



MACIAS, GUTIERREZ & CO., P.C.  
CERTIFIED PUBLIC ACCOUNTANTS  
ESPANOLA, NEW MEXICO  
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# **STATE OF NEW MEXICO**

## **ACEQUIA DE LA OTRA BANDA**

Independent Accountants' Report on Applying  
Agreed-Upon Procedures (Tier 3)

Year Ended December 31, 2015

**STATE OF NEW MEXICO**

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**STATE OF NEW MEXICO  
ACEQUIA DE LA OTRA BANDA**

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December 31, 2015**

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**STATE OF NEW MEXICO  
ACEQUIA DE LA OTRA BANDA**

**Official Roster  
at December 31, 2015**

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<u>Name</u>		<u>Title</u>
<b><u>Board of Directors</u></b>		
Elaine Best		President
David Susczynsky		Secretary
Steven Yanicek		Treasurer
<b><u>Staff</u></b>		
Danny Roybal		Mayordomo



Macias, Gutierrez  
& Co., P.C.

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Member AICPA, NMSCPA*

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## **INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES (TIER 3)**

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To: Elaine Best, President  
Acequia de la Otra Banda  
and  
Honorable Timothy M. Keller  
New Mexico State Auditor

We have performed the procedures enumerated below for the Acequia de la Otra Banda (Acequia) for the year ended December 31, 2015, solely to assist the Acequia in demonstrating compliance with the provisions of Laws of 2013, Chapter 226, Section 29, Paragraphs 34 and 35, as set forth in the accompanying Projects Schedules – Summary and Detail, Exhibits A and B. The Acequia was determined to be a Tier 3 entity under the Audit Act, Section 12-6-3 B (4) NMSA 1978 and Section 2.2.2.16 NMAC. The procedures were agreed to by the Acequia de la Otra Banda through the Office of the New Mexico State Auditor. The Acequia de la Otra Banda management is responsible for the organization's accounting records. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. Our procedures and findings follow.

The Contractor shall request and review all state-funded capital outlay awards, joint powers agreements, correspondence and other relevant documentation for the capital outlay award funds expended by the recipient that meet Tier 3 criteria.

### **1. The Contractor shall test all state-funded capital outlay expenditures to:**

#### **Procedures**

- a) Determine that amount recorded as disbursed agrees to adequate supporting documentation. Verify that amount, payee, date and description agree to the vendor's invoice, purchase order, contract and cancelled check, as appropriate.
- b) Determine that disbursements were properly authorized and approved in compliance with the budget, legal requirements and established policies and procedures.
- c) Determine that the bid process (or request for proposal process if applicable), purchase orders, contracts and agreements were processed in accordance with the New Mexico Procurement Code (Section 13-1-28 through 13-1-99 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC).

- d) Determine the physical existence (by observation) of the capital asset based on expenditures to date.
- e) Verify that status reports were submitted to the state agency per terms of agreement and amounts in the status report agree with the general ledger and other supporting documentation.

**Results of Procedures Performed**

- a) We determined that amounts recorded as disbursed agreed to adequate supporting documentation and we verified that amounts, payees, dates and descriptions agreed to the vendor's invoices, purchase orders, contracts and cancelled check copies, as appropriate. There were two projects. For Project 13-1601, we examined one disbursement totaling \$25,000. For Project 13-1602, we examined seven disbursements totaling \$31,410.45.
- b) We determined that disbursements were properly authorized and approved in compliance with the budget, legal requirements and established policies and procedures.
- c) We determined that the bid process (or request for proposal process if applicable), purchase orders, contracts and agreements were processed in accordance with the New Mexico Procurement Code (Section 13-1-28 through 13-1-99 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC).
- d) We determined the physical existence by photographs of the capital asset based on expenditures to date.
- e) We verified that status reports were submitted to the state agency per terms of agreement and amounts in the status report agree with accounting records and other supporting documentation.

**2. Procedures**

If the project was funded in advance, the Contractor shall determine if the award balance (and cash balance) appropriately reflects the percentage of completion based on the project schedule and expenditures to date.

**Results of Procedures Performed**

There were two projects. The projects were not intended to be funded in advance but on a reimbursement basis.

**3. Procedures**

If the project is complete, the Contractor shall determine if there is unexpended balance and whether it was reverted per statute and agreement with the grantor.

**Results of Procedures Performed**

One project (13-1601) is complete and there is no unexpended balance in agreement with the grantor. The other project (13-1602) is not complete and there is an unexpended balance of \$2,589.55 in agreement with the grantor.

**4. Procedures**

The Contractor shall determine whether cash received for the award was accounted for in a separate fund or separate bank account that is non-interest bearing if so required by the capital outlay agreement.

**Results of Procedures Performed**

Since the projects were approved on a reimbursement basis, no separate fund or bank accounts were required.

## **5. Procedures**

The Contractor shall determine whether reimbursement requests were properly supported by costs incurred by the recipient. The Contractor shall determine whether the costs were paid by the local public body prior to the request for reimbursement.

### **Results of Procedures Performed**

We determined that reimbursement requests were properly supported and the Acequia incurred costs prior to the submission of requests for funding from the New Mexico Interstate Stream Commission. There were two projects. For Project 13-1601, we examined one reimbursement request totaling \$25,000. For Project 13-1602, we examined eight reimbursement requests totaling \$31,410.45.

### **Other Procedures**

If information comes to the Contractor's attention (regardless of materiality) indicating any fraud, illegal acts, noncompliance, or any internal control deficiencies, disclose in the report as required by Section, 12-6-6 NMSA 1978. The findings must include the required content per Section 2.2.2.10 (I) (3) (C) NMAC.

