)	313,626			21,812
Total	\$(19,234,060)	\$372,305	\$3,208,961	\$5,373,537	\$(10,279,257)

(Continue)

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF ACTIVITIES (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

	<u>GOVERNMENTAL ACTIVITIES</u>	<u>BUSINESS-TYPE ACTIVITIES</u>	<u>TOTAL</u>
Net (expense)/revenue	<u>\$(10,301,069)</u>	<u>\$ 21,812</u>	<u>\$(10,279,257)</u>
General revenue:			
Taxes:			
Property taxes	1,587,939		1,587,939
Municipal tax	656,446		656,446
Sales tax	1,141,105		1,141,105
Grants and entitlements	6,373,687		6,373,687
Rent	108,139		108,139
Licenses and permit	312,445		312,445
Interest	60,406	688	61,094
Other	<u>765,717</u>	<u> </u>	<u>765,717</u>
Total general revenues	<u>11,005,884</u>	<u>688</u>	<u>11,006,572</u>
Changes in net assets	704,815	22,500	727,315
Net assets at beginning	<u>15,563,985</u>	<u>252,034</u>	<u>15,816,019</u>
Net assets at end	<u>\$ 16,268,800</u>	<u>\$274,534</u>	<u>\$16,543,334</u>

The accompanying notes are an integral part of these financial statements.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
BALANCE SHEET
GOVERNMENTAL FUNDS
AS OF JUNE 30, 2009

	<u>GENERAL FUND</u>	<u>DEBT SERVICE</u>	<u>ATHLETIC TRACK FUND</u>	<u>OTHER GOVERNMENTAL FUNDS</u>	<u>TOTAL GOVERNMENTAL FUNDS</u>
Cash:					
Cash in bank	\$1,057,722		\$1,000,000	\$1,695,950	\$3,753,672
Cash with fiscal agent	12,306	\$ 793,484		212,164	1,017,954
Receivables:					
Governmental agencies				1,097,534	1,097,534
Property taxes	969,825	296,512			1,266,337
Other funds	252,544				252,544
Other	<u>46,134</u>			<u>44,676</u>	<u>90,810</u>
Total assets	<u>\$2,338,531</u>	<u>\$1,089,996</u>	<u>\$1,000,000</u>	<u>\$3,050,324</u>	<u>\$7,478,851</u>
Liabilities:					
Accounts payable and accrued expenses	\$ 590,888		\$ 112,150	\$ 737,060	\$1,440,098
Deferred income	1,442,324	\$ 285,982		379,719	2,108,025
Due to other fund				252,544	252,544
Due to other agencies	<u>141,429</u>				<u>141,429</u>
Total liabilities	<u>2,174,641</u>	<u>285,982</u>	<u>112,150</u>	<u>1,369,323</u>	<u>3,942,096</u>
Fund balance					
Debt services		804,014			804,014
Unreserved	163,890		887,850		1,051,740
Unreserved reported in non major:					
Capital project				1,395,904	1,395,904
Special funds				<u>285,097</u>	<u>285,097</u>
Total fund balance	<u>163,890</u>	<u>804,014</u>	<u>887,850</u>	<u>1,681,001</u>	<u>3,536,755</u>
Total liabilities and fund balance	<u>\$2,338,531</u>	<u>\$1,089,996</u>	<u>\$1,000,000</u>	<u>\$3,050,324</u>	<u>\$7,478,851</u>

The accompanying notes are an integral part of these financial statements.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET ASSETS
AS OF JUNE 30, 2009**

Fund balances in governmental funds	\$ 3,536,755
 <i>Amounts reported for governmental activities in the Statement of Net Assets are different because:</i>	
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds	19,349,571
Deferred property tax revenue in governmental funds financial statements whereas recorded as revenue in the governmental activities	1,221,369
Long-term liabilities and accrual expenses are not due and payable in the current period and therefore are not reported in the governmental funds:	
Bonds and notes payable	(5,004,000)
Compensated absences	(1,149,574)
Estimated liability for landfill post-closure costs	(1,360,000)
Accrued interest	(132,497)
Other long term debt	(192,824)
<i>Net assets of governmental activities</i>	<u>\$16,268,800</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2009**

	<u>GENERAL FUND</u>	<u>DEBT SERVICE</u>	<u>HUD BLOCK GRANT FUND</u>	<u>OTHER GOVERNMENTAL FUNDS</u>	<u>TOTAL GOVERNMENTAL FUNDS</u>
Revenues:					
Taxes:					
Property taxes	\$1,479,089	\$355,423			\$ 1,834,512
Municipal taxes	656,446				656,446
Sale tax		97,045		\$1,044,060	1,141,105
Licenses and permits	312,445				312,445
Interest	56,761	3,645			60,406
Rent	108,139				108,139
Grants and entitlements	5,829,715		\$1,000,000	8,126,470	14,956,185
Other	<u>824,396</u>				<u>824,396</u>
Total Revenues	<u>9,266,991</u>	<u>456,113</u>	<u>1,000,000</u>	<u>9,170,530</u>	<u>19,893,634</u>
Expenditures:					
General administration	3,339,052			385,496	3,724,548
Public safety	624,206			204,564	828,770
Education and recreational	723,569			529,816	1,253,385
Public works	3,761,155		112,150	7,048,081	10,921,386
Public relations and citizens affairs	474,812			92,406	567,218
Health and welfare	474,042			1,621,845	2,095,887
Debt service:					
Principal		404,000			404,000
Interest		<u>264,902</u>			<u>264,902</u>
Total expenditures	<u>9,396,836</u>	<u>668,902</u>	<u>112,150</u>	<u>9,882,208</u>	<u>20,060,096</u>
Excess of revenue over expenditures	<u>(129,845)</u>	<u>(212,789)</u>	<u>887,850</u>	<u>(711,678)</u>	<u>(166,462)</u>

(Continue)

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-GOVERNMENTAL FUNDS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

	<u>GENERAL FUND</u>	<u>DEBT SERVICE FUND</u>	<u>ATHLETIC TRACK FUND</u>	<u>OTHER GOVERNMENTAL FUNDS</u>	<u>TOTAL GOVERNMENTAL FUNDS</u>
Excess of revenues over (under) expenditures	\$(129,845)	\$(212,789)	\$887,850	\$(711,678)	\$ (166,462)
Other financing sources (uses):					
Operating transfer in	3,645	180,644			184,289
Operating transfer out	(180,644)	(3,645)			(184,289)
Proceed from loan	_____	_____	_____	_____	_____
Total other financing sources	<u>(176,999)</u>	<u>176,999</u>	_____	_____	_____
Excess of revenues and other financing source over (under) expenditures and other financing sources	(306,844)	(35,790)	887,850	(711,678)	(166,462)
Fund balance at beginning of year	<u>470,734</u>	<u>839,804</u>	_____	<u>2,392,679</u>	<u>3,703,217</u>
Fund balance at end of year	<u>\$ 163,890</u>	<u>\$804,014</u>	<u>\$887,850</u>	<u>\$1,681,001</u>	<u>\$3,536,755</u>

The accompanying notes are an integral part of these financial statements.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL
FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2009**

Net change in fund balances – total governmental funds **\$ (166,462)**

Amounts reported for Governmental Activities in the Statement of Activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities and changes in net assets, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount of capital assets recorded in the current period.	1,793,553
Governmental funds report principal payments on long-term debts as expenditures, whereas the principal payments reduce the long-term debt in the statement of net assets.	404,000
Change in accrued expenses which does not require the use of current financial resources:	
Accrued interest	(14,925)
Compensating absences	(42,683)
Other long-term debts	22,925
Deferred propriety tax	(246,573)
Depreciation expense on capital assets is reported in the statement of activities, but it does not require the use of current financial resources. Therefore, depreciation expense is not reported as expenditure in governmental funds.	(1,045,020)
<i>Changes in Net Assets of Governmental Activities</i>	<u>\$ 704,815</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
PROPERTY FUND STATEMENT OF FINANCIAL POSITION
JUNE 30, 2009**

ASSETS

	BUSINESS TYPE ACTIVITIES ESPIRITU SANTO PROJECT
Current Assets:	
Cash	\$ 63,945
Property and Equipment	552,239
Restricted deposits	197,893
Other Assets	<u>52,739</u>
	<u>\$866,816</u>

LIABILITIES AND NET ASSETS

Liabilities:	
Current liabilities:	
Current maturities of mortgage note	\$ 41,430
Accounts payable and accrued expenses	<u>26,788</u>
	68,218
Accrued liabilities:	
Mortgage note, net of current maturities	<u>524,064</u>
	592,282
Net assets	<u>274,534</u>
Total liabilities and net assets	<u>\$866,816</u>

The accompanying notes are an integral part of these financial statements.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
STATEMENT OF PROPERTY FUND
YEAR ENDED JUNE 30, 2009**

