



STATE OF NEW MEXICO

**HALFORD COMMUNITY DITCH
INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES**

DECEMBER 31, 2015

INTRODUCTORY SECTION

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
YEAR ENDED DECEMBER 31, 2015

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTORY SECTION	
Table of Contents	i
Official Roster	ii
FINANCIAL SECTION	
Independent Accountants' Report on Applying Agreed-Upon Procedures	iii
SUPPLEMENTARY INFORMATION	
Schedule of Revenues and Expenditures – Budget and Actual (Non-GAAP Budgetary Basis)	1
Year-end Report to DFA	2
Schedule of Findings and Responses	3
Other Disclosures	8

**STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
YEAR ENDED DECEMBER 31, 2015**

OFFICIAL ROSTER

<u>Name</u>	<u>District Board</u>	<u>Title</u>
Raymond “Doug” Roberts		Chairman
Joe Jaquez		Treasurer
Dezmer “Jack” Harris		Secretary
	<u>Administration</u>	
Julie Cynova		Bookkeeper
David Bonawitz		Ditch Rider

FINANCIAL SECTION



Manning Accounting and Consulting Services, LLC

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Mr. Timothy Keller
New Mexico State Auditor
and
Members of the Board
Halford Community Ditch
Flora Vista, New Mexico

We have performed the procedures enumerated below, which were agreed to by the State of New Mexico Halford Community Ditch (District), solely to assist you with respect to the District's compliance for a Tier 4 engagement of the Audit Act (Section 12-6-1 NMSA 1978 et seq.) with respect to the District's cash and capital assets as of December 31, 2015 and the District's revenues, expenditures, and budget for the year ended December 31, 2015. The District's management is responsible for the District's accounting records and financial information. The 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 this report. The procedures were agreed to by the District through the NM Office of the State Auditor. 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.

We were engaged to perform the following agreed-upon procedures for the period January 01, 2015 to December 31, 2015 and our procedures and results are as follow:

1. Tiered System Reporting

Procedures:

Verify the local public body's revenue calculation and tier determination documented on the form provided at www.osanm.org under "Tiered System Reporting Main Page."

Results:

We reviewed revenues for the year identified that the District is subject to a Tier 4 Agreed Upon Procedures per the State Audit Rule guidelines.

2. Cash

Procedures:

- a. Determine whether bank reconciliations are being performed in a timely manner and whether all bank and investment statements for the fiscal year are complete and on-hand.
- b. Perform a random test of bank reconciliations for accuracy. Also, trace ending balances to the general ledger, supporting documentation and the financial reports submitted to DFA-Local Government Division.

- c. Determine whether the local public body's financial institutions have provided it with the 50% of pledged collateral on all uninsured deposits as required by Section 6-10-17 NMSA 1978, NM Public Money Act, if applicable.

Results:

- a. We obtained copies of all bank reconciliations from January 2015 through December 2015. All reconciliations appear to be completed within 15 days of month's end and were on-hand. Reconciliations appear to be completed properly, are signed and dated by the bookkeeper, and are reviewed and signed by a member of the board.
- b. We traced reconciled items for all reconciliations for the year to determine that they were properly cleared. We inspected all cancelled check images and deposit slips returned with the bank statements to compare actual names and amounts with the general ledger. We traced ending balances to the general ledger, supporting documentation, and the final report sent to DFA – Local Government Division.
- c. We reviewed balances at each month end to determine if sufficient pledged collateral had been provided on all uninsured funds. No balances exceeded the FDIC coverage limit of \$250,000 during the year, so no exceptions were noted in these procedures.

3. Capital Assets

Procedures:

Verify that the local public body is performing a yearly inventory as required by Section 12-6-10 NMSA 1978.

Results:

The District did complete a yearly inventory of its capital assets that was certified by the Board in January 2016. The District's only assets are flumes which transport the water in areas where the normal ditch could not be constructed. The District had not capitalized these assets when originally placed into service years ago. These items would be fully depreciated at this point and would have no value.

4. Revenue

Procedures:

Identify the nature and amount of revenue from sources by reviewing the budget, agreements, rate schedules, and underlying documentation.

- a. Perform an analytical review; test actual revenue compared to budgeted revenue for the year for each type of revenue.

Select a sample of revenues based on auditor judgment and test using the following attributes:

- b. Amount recorded in the general ledger agrees to the supporting documentation and the bank statement.
- c. Proper recording of classification, amount, and period per review of supporting documentation and the general ledger. Perform this revenue work on the same accounting basis that the local public body keeps its accounting records on, cash basis, modified accrual basis, or accrual basis.