### **Results of Procedures Performed**

No exceptions were found as a result of applying the procedures described above (regardless of materiality) indicating any fraud, illegal acts, noncompliance or any internal control deficiencies.

\* \* \* \* \*

We were not engaged to, and did not conduct an audit of financial statements or any part thereof, the objective of which would be the expression of an opinion on the financial statements or a part thereof, including the accompanying Projects Schedules – Summary and Detail, Exhibits A and B. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Acequia de la Otra Banda, the New Mexico State Auditor's Office, the Department of Finance and Administration, Local Government Division and the New Mexico Legislature and is not intended to be and should not be used by anyone other than those specified parties.

*Macias, Gutierrez & Co., CPAs, P. C.*

Macias, Gutierrez & Co., CPAs, P. C.  
Espanola, New Mexico  
February 16, 2016

STATE OF NEW MEXICO  
 ACEQUIA DE LA OTRA BANDA  
 Agreed-Upon Procedures (Tier 3)  
 For the Year Ended December 31, 2015

Exhibit A

<u>Capital Outlay Project No.</u>	<u>Pay Request</u>	<u>Amount Awarded</u>	<u>Amount Requested/ Received</u>	<u>Actual Amount Expended</u>	<u>Remaining Balance</u>	<u>Actual Legislation</u>	<u>Effective Dates</u>
13-1601 STB	1	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>	<u>\$ -</u>	Laws of 2013, Chapter 226, Section 29, Paragraph 34, to plan, design and construct a diversion for the acequia de la Otra Banda in Jacona in Santa Fe County.	Through 6/30/2017
13-1602 STB		<u>\$ 34,000.00</u>					
	1		\$ 711.63	\$ 711.63	\$ 33,288.37	Laws of 2013, Chapter 226, Section 29, Paragraph 35, to plan, design and construct riverbank improvements for the acequia de la Otra Banda on Pueblo of Pojoaque land in Jacona in Santa Fe County.	Through 6/30/2017
	2		2,502.69	2,502.69	30,785.68		
	3		2,264.97	2,264.97	28,520.71		
	4		7,197.19	7,197.19	21,323.52		
	5		2,792.97	2,792.97	18,530.55		
	6		7,127.63	7,127.63	11,402.92		
	7		813.37	813.37	10,589.55		
	8		<u>8,000.00</u>	<u>8,000.00</u>	<u>2,589.55</u>		
			<u>\$ 31,410.45</u>	<u>\$ 31,410.45</u>	<u>\$ 2,589.55</u>		



STATE OF NEW MEXICO  
 ACEQUIA DE LA OTRA BANDA  
 Agreed-Upon Procedures (Tier 3)  
 For the Year Ended December 31, 2015

Exhibit B

Grant No.	Pay Request	Invoice/ Request Date	Amount Awarded	Amount Requested/ Received	Date Received	Invoice Amount	Check Number	Check Date	Actual Amount Expended	Vendor Paid
13-1602			<u>\$ 34,000.00</u>							
STB										
	1	10/14/2014		\$ 711.63	11/14/2014	\$ 711.63	2097	11/14/2014	\$ 711.63	Portage, Inc.
	2	11/20/2014		2,502.69		2,502.69				
	3	12/12/2014		2,264.97	1/21/2015	2,264.97	2101	1/21/2015	4,767.66	Portage, Inc.
	4	1/27/2015		7,197.19	3/6/2015	7,197.19	2103	3/7/2015	7,197.19	Portage, Inc.
	5	2/18/2015		2,792.97	3/26/2015	2,792.97	2106	3/27/2015	2,792.97	Portage, Inc.
	6	3/23/2015		7,127.63	4/29/2015	7,127.63	2111	4/29/2015	7,127.63	Portage, Inc.
	7	4/23/2015		813.37	7/21/2015	813.37	2115	7/21/2015	813.37	Portage, Inc.
	8	9/3/2015		<u>8,000.00</u>	11/5/2015	<u>8,000.00</u>	2121	11/5/2015	<u>8,000.00</u>	Roybal Enterprises General Contractors
				<u>\$ 31,410.45</u>		<u>\$ 31,410.45</u>			<u>\$ 31,410.45</u>	
13-1601			<u>\$ 25,000.00</u>							
STB										
	1	9/3/2015		<u>\$ 25,000.00</u>	11/5/2015	<u>\$ 25,000.00</u>	2121	11/5/2015	<u>\$ 25,000.00</u>	Roybal Enterprises General Contractors

**STATE OF NEW MEXICO  
ACEQUIA DE LA OTRA BANDA**

**Schedule of Findings and Responses  
Year Ended December 31, 2015**

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	<u>Type of Finding *</u>	<u>Prior Year Finding Number</u>	<u>Current Year Finding Number</u>
<b>Current Year Findings:</b>			
None	N/A	N/A	N/A
<b>Follow-up on Prior Year Findings:</b>			
None	N/A	N/A	N/A

An agreed-upon procedures report was not required for the year ended December 31, 2014

**\* Legend for Findings:**

- A. Fraud
- B. Illegal Act(s)
- C. Internal Control Deficiency(ies)
- D. Noncompliance

**STATE OF NEW MEXICO  
ACEQUIA DE LA OTRA BANDA**

**Exit Conference  
Year Ended December 31, 2015**

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**EXIT CONFERENCE**

The report contents were discussed at a telephonic exit conference held on February 17, 2016 with the following:

Acequia de la Otra Banda

By telephone:

Elaine Best, President

Accounting Firm

James R. (Jim) Macias, CPA