	BUSINESS TYPE ACTIVITIES ESPIRITU SANTO PROJECT
Revenues:	
Rent	\$313,626
Financial	<u>688</u>
Total revenues	<u>314,314</u>
Expenses:	
Administrative	85,594
Utilities	7,513
Operating Maintenance	68,893
Taxes and insurance	32,203
Depreciation	57,075
Interest	<u>40,536</u>
Total Expenses	<u>291,814</u>
Change in net assets	22,500
Project net assets, beginning of year	<u>252,034</u>
Project net assets, and year	<u>\$274,534</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2009**

	BUSINESS TYPE ACTIVITIES ESPIRITU SANTO PROJECT
Cash flow from operating activities:	
Cash received from rentals	\$302,493
Interest received	<u>688</u>
	<u>303,181</u>
Administrative	12,383
Utilities	16,717
Salaries and wages	102,639
Operating and maintenance	25,698
Property and liability insurance	5,757
Interest on mortgage	40,741
Management fees	<u>23,400</u>
	<u>227,335</u>
Net cash provided by operating activities	<u>75,846</u>
Cash flow from investing activities:	
Purchase of equipment	(2,993)
Additions to reserve for replacements and interest	<u>(24,845)</u>
Net cash used by investing activities	<u>(27,838)</u>
Cash flows from financing activities:	
Mortgage principal payments	<u>(38,255)</u>
Net cash used by financing activities	<u>(38,255)</u>
Net increase in cash	9,753
Cash at beginning of the year	<u>54,192</u>
Cash at ending of the year	<u>\$ 63,945</u>

(Continue)

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

Reconciliation of change in net assets to net cash provided by operating activities:

	BUSINESS TYPE ACTIVITIES ESPIRITU SANTO PROJECT
Cash flow from operating activities:	
Change in net assets	<u>\$ 22,500</u>
Adjustments to reconcile change in net assets to net cash provided by operating activities:	
Depreciation	57,075
Increase (decrease) in:	
Tenants account receivable (net)	(11,132)
Accounts payable	8,701
Accrued vacations and bonus	(1,132)
Interest on mortgage	<u>(166)</u>
Total adjustments	<u>53,346</u>
Net cash provided by operating activities	<u>\$ 75,846</u>

The accompanying notes are an integral part of these financial statements.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2009

1. ORGANIZATION

The Municipality of Aguas Buenas (the Municipality) is a political and legal entity with full legislative and administrative faculties in every affair of municipal character, with perpetual succession, existence and legal personality separate and independent from the governmental of the Commonwealth of Puerto Rico.

The municipal government is comprised of the executive and legislative bodies, which are elected every four years in the Puerto Rico general elections. The executive power is exercised by the Mayor and the legislative power by the Municipal Legislative Body, which has fourteen members.

The Municipality provides the following services to its community: health, public works, education, public safety, housing, community and social services, welfare, culture and recreation, as well as many other general and administrative services.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting and reporting policies of the Municipality relating to the funds included in the accompanying basic financial statements conform to accounting principles generally accepted in the United States of America applicable to state and local governments. Generally accepted accounting principles for local governments include those principles prescribed by the Governmental Accounting Standards Board (GASB), the American Institute of Certified Public Accountants in the publication entitled Audits of State and Local Governmental Units and by the Financial Accounting Standards Board (when applicable). The more significant policies of the Municipality are described below.

Reporting entity

A reporting entity consists of the primary government, component units, and other organizations that are included to ensure that financial statements are not misleading. The primary government of the Municipality consists of all funds and departments that are not legally separate from the Municipality. For the Municipality of Aguas Buenas, these include various services such as police protection, recreation (including parks), street maintenance and repair, sanitation, and general administrative services. The operation of each of these activities is directly controlled by Municipality's Legislative Body through the budgetary process.

Component units are legally separate organizations for which the Municipality is financially accountable. The Municipality has no component units.

Government wide and fund financial statements

Basic financial statements include both governments-wide and fund financial statements.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Government-wide statements

The government-wide financial statements (consists of the statement of net assets and the statement of activities) these statements report information on all the activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities which normally are supported mainly by taxes and intergovernmental revenues are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segments are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include a) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Program-specific capital and operating grant and contributions consist of transactions that are either mandatory or voluntary nonexchange transactions with other governments, organizations, or individuals that restrict the resources for use in a particular program. Capital grants and contributions consist of capital assets or resources that are restricted for capital purposes – to purchase, construct or renovate capital assets associated with a specific program. Operating grants and contributions consist of resources that are required to be used to finance the costs of operating a specific program or can be used either for operating or capital purposes of a specific program. Restricted capital and operating grants and contributions are program revenues because they are specifically attributable to a program are reduce the net expense of that program to the Municipality. They are reported net of estimated uncollectible amounts.

Fund financial statements

The fund financial statements segregate transactions related to certain functions or activities in separate funds in order to aid financial management and to demonstrate legal compliance. These statements present each major fund as a separate column on the fund financial statements; all non-major funds are aggregated and presented in a single column.

The Municipality reports the following major governmental funds:

A) General Fund

This is the operating fund of the Municipality and accounts for all financial resources, except those required to be accounted for in another fund.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B) Debit service fund

The fund accounts for resources accumulated and payments made for principal and interest on long term general obligation debt of governmental funds.

C) Athletic Truck Fund

This fund accounts for resources accumulated and payment made under a State Legislative Joint Resolution for the construction of an athletic run track.

Measurement focus, basis of accounting and financial statement presentation

The government-wide financial statement of Net Assets and the Statement of Activities, both government and business like activities, are presented using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are presented using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Under this method revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, except for debt service, compensated absences and claims and judgments expenditures which are reported when payment is due.

Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989 generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private sector guidance.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Measurement focus, basis of accounting and financial statement presentation (continued)

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements. Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, than unrestricted resources as they are needed.

Proprietary fund financial statements include a statement of net assets, a statement of revenues, expenses and changes in fund nets, and statements of cash flows for the proprietary fund which include a low income housing project know as Espiritu Santo Project.

The Municipality has elected to not apply all statements and interpretation issued by FASB after November 30, 1989.

Proprietary funds are accounted for using the "economic resources" measurement focus and the accrual basis of accounting. Accordingly, all assets and liabilities (whether current or noncurrent) are include on the statement of net assets. The statement of revenues, expenses and change in fund net assets present increases (revenues) and decrease (expenses) in total net assets. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred.

Operating revenues in the proprietary fund are those revenues that are generated from the primary operating of the fund. All other revenues are reported as non-operating revenues. Operating expenses are those expenses that are essential to the primary operations of the fund. All other expenses are reported as non-operating expenses.

Cash, cash equivalents, cash with fiscal agent and investment

The Municipality's finance director is responsible for investing available resources. The Municipality is restricted by law to invest only in savings accounts and certificates of deposit with banks qualified as a depository of public funds by the Puerto Rico Treasury Department (PRTD) or in instruments of the Government Development Bank for Puerto Rico (GDB). The Municipality's policy is to invest any excess cash in interest bearing deposits with institutions qualified by the PRTD. Earnings from these funds are recorded in the corresponding fund as interest income.

Cash with fiscal agent in the governmental fund consists of unused proceeds from bonds and notes issued for the acquisition and construction of major capital improvements. Cash with fiscal agent in the debt service fund represents special additional property tax collections retained by the Municipal Revenue Collection Center (CRIM) and restricted for the payment of the Municipality's debt service, as established by law.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

The Municipality considers all investments with an original maturity of three months or less to be cash equivalents.

Interfund receivables and payables

Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either due to/from other funds (i.e., the current portion of interfund loans) or advances to/from other funds (i.e., the non-current portion of interfund loans). Interfunds receivables and payables between funds within the governmental activities are eliminated in the statement of net assets.

Capital assets

Capital assets, which include property, plant, equipment, and infrastructure (which is normally immovable and of value only to the Municipality, such as roads, bridges, streets sidewalks, and drainage system), are reported in the government-wide financial statements.

Capital assets purchased or acquired are carried at historical cost or estimated historical cost. Contributed assets are recorded at fair market value as of the date donated. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. When historical cost is not available it is estimated using historic sales of the year of the acquisition of the related capital assets.

Depreciation in capital assets is calculated on the straight-line basis over the following estimated useful lives:

Infrastructure	50 years
Building	40 years
Improvement to land	25 years
Vehicles	7 years
Machinery and equipment	10 years
Computer and printer	3 years
Furniture	15 years

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Reservation of fund balance

Reservations of fund balance represent portions of fund balances that are legally segregated for a specific future use or are not appropriated for expenditure. The Municipality has the following reservations of fund balance:

A) Debt/ service

Represents net assets available to finance future debt service payments.

B) State and federal programs

Represent the reservations of amounts available for specific use under state and federal grant programs.