Results:

- a. We identified the nature and sources of revenue and compared them to the budgeted revenues. Member dues were the only major revenue source during the year. The final budgeted member dues revenues were \$52,561 and final member dues revenues were \$52,561. The District made a budget adjustment to their revenue budget in December to bring their revenue budget up to actual receipts.
- b. The District received one basic source of revenue during the year – member dues revenue – and the general ledger, bank statements, and supporting documentation agree with all deposits tested. The District also received \$15 in interest.
- c. We tested the following revenue sources on a cash basis which is how the District maintains its records:

- i. Member Dues Revenue – The District received \$52,561 in member dues revenue income in 2015. In January of each year, the District sends invoices to each shareholder based on the number of shares held at a rate of \$40 per share with a two share minimum charge. Amounts are due by February. We randomly selected 11 deposits plus the next 4 largest deposits not randomly selected. We tested 15 of 33 deposits made on the year which accounted for \$32,838 of \$52,561 of total revenue or 62.5% of total member dues revenues. The revenues tested accounted for 112 separate payments to the District. Our testing identified no issues with properly recording payments received throughout all of these payments. When payment is received from a shareholder, a copy of the invoice is stamped “paid” with the date of the payment, the check number of the payment, and the amount. A ledger is also maintained on each individual shareholder which records the payment amount, date, and check number.
- ii. Fee Waiver Procedures – During our review of revenue testing we identified that the District waives fees of certain shareholders. Fees for shares are waived. We identified that fees were waived for members who were serving on the Board and the bookkeeper. Additionally, fees were waived for the shareholder who provides the location for the annual shareholder meeting and the shareholder who provides a location for the storage of pipe. However, the by-laws of the District do not identify this process for waiver nor do the annual shareholder minutes address the waiving of fees for these positions or services. Additionally, these fee waivers are not recorded as revenues and expenditures for the District as they should be nor are W-2s or 1099s done for the individuals or organizations receiving the waivers. See Finding 2011-004 – Waiver of Member Fees.
- iii. Other Revenues – The District received \$15 in interest which was properly recorded.

5. **Expenditures**

Procedures:

Select a sample of cash disbursements based on auditor judgment and test using the following attributes:

- 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 13-1-199 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC) and Regulations Governing the Per Diem and Mileage Act (2.42.2 NMAC).

Results:

We randomly selected 20 disbursements plus the next 4 largest disbursements not randomly selected of the 73 total disbursements made for the year. Total disbursements were \$40,566, and the 24 items selected accounted for \$24,429, or 60.2% of total disbursements.

- a. We tested each disbursement to ascertain the following:
 - Vendor invoice is clerically accurate
 - Purchase order (P.O.) is clerically accurate and initiated by purchasing agent
 - Amount and payee per check agree to P.O. and invoice
 - P.O. is supported by proper quote or bid documentation as required by State Purchasing Requirements
 - Traced to general ledger
 - Does not violate Anti-Donation Laws

- Receiving documents identify items received and when and who received them and that items are OK to pay

We tested all disbursements according to the above criteria. The items had proper documentation and amounts, payees, dates and descriptions agreed to supporting documentation except as noted below:

- The District did not issue purchase orders; thus, no disbursements had been properly encumbered during the year.
- The District had no written agreements identifying the amounts to be paid to the ditch rider or the bookkeeper.

The exceptions are noted in Finding 2011-005 – Purchase Orders and Payment Authorization.

- The District's disbursements were made in accordance with the established procedures and with its approved budget.
- During our review of procedures related to the Procurement Code, we noted no exceptions to the bidding process as no purchases requiring bids or requests for proposals occurred this year.

6. **Journal Entries**

Procedures:

If non-routine journal entries, such as adjustments or reclassifications, are posted to the general ledger, test significant items for the following attributes:

- Journal entries appear reasonable and have supporting documentation.
- The local public body has procedures that require journal entries to be reviewed and there is evidence the reviews are being performed.

Results:

- We reviewed the records to identify any manual journal entries for the period January 01, 2015 through December 31, 2015. The District had no manual journal entries recorded during the fiscal year. As such, no further procedures are required here.
- As there are no manual journal entries, no secondary review is necessary.

7. **Budget**

Procedures:

Obtain the original fiscal year budget and all budget amendments made throughout the fiscal year and perform the following:

- Verify, through a review of the minutes and correspondence, that the original budget and subsequent budget adjustments were approved by the local public body's governing body and DFA-LGD.
- Determine if the total actual expenditures exceeded the final budget at the legal level of budgetary control; if so, report a compliance finding.
- From the original and final approved budgets and general ledger, prepare a schedule of revenues and expenditures – budget and actual on the budgetary basis used by the local public body (cash, accrual or modified accrual basis) for each individual fund.