Risk financing

The Municipality carries insurance to cover casualty, theft, tort claims and other losses. Insurance policies are negotiated by the Puerto Rico Treasury Department and costs are allocated among all the municipalities of Puerto Rico. Cost of insurance allocated to the Municipality and deducted from the gross property tax collections by the Municipal Revenue Collection Center (the "CRIM") for the year ended June 30, 2009 amounted to approximately \$173,492. The current insurance policies have not been cancelled or terminated. The CRIM also deducted approximately \$159,320 for workers compensation insurance covering all municipal employees.

Compensated absences

Employees accumulate vacation leave at a rate of 2.5 days per month up to maximum of 60 days. Unpaid vacation time accumulated is fully vested to the employees from the first day of work. Employees accumulate sick leave at a rate of 1.5 days per month up to a maximum 90 days. In the event of employee resignation, the employee is paid for accumulated vacations days up to the maximum allowed.

Separation from employment prior to use of all or part of the sick leave terminates all rights for compensation, except for employees with ten years or more of service who are entitled to sick leave pay up to the maximum allowed.

Employees' maximum allowed vacations and vested sick benefits are accounted for in the Statement of Net Assets.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Post employment benefits

Pursuant various Acts, the Municipality is required to cover annually the 3% increase (cost of living allowance) in the retirement plan of it's retirees employees. Substantially all of the employees may become eligible for these benefits of they reach normal retirement to while working for the Municipality. For the fiscal year ended June 30, 2009, post employment benefits retirees amounted to \$50,000. These benefits are recorded as expenditures when paid in the general fund.

Use of estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates

3. PROPERTY TAX

The personal property tax is self assessed by the taxpayer on a return, which is to be filed by May 15 of each year with the Municipal Revenue Collector Center (the CRIM), a governmental entity created by the Commonwealth of Puerto Rico. Real property tax is assessed by the CRIM on each piece of real state and on each building.

The assessment is made as of January 1 of each year and is based on current values for personal property and on estimated value as of 1957 for real property tax. The tax on personal property must be paid in full together with the return by May 15. The tax on real property may be paid in two installments by July 1 and January 1.

The CRIM is responsible for the billing and collections of real and personal property taxes on behalf of all the municipalities of Puerto Rico. Before the beginning of each fiscal year, the CRIM informs the Municipality of the estimated amount of property tax expected to be collected for the ensuing fiscal year. Throughout the year, the CRIM advances funds to the Municipality based on the initial estimated collections. The CRIM is required by law to prepare a settlement statement on a fiscal year basis, where by a comparison is made between the amounts advanced to the Municipality and amounts actually collected from taxpayers.

This settlement has to be completed on a preliminary basis not later than three months after fiscal year-end, and a final settlement made not later than six months after year-end. If the CRIM remits to the Municipality property tax advances, which are less than the tax actually collected, a receivable from the CRIM is recorded at June 30. However, if advances exceed the amount actually collected by the CRIM, a liability to the CRIM is recorded at June 30.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

3. PROPERTY TAX (CONTINUED)

Residential real property occupied by its owner is exempt by law from the payment of property taxes on the first \$15,000 of the assessed value. For such exempt amounts, the Puerto Rico Treasury Department assumes payment of the basic tax to the Municipalities, except for property assessed at less than \$3,500 for which no payment is made. As part of Law No. 83 of August 30, 1991, as amended, the exempt amount to be paid by Puerto Rico Treasury Department to the Municipalities was frozen as of January 1, 1992. In addition, the law grants a tax exception from the payment of personal property taxes of up to \$50,000 of the assessed value to retailers having annual net sales of less than \$150,000.

The annual rate for fiscal year 2009 is 8.78% for real property and 6.78% for personal property of which 1.03% of both tax rates are for the redemption of public debt issued by the Commonwealth of Puerto Rico. The remaining percentage is distributed as follows: (a) 6.0% and 4.0%, respectively, represent the Municipality's basic property tax rate, which is appropriated for general purposes and accounted for in the general fund. A portion of such amount is deposited in an equalization fund together with a percentage of the net revenues of the Puerto Rico electronic lottery and subsidy from the Commonwealth of Puerto Rico. From such fund, a distribution is made to all municipalities; (b) 1.75% represents the special ad valorem tax restricted for debt service and accounted for in the debt service fund. The Commonwealth contributes an annual tax rate of 0.2% of the property tax collected and the remaining rate is imposed to the taxpayer.

Prior to 1994, the Department of the Treasury was the agency responsible for the assessment of real property and for the administration and collection of the related taxes. Amounts advanced by the Secretary of the Treasury to the Municipality of Aguas Buenas that had not been amortized through the collections of property taxes amounted to \$2,801 as of June 30, 2009.

On January 26, 2000, Public Law, as amended, was enacted which authorized the CRIM to obtain a loan up to \$200 million, and for a term not exceeding 30 years, to allow for the financing of the debt that the municipalities of Puerto Rico have with the CRIM arising from final settlements of property tax advances versus actual collections through fiscal year 2000-2001. The amount that the municipalities will collect from the additional property taxes resulting from the increase in the subsidy from the central government to the municipalities was assigned through this law to repay such loan. The increase in this subsidy was the result of the Public Law 238, enacted on August 15, 1999. As of June 30, 2009, the amount due to CRIM amounting to \$88,635 is presented as other long-term debt (see Note 9).

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

Total property tax receivable, net of an allowance for uncollectible accounts of \$5,964,475, amounted to \$1,266,337 at June 30, 2009. The composition of property taxes receivable and the related deferred revenues is as follows at June 30, 2009:

	<u>General Fund</u>	<u>Debt service Fund</u>	<u>Total</u>
Gross property taxes receivable	\$5,538,079	\$1,692,733	\$7,230,812
Less allowance for uncollectible accounts	<u>4,568,254</u>	<u>1,396,221</u>	<u>5,964,475</u>
Net property taxes receivable	<u>\$ 969,825</u>	<u>\$ 296,512</u>	<u>\$1,266,337</u>
 Deferred (unavailable property) tax revenues in GFFS	 <u>\$ 935,387</u>	 <u>\$ 285,982</u>	 <u>\$1,221,369</u>

4. VOLUME OF BUSINESS TAX

The municipal license tax is levied annually based on the volume of business of certain businesses and industrial organizations that operate in the Municipality. The tax rates are 1.50% for financing institutions and .50% for the other business institutions. The taxpayers must file a return not later than April 15 of every year and the tax is payable in two installments, due in July 1 and January 1 of the following fiscal year. The amount levied could be paid with a five percent (5%) discount if payment is made on or before the filing date. The Municipality levied and collected during the year ended June 30, 2009, \$506,939 corresponding to the following fiscal year volume of business tax. This amount was recorded as deferred revenue, and is presented as a liability in the accompanying financial statements.

5. SALE TAX

Pursuant to an amendment to Puerto Rico Internal Revenue Code, Act 117 of July 4, 2006, the Municipal Legislature approved the Ordinance 6, Series 2006-2007 to established a city tax contribution, effective November 1, 2006, to 1.5% over all transactions of sales of goods and services made on Aguas Buenas's boundaries. According to the Ordinance, these new resources will be principally used in the following activities: repairs and improvements of Municipal roads, infrastructure and sport facilities, construction of curbs and sidewalk, purchases of heavy equipment.

Municipality of Aguas Buenas contracted a service organization to manage the imposition and collection of the sales tax.

Pursuant to the provisions of the Law Number 80 of July, 29, 2007 and effective August 1, 2007, the citizenship contribution was uniformly established in 1.5%, for all the municipalities in Puerto Rico, of which 1% will be collected by the municipalities and the remaining .5% will be collected by the Treasury Department of the Commonwealth of Puerto Rico. A portion of those funds will be deposited in the Puerto Rico Governmental Development Bank, as a redemption fund, for financing capital projects to the municipalities.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

6. GRANTS AND ENTITLEMENTS REVENUE

Grants and entitlements revenue consists of contributions received from certain quasi-public corporations of the Commonwealth of Puerto Rico, such as the Puerto Rico Aqueduct and Sewer Authority and the Puerto Rico Electric Power Authority. Also, the Municipality receives some subsidies from the Commonwealth of Puerto Rico which include, among others, a subsidy for general operations and for the financing of capital improvements. The intergovernmental revenues are recorded in the General fund, except for those that are legally restricted for expenditure for specified purposes which are recorded in other governmental funds.

7. DEFERRED REVENUE

Deferred revenue consists of the followings:

Municipal license tax collected in the fiscal year 2008-2009 corresponding to the following fiscal year	\$ 506,937
Portion of grants received for which qualifying expenditures have not been incurred.	379,719
Property tax deferred for governmental fund financial statement and recurred as income in the governmental wide financial statements.	<u>1,221,369</u>
	<u>\$2,108,025</u>

8. RESTRICTED DEPOSIT

Restricted cash in the business-type activities consists of:

Tenant security deposits	\$ 8,906
Reserve for replacement	<u>188,987</u>
	<u>\$197,893</u>

Under the regulatory agreement, Project is required to set aside amounts for the replacement of property and other Project expenditures approved by HUD. HUD – Restricted Deposits are held in separate accounts and generally are not available for operating purposes.