Results:

- The District did not prepare a budget for submittal to the DFA-LGD in a timely manner. The District learned of the budget and reporting requirements at mid-year at which time it created a budget and filed all required reports with DFA-LGD. One budget adjustment was properly approved in December by the membership to increase membership revenue fees to actual. See Finding 2011-002 – Submission of Required Budgets and Reports to the Department of Finance and Administration (DFA).
- We reviewed all expenditures and determined that the District did not exceed its budgetary level of control. All expenditures were within the final budgetary authority of the District.

- c. We have prepared a Schedule of Revenues and Expenditures – Budget and Actual (Non-GAAP Budgetary Basis) which was prepared on the cash basis which is the basis used by the District in preparing its financial statements. This schedule is included in this report on page 1.

Other

Procedures:

If information comes to the IPA's attention (regardless of materiality) indicating any fraud, illegal acts, noncompliance, or any internal control deficiencies, such instances must be disclosed 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:

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

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on the District's cash and capital assets as of December 31, 2015 and the District's revenue, expenditures, and budget for the year ended December 31, 2015. 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 management, others within the District, the State Auditor, and the New Mexico Legislature and is not intended to be and should not be used by anyone other than these specified parties.

Manning Accounting and Consulting Services, LLC

Manning Accounting and Consulting Services, LLC

Kirtland, New Mexico

January 28, 2016

SUPPLEMENTARY INFORMATION

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF REVENUES AND EXPDITURES - BUDGET
AND ACTUAL (NON - GAAP BUDGETARY BASIS)
FOR THE YEAR ENDING DECEMBER 31, 2015

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance</u>
	<u>Original Budget</u>	<u>Final Budget</u>		
<i>Revenues:</i>				
Member dues revenue	\$ 44,964	\$ 52,561	\$ 52,561	\$ -
Interest income	20	20	15	(5)
<i>Total revenues</i>	<u>44,984</u>	<u>52,581</u>	<u>52,576</u>	<u>(5)</u>
<i>Expenses:</i>				
Accounting	15,000	15,000	289	14,711
Ditch maintenance	30,000	30,000	16,553	13,447
Insurance expense	5,000	5,000	3,253	1,747
Legal services	5,000	5,000	2,911	2,089
Membership dues	650	650	500	150
Office supplies	2,500	2,500	2,218	282
Payroll	15,400	15,400	14,842	558
<i>Total expenses</i>	<u>73,550</u>	<u>73,550</u>	<u>40,566</u>	<u>32,984</u>
<i>Excess (deficiency) of revenues</i> <i>over (under) expenditures</i>	<u>(28,566)</u>	<u>(20,969)</u>	<u>12,010</u>	<u>32,979</u>
<i>Cash - beginning of year</i>	<u>71,845</u>	<u>71,845</u>	<u>71,845</u>	<u>-</u>
<i>Cash - end of year</i>	<u>\$ 43,279</u>	<u>\$ 50,876</u>	<u>\$ 83,855</u>	<u>\$ 32,979</u>

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2015

2011- 002 – Submission of Required Budgets and Reports to the Department of Finance and Administration (DFA) (Repeated and Revised)

Criteria: Section 6-6-2 NMSA 1978 establishes that local public bodies submit periodic financial reports, at least quarterly.

Condition: Halford Community Ditch (District) did not create an annual budget in a timely manner nor file the budget or first quarter's financial reports with the DFA – Local Government Division in a timely fashion. However, after learning of the budgetary and reporting requirements, the District created a budget, filed its first quarter report and then subsequently filed its 2nd and 3rd quarter and final reports timely.

Cause: The District was unaware that they were required to establish a budget and file quarterly and year-end reports with DFA – Local Government Division until mid-year of the current year.

Effect: The District was not in compliance with 6-6-2 NMSA 1978

Auditor's Recommendation: We recommend that the District adhere to state statutes and establish budgets and file quarterly and year-end financial reports accurately and timely with the DFA – Local Government Division.

Responsible Official's Plan:

- Specific corrective action plan for finding:

Complete yearly budget submissions as per the timeline set by the New Mexico Department of Finance.

Complete quarterly financial reports as per the timeline set by the New Mexico Department of Finance.

Complete year-end financial reports as per the timeline set by the New Mexico Department of Finance.

- Timeline for completion of corrective action plan:

December 2015

- Employee position(s) responsible for meeting the timeline:

Bookkeeper

Commissioners (Chair, Secretary, & Treasurer)

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2015

2011- 004 – Waiver of Member Fees (Repeated and Revised)

Criteria: Good accounting procedures require the recording of all revenues and expenditures of an organization. Additionally, Internal Revenue Service (IRS) requirements dictate that all compensation should be properly recorded for tax purposes and those receiving that compensation be provided either a W-2 or a 1099 as the circumstances may dictate.