Tenant’s Security Deposit and its accumulated interest are held in a separate bank savings account in the name of the Project, in compliance with USDA-RD and HUD requirements. Any amounts not returned to the tenant due to lease violations are transferred to the Project’s general operating account.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

9. CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2009 was as follows:

Primary Government	Balance <u>June 30, 2008</u>	<u>Increases</u>	<u>Decreases</u>	Balance <u>June 30, 2009</u>
Governmental activities:				
Capital assets, not being depreciated:				
Land	<u>\$ 1,971,577</u>	_____	_____	<u>\$ 1,971,577</u>
Capital assets being depreciated:				
Infrastructure	1,317,685	\$ 313,630		1,631,315
Buildings, park and courts	22,387,466	491,636		22,879,102
Machinery and equipment	1,754,564	631,917		2,386,481
Automobiles	<u>1,906,923</u>	<u>356,370</u>	_____	<u>2,263,293</u>
Total capital assets being depreciated	<u>27,366,638</u>	<u>1,793,553</u>	_____	<u>29,160,191</u>
Less accumulated depreciation for:				
Infrastructure	92,174	41,357		133,531
Buildings, parks and courts	7,937,775	584,906		8,522,681
Machinery and equipment	1,133,539	207,951		1,341,490
Vehicles	<u>1,573,689</u>	<u>210,806</u>	_____	<u>1,784,495</u>
Total	<u>10,737,177</u>	<u>1,045,020</u>	_____	<u>11,782,197</u>
Total depreciable capital assets, net	<u>16,629,461</u>	<u>748,533</u>	_____	<u>17,377,994</u>
Governmental activities capital assets net	<u>18,601,038</u>	<u>748,533</u>	_____	<u>19,349,571</u>
Business-type activities:				
Capital assets net being depreciated:				
Land	<u>50,700</u>	_____	_____	<u>50,700</u>
Capital assets being depreciated:				
Building and improvements	1,957,060	2,176		1,959,236
Equipment	<u>135,595</u>	<u>7,147</u>	<u>\$6,330</u>	<u>136,412</u>
	2,092,655	9,323	6,330	2,095,648
Less accumulated depreciation:				
Building and improvements and equipment	<u>1,537,033</u>	<u>57,076</u>	_____	<u>1,594,109</u>
Total depreciable capital assets, net	<u>555,622</u>	<u>(47,753)</u>	<u>6,330</u>	<u>501,539</u>
Business activities capital assets, net	<u>606,322</u>	<u>(47,753)</u>	<u>6,330</u>	<u>552,239</u>
	<u>\$19,207,360</u>	<u>\$ 700,780</u>	<u>\$6,330</u>	<u>\$19,901,810</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009**

9. CAPITAL ASSETS (CONTINUED)

Depreciation expense was charged to functions/programs of the Municipality as follows:

	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
General administration	\$ 148,843	
Public safety	54,222	
Public works	607,690	
Education, culture and recreation	223,017	
Health, sanitation and welfare	11,248	
Housing	<u> </u>	<u>\$57,075</u>
Total depreciation expense	<u>\$1,045,020</u>	<u>\$57,075</u>

10. LONG-TERM DEBTS

Long-term liability activity for the year ended June 30, 2009 was as follows:

Primary Government Governmental activities:	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>	<u>Due within one year</u>
Bonds and notes	\$5,408,000		\$404,000	\$5,004,000	\$ 279,000
Other long-term debt:					
Compensated absences	1,106,891	\$42,683		1,149,574	750,000
Amount due to CRIM	215,749		22,925	192,824	9,028
Landfill	<u>1,360,000</u>	<u> </u>	<u> </u>	<u>1,360,000</u>	<u> </u>
Total	8,090,640	42,683	426,925	7,706,398	1,038,028
Business-type activities:					
Mortgage payable	<u>603,749</u>	<u> </u>	<u>38,255</u>	<u>565,494</u>	<u>41,430</u>
Total	<u>\$8,694,389</u>	<u>\$42,683</u>	<u>\$465,180</u>	<u>\$8,271,892</u>	<u>\$1,079,458</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009**

10. LONG-TERM DEBTS (CONTINUED)

Governmental activities:

Bonds and notes:

\$920,000 Public Improvement Serial Bonds of 1995 payable in annual installments of \$35,000 to \$85,000 through July 1, 2020 plus interest at 6.12%.	\$ 660,000
\$600,000 Public Improvement Serial Bonds of 1993 payable in annual installments ranging from \$35,000 to \$48,000 through January 1, 2015, plus interest at 6%.	245,000
\$400,000 Public Improvement Bonds, Serial of 1997 Payable in annual installments ranging from \$24,000 to \$34,000 through January 1, 2016, plus interest at 5.62%.	199,000
\$2,285,000 General Obligation Bonds, Serial 1998-99 payable in annual installments ranging from \$45,000 to \$175,000, through July 1, 2030, plus interest at 6.5%.	2,170,000
\$255,000 General Obligation Bonds due in annual installments ranging from \$5,000 to \$20,000 through July 1, 2031, plus interest at 6.50%.	245,000
\$430,000 General Obligation Note Serial 2003-04 payable in annual installments of \$70,000 and \$75,000 through July 1, 2010, plus interest based on LIBOR at 90 days plus 1.25%	145,000
\$1,510,000 General Obligation Notes Serial 2003-04 payable in annual installments ranging from \$150,000 to \$195,000 through July 1, 2014 plus interest based on LIBOR at 90 days plus 1.25%.	865,000
\$535,000 general obligation bond serial 2008-2009 payable in annual installments ranging from \$65,000 to \$10,000 through July 1, 2014 plus interest based on LIBOR at 90 days plus 1.25%.	<u>475,000</u>
	<u>\$5,004,000</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009**

10. LONG-TERM DEBTS (CONTINUED)

The annual debt service requirements to maturity bonds and notes payables of June 30, 2009 are as follows:

Governmental –type Activities:

<u>Year ended June 30</u>	<u>Principal</u>	<u>Interest</u>
2009	\$ 279,000	\$ 317,154
2010	447,000	311,478
2011	405,000	278,859
2012	425,000	246,217
2013	454,000	211,641
2014-2018	1,124,000	750,006
2019-2023	715,000	480,403
2024-2028	760,000	257,410
2029-2032	<u>395,000</u>	<u>28,112</u>
	<u>\$5,004,000</u>	<u>\$2,881,280</u>

Business-type activities:

Mortgage note is payable in monthly installments of \$6,566 through 2019.

Mortgage payable consist of permanent residence loans provided by USDA–Rural Development. The land and building of the Project the mortgage note.

Mortgage note payable matures as follows:

<u>Year ended June 30</u>	<u>Principal</u>	<u>Interest</u>
2010	\$ 41,430	\$ 43,742
2011	44,869	40,304
2012	48,593	36,580
2013	52,626	32,546
2014	56,994	28,178
2015-2019	<u>320,982</u>	<u>62,294</u>
	<u>\$565,494</u>	<u>\$243,644</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009**

10. LONG-TERM DEBTS (CONTINUED)

Advances from CRIM and PR Treasury Department

These amounts represent the balance owed to CRIM and PR Treasury Department at June 30, 2009 as described in Note 3 and is payable in an aggregate monthly installment of \$24,080 through 2009 and \$7,276 thereafter including interest at 6.2%. The advances from CRIM and PR Treasury Department mature as follows:

<u>Year ended June 30</u>	<u>Principal</u>	<u>Interest</u>
2010	\$ 9,028	\$ 11,763
2011	6,341	11,374
2012	6,463	10,979
2013	6,592	10,575
2014	6,729	10,164
2015-2019	36,026	44,328
2020-2023	41,008	32,491
2024-2028	47,764	18,880
2029-2032	<u>32,873</u>	<u>3,828</u>
	<u>\$192,824</u>	<u>\$154,382</u>

Defined Benefit Pension Plan

The Employees' Retirement System of the Commonwealth and its instrumentalities (the "Retirement System"), created pursuant to Act. No. 447 of May 15, 1951, as amended, is a cost-sharing multiple employer defined benefit pension plan sponsored by, and reported as a component unit of the Commonwealth. All regular employees of the Municipality hired before January 1, 2000 and under 55 years of age at the date of employment became members of the Retirement System as a condition to their employment. No benefits are payable if the participant receives a refund of his/her accumulated contributions.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

11. RETIREMENT SYSTEM

The Retirement System provides retirement, death and disability benefits pursuant to legislation enacted by the Commonwealth's legislature. Retirement benefits depend upon age at retirement and the number of years of creditable service. Benefits vest after ten years of plan participation. Disability benefits are available to members for occupational and non-occupational disabilities. However, a member must have at least ten years of service to receive non-occupational disability benefits.

Members who have attained at least 55 years of age and have completed at least 25 years of creditable service or members who have attained 58 years of age and have completed ten years of creditable service are entitled to an annual benefit, payable monthly for life. The amount of the annuity shall be one and one-half percent of the average compensation, as defined, multiplied by the number of years of creditable service up to twenty years, plus two percent of the average compensation, as defined, multiplied by the number of years of creditable service in excess of 20 years. In no case will the annuity be less than \$200 per month.

Participants who have completed at least 30 years of creditable service are entitled to receive the Merit Annuity. Participants who have not attained 55 years of age will receive 65 percent of the average compensation, as defined; otherwise they will receive 75 percent of the average compensation, as defined.

Commonwealth legislation requires employees to contribute 5.775% for the first \$550 of their monthly gross salary and 8.275% for the excess over \$550 of monthly gross salary. The Municipality is required by the same statute to contribute 9.275% of the participant's gross salary.

Defined Contribution Plan

The Legislature of the Commonwealth enacted Act No. 305 on September 24, 1999, which amends Act No. 447 to establish, among others, a defined contribution savings plan program (the "Program") to be administered by the Retirement System. All regular employees hired for the first time on or after January 1, 2000 and former employees who participated in the defined benefit pension plan and are rehired on or after January 1, 2000 become members of a Program as a condition to their employment received a refund of their contributions. In addition, employees who at December 31, 1999 were participants of the defined pension plan, had the option, up to March 31, 2000, to irrevocably transfer their prior contributions to the defined benefit pension plan plus interest thereon to the Program.

Act No. 305 requires employees to contribute 8.275% of their monthly gross salary to the Program. Employees may elect to increase their contribution up to 10% of their monthly gross salary. Employee contributions are credited to his/her individual account established under the Program. Participants have three options to invest their contributions to the Program. Investment income is credited to the participant's account semi-annually.

The Municipality is required by Act No. 305 to contribute 9.275% of the participant's gross salary. The Retirement System will use these contributions to increase its asset level and reduce the unfunded status of the defined benefit pension plan.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2009

11. RETIREMENT SYSTEM (CONTINUED)

Upon retirement, the balance in the participant's account will be used to purchase an annuity contract, which will provide for a monthly benefit during the participant's life and 50% of such benefit to the participant's spouse in case of the participant's death. Participants with a balance of \$10,000 or less at retirement will receive a lump-sum payment. In case of death, the balance in the participant's account will be paid in a lump-sum to his/her beneficiaries. Participants have the option of a lump-sum or purchasing an annuity contract in case of permanent disability.

Total employees and employer contributions to the above mentioned plans during the year ended June 30, 2009 amounted to approximately \$203,056 and \$176,657, respectively. This amount represented 100% of the required contribution for the corresponding year.

Additional information on the Retirement System is provided in its financial statements for the year ended June 30, 2009, a copy of which can be obtained from the Retirement System.

12. CONTINGENCIES

Amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of the expenditures which may be disallowed by the grantor cannot be determined at this time, although the Municipality expects such amounts, if any, to be immaterial.

The Municipality is defendant and /or codefendant in several litigations arising out of the normal Municipality's operations. Most of the cases are covered by insurance. Management, after consultation with legal counsel is of the opinion that the ultimate liability, in excess of insurance coverage, if any, resulting from such pending litigations will not have a material adverse effect on the Municipality's financial position .

13. MUNICIPAL LANDFILL

State and federal laws and regulations requires to the Municipality to carry out certain closure work when it stops accepting waste and to perform certain maintenance and monitoring functions at site in the following years. In accordance with GASB No. 18 "Accounting for Municipal Solid Waste Landfill Closure and Post Closure Care Costs" the Municipality must has to perform a study of the closing and post closing costs in order to recognize a provision for those costs.

The Municipality operated a solid waste landfill that was closed during 1994. Total closure costs incurred as of June 30, 2009 were approximately \$1,300,000. The closure costs incurred were mostly provided by federal awards under the State Block Grant Program.

The Municipality is still in process of performing tests in the landfill site in order to assess a final settlement of closure and post-closure costs. A preliminary estimate of these costs as of June 30, 2009 amounted to \$1,360,000. Accordingly, a provision for future closure and post closed costs was recognized in the accompanying financial statements.

REQUIRED SUPPLEMENTARY INFORMATION

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF BUDGETARY COMPARISON
FOR THE YEAR ENDED JUNE 30, 2009**

GENERAL FUND				
	<u>ORIGINAL BUDGET</u>	<u>AMMENDED BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCE WITH FINAL BUDGET FAVORABLE (UNFAVORABLE)</u>
Revenues:				
Taxes:				
Property taxes	\$ 1,489,125	\$ 1,489,125	\$ 1,489,125	
Municipal tax	760,754	760,754	618,418	\$ (142,336)
Licenses and permits	1,376,170	1,376,170	312,445	(1,063,725)
Interest	180,000	180,000	60,406	(119,594)
Rent	80,000	80,000	108,139	28,139
Grants and entitlements	5,675,759	5,675,759	5,714,117	38,358
Other	<u>362,000</u>	<u>362,000</u>	<u>824,386</u>	<u>462,386</u>
Total revenues	<u>9,923,808</u>	<u>9,923,808</u>	<u>9,127,036</u>	<u>(796,772)</u>
Expenditures:				
General administration	3,773,607	3,732,066	3,344,395	387,671
Public safety	684,709	656,084	624,206	31,878
Education, culture and Recreational	723,006	737,564	723,569	13,995
Public relation and citizens affairs	459,697	474,958	474,042	916
Public works and sanitation	3,863,294	3,815,324	3,789,623	25,701
Health and welfare	<u>419,495</u>	<u>507,812</u>	<u>474,892</u>	<u>32,920</u>
Total expenditures	<u>9,923,808</u>	<u>9,923,808</u>	<u>9,430,727</u>	<u>493,081</u>
Excess of expenditures over revenues	<u>\$</u>	<u>\$</u>	<u>\$ (303,691)</u>	<u>\$ (303,691)</u>

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO SCHEDULE OF BUDGETARY COMPARISON
JUNE 30, 2009

1. BUDGETS AND BUDGETARY ACCOUNTING

The Municipality follows these procedures in establishing the budgetary data reflected in the financial statements:

- 1) Formal budgetary integration is employed as a management control device during the year for the General Fund. Formal budgetary integration is not employed for special revenue funds because effective budgetary control is alternatively achieved through legal and contractual grant requirements provisions.
- 2) On or before May 15, the Mayor submits to the Municipal Legislative Body a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means for financing them.
- 3) Prior to June 13, the budget is legally enacted through passage of an ordinance.
- 4) The Municipal Legislative Body approves, by ordinance budget appropriations by functional basis. The Mayor is authorized to transfer budgeted amounts between departments within any fund; however, any revisions that alter the total appropriations of any fund must be approved by the Municipal Legislative Body.
- 5) Unused appropriations for the annual budgeted funds lapse at the end of the year.

The budget is prepared on the budgetary basis of accounting. The actual results of operations, presented in the Statement of Revenues and Expenditures – Budget and Actual General Fund, is in conformity with the budgetary accounting of the Municipality for a better comparison with the budget information.

The presentation of the budgetary data excludes other appropriations such as capital projects, debt service and special revenue funds because projects are funded on a multi-year nature, generally requiring several years to complete or effective budgetary control is alternatively achieved through general obligation bond indentures and legal and contractual grant agreement provisions.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO SCHEDULE OF BUDGETARY COMPARISON
JUNE 30, 2009

2. RECONCILIATION OF GAAP TO BUDGETARY BASIS

Adjustments necessary to reconcile the revenues and expenditures of the General Fund at the end of the year, from the generally accepted accounting principles to budgetary basis, are as follows:

Excess of expenditures over revenues, budgetary basis	\$ (303,691)
Adjustments to accounts payable and accrued expenses	(146,753)
Adjustments to accounts receivable	<u>143,600</u>
Excess of revenues and other financial sources under expenditures and other financial sources per generally accepted accounting principle	<u>\$ (306,844)</u>

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2009

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
YEAR ENDED JUNE 30, 2009**

	<u>NUMBER</u>	<u>DISBURSEMENT</u>
<u>US Department of Housing and Urban</u>		
<u>Development</u>		
Passed through:		
Municipal Service Administration:		
Community Development Block Grant	14.228	\$1,636,125
Direct Program:		
Section 8- Housing Choice Vouchers	14.871	1,267,355
Supportive Housing Program	14.235	52,713
 <u>US Department of Agriculture</u>		
Passed through:		
PR Department of Education:		
Child and Adult Food Program	10.558	61,875
 <u>US Department of Health and Human Services</u>		
Passes through:		
PR Department of Family:		
Child Care and Development Block Grant	93.575	394,712
Special Programs for the Agings Title III, Part B.		
Grant for Supportive Services and Seniors Center	93.044	8,056
 <u>US Department of Homeland and Security</u>		
Passes through:		
PR Office of Management and Budget (GAR)		
Public Assistance Grant	97.036	97,630
PR Department of Justice		
Homeland Security Grant Program	97.067	<u>128,289</u>
		<u>\$3,646,755</u>

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
JUNE 30, 2009

1. BASIS OF PRESENTATION:

The accompanying Schedule of Expenditures of Federal Awards includes the federal grant activity of Municipality of Aguas Buenas and is prepared on the modified accrual basis of accounting. Accordingly, amounts presented in the accompanying schedule agree to amounts presented in the basic financial statements.

**REPORT ON INTERNAL
CONTROL OVER FINANCIAL REPORTING
BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

Carlos R. Diaz Negrón

Certified Public Accountant

MEMBER:
American Institute of Certified Public Accountants
Puerto Rico Society of Certified Public Accountants

PO BOX 408, RAFAEL LASA NO. 44, AGUAS BUENAS, PR 00703 – TEL: 787-732-8020 – FAX: 787-732-0685 - E-MAIL: oficinacarlosdiazcpa@yahoo.com

**REPORT ON INTERNAL
CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARD**

**To the Honorable Mayor and
Municipal Legislative Body
Municipality of Aguas Buenas
Aguas Buenas, Puerto Rico**

We have audited the financial statements of governmental activities, each major fund, and the aggregate remaining fund information of the **Municipality of Aguas Buenas, Puerto Rico**, as of and for the year ended June 30, 2009 which collectively comprise the Municipality of Aguas Buenas' basic financial statements and have issued our report there on dated December 23, 2009. Others auditors audited the financial statements of The Espiritu Santo Project, as described in our report on Municipality of Aguas Buenas' financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting of compliance and other matters that are reported on separately by those auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financing Reporting

In planning and performing our audit, we considered Municipality of Aguas Buenas' internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion of the effectiveness of the Municipality of Aguas Buenas' internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Municipality of Aguas Buenas' internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified a deficiency in internal control over financial reporting that we consider to be significant deficiency.

REPORT ON COMPLIANCE AND ON INTERNAL CONTROL (CONTINUED):

A control deficiency exists when the design or operation of a control does not allow management of employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects Municipality of Aguas Buenas' ability to initiate, authorize, record process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of Municipality of Aguas Buenas' financial statements that is more than inconsequential will not be prevented or detected by Municipality of Aguas Buenas' internal control. We consider the deficiency described in the accompanying schedule of findings and questioned cost to be significant deficiency in internal control over financial reporting. Finding 01-09.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by Municipality of Aguas Buenas' internal control.

Our consideration of internal control over financial reporting was form the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we believe that the significant deficiency described above is not a material weakness.

Compliance and Other Material

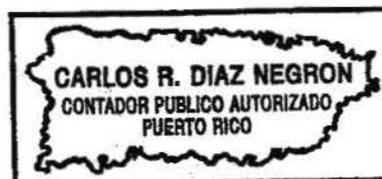
A part of obtaining reasonable assurance about whether Municipality of Aguas Buenas' financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described as finding 01-09 in the accompanying schedule of findings and questioned costs as items.

Municipality of Aguas Buenas' response to the findings in our audit is described in the accompanying schedule of finding's and questioned cost. We did not audit Municipality of Aguas Buenas' response and accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, Municipal Legislative Body, others within the entity, and federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

December 23, 2009
Aguas Buenas, Puerto Rico

License No. 1339
Expires December 1, 2010



The stamp No. 2446971 of the Puerto Rico Society of Certified Public Accountants was affixed to the original of this report.

**REPORT ON COMPLIANCE WITH
REQUIREMENTS APPLICABLE
TO EACH MAJOR PROGRAM AND ON INTERNAL CONTROL
OVER COMPLIANCE IN ACCORDANCE WITH
OMB CIRCULAR A-133**

Carlos R. Diaz Negrón

Certified Public Accountant

MEMBER:

American Institute of Certified Public Accountants
Puerto Rico Society of Certified Public Accountants

PO BOX 408, RAFAEL LASA NO. 44, AGUAS BUENAS, PR 00703 – TEL: 787-732-8020 – FAX: 787-732-0685 - E-MAIL: oficinacarlosdiazcpa@yahoo.com

**REPORT ON COMPLIANCE WITH
REQUIREMENT APPLICABLE TO EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER
COMPLIANCE IN ACCORDANCE WITH OMB CIRCULAR A-133**

**To the Honorable Mayor and
Municipal Legislative Body
Municipality of Aguas Buenas
Aguas Buenas, Puerto Rico**

Compliance

We have audited the compliance of the **Municipality of Aguas Buenas, Puerto Rico**, with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that are applicable to each of its major federal programs for the year ended June 30, 2009. Municipality of Aguas Buenas' major federal programs are identified in the summary of auditor's results section of the accompanying schedule of finding and questioned costs. Compliance with the requirement of laws, regulations, contracts and grants applicable to each of its major federal programs is the responsibility of the Municipality of Aguas Buenas' management. Our responsibility is to express an opinion on the Municipality of Aguas Buenas' compliance based on our audit. Municipality of Aguas Buenas' basic financial statements include the operations of the Espiritu Santo Project (business type activities), which expensed \$800,233 in federal awards which is not included in the schedule during the year ended June 30, 2009. Our audit described below did not include the operation of the business type activities because those statements were audited by other auditors.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and OMB Circular A-133, Audits of State and Local Governments, and Non-Profit Organizations. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about Municipality of Aguas Buenas, Puerto Rico's compliance with those requirements and performing such other procedures as we considered necessary in the circumstance. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination on Municipality of Aguas Buenas, Puerto Rico's compliance with those requirements.

In our opinion, the Municipality of Aguas Buenas, Puerto Rico, complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal program for the year ended June 30, 2009. However, the results of our auditing procedures disclosed instances of noncompliance with those requirements, which are required to be reported in accordance with OMB Circular A-133 and which are described in the accompanying schedules of findings and questioned costs as item 02-09 to 04-09.

REPORT ON COMPLIANCE WITH REQUIREMENT APPLICABLE (CONTINUED):

As described in items 02-09, 03-09 and 04-09 in the accompanying schedule of findings and questioned cost the Municipality of Aguas Buenas did not comply with requirements regarding Davis Bacon Act that are applicable to the HUD Community Development Block Grant Program and requirement regarding special tests and provisions that is applicable to Housing Choice Vouchers Programs. Compliance with such requirements is necessary in our opinion, for Municipality of Aguas Buenas to comply with the requirements applicable to that program.

In our opinion, except for the noncompliances described in the preceding paragraph, the Municipality of Aguas Buenas complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal program for the year ended June 30, 2009.

Internal Control Over Compliance

The management of Municipality of Aguas Buenas, Puerto Rico is responsible for establishing and maintaining effective internal control over compliance with requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the Municipality of Aguas Buenas, Puerto Rico's internal control over compliance with requirement that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Municipality of Aguas Buenas' internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses as defined below. However, as discussed below, we identified certain deficiencies in internal control over compliance that we consider to be significant deficiencies.

A control deficiency in an entity's internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect noncompliance with a type of compliance requirement of a federal program on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to administer a federal program such that there is more than a remote likelihood that noncompliance with a type of compliance requirement of a federal program that is more that inconsequential will not be prevented or detected by the entity's internal control. We consider the deficiencies in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 02-09 to 04-09 to be significant deficiencies.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more that a remote likelihood that material noncompliance with a type of compliance requirement of a federal program will not be prevented or detected by the entity's internal control. We do not consider any of the deficiencies described in the accompanying schedules of findings and questioned costs to be material weaknesses.

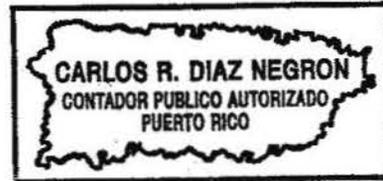
Municipality of Aguas Buenas' response to the findings in our audit is described in the accompanying schedule of finding's and questioned cost. We did not audit Municipality of Aguas Buenas' response and accordingly, we express no opinion on it.

REPORT ON COMPLIANCE WITH REQUIREMENT APPLICABLE (CONTINUED):

This report is intended solely for the information and use of the management and the Municipal Legislative Body of the Municipality of Aguas Buenas, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

December 23, 2009
Aguas Buenas, Puerto Rico

License No. 1339
Expire December 1, 2010



The stamp No. 2446972 of the Puerto Rico Society of Certified Public Accountants was affixed to the original of this report.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2009

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2009**

SECTION I - SUMMARY OF AUDITOR'S RESULTS

Financial Statements

Type of auditor's report issued **Unqualified**

Internal control over financial reporting:

- Material weakness identified? ___yes X_no
- Significant deficiency identified that is not considered to be material weaknesses? X_yes ___no

Noncompliance material to financial statement noted? ___yes X_no

Federal Awards

Internal control over major programs:

- Material weakness identified? ___yes X_no
- Significant deficiency identified that are not considered to be material weakness X_yes ___no

Type of auditor's report issued on compliance for major programs **Unqualified**

Any audit findings disclosed that are required to be reported in accordance with section 510(a) of Circular A-133 X_yes
no

Identification of major programs:

<u>CFA Number(s)</u>	<u>Name of Federal Program</u>
14.871	Section 8 – Housing Choice Voucher
14.228	Community Development Block Grants

Dollar threshold used to distinguish between type A and type B programs: \$300,000

Audit qualified as low-risk audited? ___yes X_no

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2009**

SECTION II - FINANCIAL STATEMENT FINDINGS

Finding No. 01-09 - Municipal Solid Waste Landfill GASB 18

The estimated liability and the related disclosure presented in the financial statement related to costs of closure and postclosure of the Municipal solid waste landfill is not based on actual engineering studies. Therefore, we were unable to obtain a reliable base on which those estimates were based. Management believes that the effect in the June 30, 2006 financial statements is not material. However, as years going by the accrual will be material and the amount must be based on reliable sources.

We recommend performing the engineering studies to determine the factors necessary to calculate the amount to be accrued for cost closure and postclosure care. These costs include the following:

- The cost of equipment expected to be installed and facilities expected to be constructed near or after the date the landfill stops accepting waste and during the postclosure period. Such equipment might include gas monitoring and collection systems, storm water management systems, and groundwater monitoring wells.
- The cost of final cover (i.e., capping) expected to be applied near or after the closure date.
- The cost of monitoring and maintaining the expected usable landfill area during the postclosure period.

The amount to be accrued each period should be determined using a depletion approach and should be based on the percentage of capacity used during the period.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

SECTION III - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 02-09 – Waiting List

Federal program

CFDA No. 14.871 – Housing Choice Voucher

Compliance requirement:

Special Tests and Provisions – Waiting List

Category:

Compliance

Condition:

During our examination, we noted that a Participant admitted to the program was not selected from the waiting list as required by the administrative plan. No documentation in the Participant's file was found for this determination.

Criteria:

24 CFR section 5.410, 982.54(d), and 982.207 established that the PHA must have written policies in its HCVP administrative plan for selecting applicants from the waiting list and PHA documentation must show that the PHA follows these policies when selection applicants for admission from the waiting list. Except as provided in 24 CFR section 982.203 (Special admission (non-waiting list)), all families admitted to the program must be selected from the waiting list. "Selection" from the waiting list generally occurs when the PHA notifies a family whose name reaches the top of the waiting list to come in to verify eligibility for admission.

Effect:

The continue occurrence of the condition may result in the disallowance of program cost. In addition, the ability to manage federal awards in compliance with laws, regulations, and provisions of contracts grant awards could also be questioned.

Questioned cost:

None

Recommendation:

We recommend that the Municipality establish an adequate internal control system to ascertain compliance with the requirements of the program. The internal control system should include at least that file should be revised the internal audit department.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

SECTION III - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Finding No. 03-09 – Davis Bacon Act

Federal Program

CFDA - 14.228 Community Development Block Grant

Compliance requirement:

Davis – Bacon Act

Category:

Compliance/internal control

Condition:

As part of our audit procedures we tested 25 disbursements to test the compliance with the Davis-Bacon Act for Public Assistance Grants Program. In 14 of the 14 disbursements amounting \$534,650 the contracts do not state that the contractor is required to submit such information. In 10 of the 14 the contractor do not submit the payrolls to the Municipality for examination.

Criteria:

40 USC 3141–3144, 3146, and 3147 require that when required by the Davis-Bacon Act, the Department of Labor’s (DOL) government-wide implementation of the Davis-Bacon Act, or by federal program legislation, all laborers and mechanics employed by contractors or subcontractors to work on construction contracts in excess of \$2,000 financed by federal assistance funds must be paid wages not less than those established for the locality of the project (prevailing wage rates) by the DOL.

Non-federal entities shall include in their construction contracts subject to the Davis-Bacon Act a requirement that the contractor or subcontractor comply with the requirements of the Davis-Bacon Act and the DOL regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). This includes a requirement for the contractor or subcontractor to submit to the non-Federal entity weekly, for each week in which any contract work is performed, a copy of the payroll and a statement of compliance (certified payrolls) (29 CFR sections 5.5 and 5.6). This reporting is often done using Optional Form WH-347 which includes the required statement of compliance (OMB No. 1215-0149).

Effect:

The Municipality could be exposed to administrative action by the grantor.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009

SECTION III - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 03-09 – Davis Bacon Act

Questioned cost:

None

Recommendation:

We recommend that the Municipality establishes and adequate internal control system to ascertain compliance with Davis-Bacon Act.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009**

SECTION III. - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 04-09 – Procurement and Suspension and Debarment

Federal Program

CFDA – 14.228 Community Development Block Grant

Compliance requirement:

Procurement and Suspension and Debarment

Category:

Compliance

Condition:

As part of our audit procedures we tested 25 disbursements to test the compliance with the Procurement and Suspension and Debarment requirement for Community Development Block Grant program. In 20 of the 20 disbursements amounting \$910,594.19 we did not find that the Municipality complied with Suspension and Debarment requirement.

Criteria:

Finding No. 04-09 – Procurement and Suspension and Debarment (Continued)

Suspension and Debarment:

Non-Federal entities are prohibited from contracting with or making subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Under nonprocurement suspension and debarment rules in effect prior to November 26, 2003, covered transactions included procurement contracts for goods or services equal to or in excess of \$100,000 (the “small purchase” or “simplified acquisition threshold”). A change in the nonprocurement suspension and debarment rule took effect on November 26, 2003. As of that date “covered transactions” include those procurement contracts for goods and services awarded under a nonprocurement transaction (e.g., grant or cooperative agreement) that are expected to equal or exceed \$25,000 or meet certain other specified criteria. All nonprocurement transactions (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions.

Effective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. This verification may be accomplished by checking the *Excluded Parties List System (EPLS)* maintained by the General Services Administration (GSA), collecting a certification from the entity, or adding a clause or condition to the covered transaction with that entity.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009

SECTION III. - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 04-09 – Procurement and Suspension and Debarment

Effect:

The Municipality could be exposed to administrative action by the grantor.

Questioned cost:

None

Recommendation:

We recommend that the Municipality establishes an adequate internal control system to ascertain compliance with the Procurement and Suspension and Debarment requirement.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2009

SECTION III - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 05-09 – FSS escrow account

Federal program

CFDA No. 14.871 – Housing Choice Voucher

Compliance requirement:

Cash Management

Category:

Compliance

Condition:

During our examination, we noted that the Municipality maintains a special account amounting to \$105,588 for forfeited FSS account fund. These funds are not treated as program receipts for payment of program expense.

Criteria:

24 CFR section 984.305 (FSS account) establishes that the PHA shall deposit the FSS account funds of all families participating in the PHA's FSS program into a single depository account. The PHA must deposit the FSS account funds in one or more of the HUD-approved investments.

The total of the combined FSS account funds will be supported in the PHA accounting records by a subsidiary ledger showing the balance applicable to each FSS family. During the term of the contract of participation, the PHA shall credit periodically, but not less than annually, to each family's FSS account, the amount of the FSS credit determined in accordance this section.

The investment income for funds in the FSS account will be prorated and credited to each family's FSS account based on the balance in each family's FSS account at the end of the period for which the investment income is credited.

Section 8 FSS program. FSS account funds forfeited by the FSS family will be treated as program receipts for payments of program expenses under the PHA budget for the applicable Section 8 program, and shall be used in accordance with HUD requirements governing the use of program receipts.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2006**

SECTION III - FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS (CONTINUED)

Finding No. 05-09 – FSS escrow account

Effect:

The continue occurrence of the condition may result in the disallowance of program cost. In addition, the ability to manage federal awards in compliance with laws, regulations, and provisions of contracts grant awards could also questioned.

Questioned costs:

None

Recommendation:

We recommend that the Municipality return the funds to the program section and establish an adequate internal control system to ascertain compliance with the requirements of the program.

Management expense:

See accompanying management's response.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF AGUAS BUENAS**

EXHIBIT – I

**CORRECTIVE ACTION PLAN
FOR YEAR ENDED JUNE 30, 2009**



DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

**CORRECTIVE ACTION PLAN
 SINGLE AUDIT FOR THE YEAR ENDED JUNE 30, 2009**

Finding No. 01-08 Municipal Solid Waste Landfill GASB 18

PROGRAM DEFICIENCY	OBJECTIVES	KEY TASK/ ACTION ITEMS	OBSTACLES	RESOURCES	LEAD STAFF NAME AND POSITION	COMPLETION TARGET DATE	ACTUAL COMPLETION DATE	IMPLEMENTATION PROGRESS COMMENTS
The estimated liability and related disclosure presented in the financial statement related to engineering studies. Therefore, we were unable to obtain a reliable base on which of those estimates were based. Management believes that the effect in June 30, 2006 financial statements is not material. However, these years going by the accrual will be material and the amount must be on reliable sources.	Closing of landfill	The Municipality has quoted the cost of closing the Landfill recently which the estimated cost is \$241,000.00. These funds are CDBG since 2001 and total funds available are \$314,500.00 CDBG to have the landfill post closed.	Lack of follow up on funds. None approval of funds.	The Earth Group Link	José Ortiz Federal Programs Accountant (787) 732-2811	June 30, 2010 (as per approval from OCAM)	Pending for approval	The Municipality of Aguas Buenas has submitted a petition to reprogram funds for this project



DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

Finding No. 02-09 - Waiting List

PROGRAM DEFICIENCY	OBJECTIVES	KEY TASK/ ACTION ITEMS	OBSTACLES	RESOURCES	LEAD STAFF NAME AND POSITION	COMPLETION TARGET DATE	ACTUAL COMPLETION DATE	IMPLEMENTATION PROGRESS COMMENTS
Participants were admitted to the program was not selected from the waiting list in compliance with the Administrative Plan. No documentation were placed in the participants file for that determination.	Except for Special Admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admissions policies in the PHA Administrative Plan as well as the 24 CFR 982.204. Special Admissions are defined in the 24 CFR 982.203 and other which are adopted by the Municipality and are approved by HUD.	<p>1. Preferences and waiting list.</p> <p>a. The PHA must develop and implement internal procedures for the application and selection process.</p> <p>b. The PHA must immediately develop and implement procedures to effectively manage the waiting list.</p> <p>c. The PHA must implement a Quality Control procedure not only to identify the errors but to request management enforcement of the regulation.</p> <p>d. The way to implement preference policy is that the PHA needs to exhaust Preference #1 cases before serving cases of preference #2 and</p>	There was a wrong interpretation in the implementation of policies. The selection of participants by date and time was modified by the "Preference Status".	24 CFR 982.204, Administrative Plan, HUD's Technical Assistance	<p>Decision were made by Former Housing Director, Oscar Colón See copy attached of memorandum send to the Waiting List Committee.</p> <p>This task is being corrected by Ivonne N. Laboy, Special Projects Coordinator (787) 732-4185</p>	March 30, 2010	March 15, 2010	<p>1a. In order to comply with all rules and regulations we have amended the Annual Action Plan that will be submitted to HUD for approval. This consist in a "First come, First serve with Preferences".</p> <p>b. A new procedure is been developed and will be implemented in order to manage the waiting list in an effective manner.</p> <p>c. A new Quality Control Procedure has been implemented. Now we are in the process to verify all applicants' files.</p> <p>d. On May 12, 2009 a memorandum was given to Section 8 Coordinators changing the Waiting list selection procedures to First Come First Serve, eliminating the use of preferences or categories as the only selection procedure. We are in the process to verify all applicants' files in order</p>



DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

		<p>successively. Persons in the regular waiting list (with no preference) will only be served when all persons in all preferences status are exhausted.</p> <p>e. The PHA must include in the waiting list roster date time and signature of the solicitant.</p> <p>f. The PHA must include in the Waiting List indentifying applicants by preferences, combined preferences and regular applicants. This way the PHA will avoid mistakes in the selection of next person in the Waiting List.</p> <p>g. The Waiting list Roster as well as the digital waiting list must have the same information at all times.</p>						<p>to reorganize the Waiting list in compliance with the amendments made to the Action Plan and the 24 CFR.</p> <p>e. , f. and g. -We have order a new waiting list book in order to reorganize de waiting list in compliance with the First come, First Serve with preferences as established in the PHA Action Plan. A written notification will be send to all applicants as soon as the process ends. We have also added a date, time and signature of the applicants in the waiting list roster. We have also added extra columns in order to keep record of the removal date, reason of such removal, in case of an issuance of a voucher the date and voucher # and the date of the lease.</p>
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DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

Finding No. 03-09 Davis Bacon

PROGRAM DEFICIENCY	OBJECTIVES	KEY TASK/ ACTION ITEMS	OBSTACLES	RESOURCES	LEAD STAFF NAME AND POSITION	COMPLETION TARGET DATE	ACTUAL COMPLETION DATE	IMPLEMENTATION PROGRESS COMMENTS
The Municipality is responsible to comply with the Davis Bacon Act of the Department of Labor .	This includes a requirement for the contractor or subcontractors comply with the requirements of the Davis Bacon Act and the DOL regulations (29 CFR part 5, Labor Standards Provision Applicable to Contracts Governing subcontractor to submit to the non-Federal entity weekly, for each week in which any contract work is performed, a copy of the payroll and a statement of compliance (certified payrolls)(29 CFR sections 5.5 and 5.6)This report is often done using Optional Frm WH-347 which includes the required statement of compliance (OMB No. 1215-0149.	The correct contract form including the new clause regarding the Davis Bacon Act will be give to the Secretary's Office in order to comply with this requirement. This has to be used in future contracts.	The Municipality could be exposed to administrative action by the grantor. Lack of understanding.	Davis Bacon Act from the Department of Labor (40 USC 327-330) 24 CFR 85.36 29 CFR Part 3 and 5 from the Department if Labor	Norberto Rodriguez Special Proyects Coordinator (787) 732-4185 David Pérez Administrative Assistant (787) 732-4185 Rosa Aponte Municipality's Secretary (787) 732-8621	February 22, 2010	February 22, 2010	A copy of the contract was send to the Municipality Secretary's Office in order to comply with this requirement. Attached you may find the evidence of this.



DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

Finding No. 04-09 - Procurement and Suspension and Debarment

PROGRAM DEFICIENCY	OBJECTIVES	KEY TASK/ ACTION ITEMS	OBSTACLES	RESOURCES	LEAD STAFF NAME AND POSITION	COMPLETION TARGET DATE	ACTUAL COMPLETION DATE	IMPLEMENTATION PROGRESS COMMENTS
The Municipality did not comply with the Procurement and Suspension and Debarment Act	Comply with this Law	The correct contract form including the new clause regarding the Procurement and Suspension and Debarment Act will be given to the Secretary's Office in order to comply with this requirement. This has to be used in future contracts. A General Service Administration (GSA) certification will be requested prior to the signature of the contract. This verification may be accomplished by checking the Excluded Parties list System (EPLS).	The Municipality could be exposed to administrative action by the grantor. Lack of Knowledge	Excluded Parties List System (EPLS) from General Services Administration	Norberto Rodriguez Special Projects Coordinator (787) 732-4185 David Pérez Administrative Assistant (787) 732-4185 Rosa Aponte Municipality's Secretary (787) 732-8621	March 30,2010	Pending	A copy of the contract will be send to the Municipality Secretary's Office including the new clause in order to comply with this requirement. Evidence will be submitted as soon as this is done.



DEPARTAMENTO DE ASUNTOS FEDERALES, VIVIENDA Y DESARROLLO URBANO

Finding No. 05-09 FSS Escrow Account

PROGRAM DEFICIENCY	OBJECTIVES	KEY TASK/ ACTION ITEMS	OBSTACLES	RESOURCES	LEAD STAFF NAME AND POSITION	COMPLETION TARGET DATE	ACTUAL COMPLETION DATE	IMPLEMENTATION PROGRESS COMMENTS
A difference in the escrow accounts exists. The Municipality maintains a balance of \$110,117 in the Family Self Sufficiency escrow accounts. However, the Municipality provided a list of escrow accounts per participants that has a total of \$4,390.	To maintain all escrow accounts balanced in compliance with the 24 CFR Section 984.305 (FSS Accounts). All forfeitures accounts should be transferred to the HAP account in order to comply with this requirement.	To reconcile all escrow accounts every three to six months. A balance sheet will be complete. A statement account will be send to all participants every six months.	This may result in the disallowance of program cost and the ability to manage federal awards in compliance with laws, regulations, and provisions of contract grants awarded could also questioned.	24 CFR Section 984.305 (FSS Accounts) HUD's Technical Assistance	Yaitza Méndez, Accountant	March 30, 2010	Pending	The amount of \$105,587.54 will be transferred to the HAP account, due to the fact that these are forfeitures from the FSS former participants. A written procedure was performed in order to comply with all the requirements of escrow accounts. This is pending from HUD's Approval. The evidence will be provided as soon as the transaction is performed.