Condition: During our revenue testing, we identified that those serving as officers of Halford Community Ditch and the bookkeeper have their share fees waived for the year. Additionally, we identified that the organization providing the location for the annual shareholder meeting, or other meetings as needed, and the individual who provides a location for pipe storage have their fees waived as well. We have identified the following issues related to the waiver of shareholder fees:

- The by-laws do not have a provision for the waiver of fees for officers or others who provide services to the District.
- The minutes of the annual meeting don't identify any approval by the membership that fees be waived for officers of the District or others who provide services for the District.
- Revenues and expenses related to the fee waiver are not recorded to properly identify total revenue sources and total expenditures incurred during the year.
- Proper handling of this compensation is not recorded and reported to the IRS for employee revenue (officers) and outside services revenue.

The following individuals and organizations had fees waived in 2015:

- Joe Jaquez, Chairman - \$448.00
- Raymond "Doug" Roberts, Treasurer - \$800.00
- Dezmer "Jack" Harris, Secretary - \$1,080.00
- Julie Cynova, Bookkeeper - \$116.00
- Holy Trinity Catholic Church, location for meetings - \$80.00
- Diane Grieser, pipe storage - \$80.00

The IRS considers any board member of an organization as an employee of that organization. As such, the waiver of fees to the three board members would be considered compensation for services provided as a board member. The amounts waived would also be subject to FICA and Medicare taxes. However, the District did not issue a W-2 to these officers in a total amount of \$2,328.

The \$116 issued to the bookkeeper should have been added to the total compensation recorded on the 1099 for that year.

The amounts waived for the location of meetings and the pipe storage are below the \$600 requirement for a 1099, so no tax consequences exist here.

However, the District should have recorded an additional \$2,604 in membership dues and \$2,604 as additional expenses of the District in the respective categories of employee compensation or other expenses.

Additionally, this may cause contention between the shareholders who are unaware of this policy and create the image that officers and those who provide services are taking advantage of their positions.

Cause: The District has followed a policy, even though not written or approved by the membership, of waiving fees for members who hold certain positions or provide certain services to the District. The District did not consider the need to record these amounts as revenues and expenditures and properly account for them from a taxable basis.

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2015

2011- 004 – Waiver of Member Fees (Repeated and Revised) (continued)

Effect: The District is under recording revenues and expenditures related to the amounts of fees waived. The fees are waived because the District is receiving service in one form or another from the individuals and organizations. The real effect of the transaction is that the individuals and organizations pay dues as do other members of the District but then those fees are returned to them for the service they provide the District. The District also is not properly recording income to the IRS or paying the related payroll taxes for the compensation provided to the officers of the District. This puts the District in position of possibly being fined by the IRS and being responsible for back taxes, penalties, and interest for all compensation provided which hasn't been properly reported to the IRS.

Auditor's Recommendation: We recommend that the District properly record all revenues and expenditures, including those related to waiver of fees for services provided to the District. We also recommend that the District properly report this compensation for officers as taxable salary income with its related payroll taxes and that it report the outside services through a 1099 when compensation amounts reach required reporting requirements. We also recommend that if the District is going to continue waiving fees for the services provided and for members of the Board that it be put to a vote at the shareholders meeting or established in the by-laws of the District, voted upon by the shareholders at an annual meeting.

Responsible Official's Plan:

- Specific corrective action plan for finding:

Invoice all commissioners, bookkeeper, and ditch rider for their water shares annually until bylaw amendment can be drafted and passed to waive annual fees for serving as commissioner, bookkeeper, and ditch rider by the members at the Halford Community Ditch Annual Meeting. If amendment is passed, provide proper 1099 or W-2 form to each commissioner, bookkeeper, and ditch rider for compensation received. Document, record, and delegate compensation amounts for service by commissioner, bookkeeper, and ditch rider each year in revenue accounting program.

Invoice Holy Trinity Catholic Church and Diane Grieser for their water shares annually until bylaw amendment can be drafted and passed to waive annual fees for providing services to the ditch by the members at the Halford Community Ditch Annual Meeting. If amendment is passed, provide proper 1099 or W-2 form to Holy Trinity Catholic Church and Diane Grieser for compensation received. Document, record, and delegate compensation amounts for services Holy Trinity Catholic Church and Diane Grieser each year in revenue accounting program.

- Timeline for completion of corrective action plan:

January 2016

- Employee position(s) responsible for meeting the timeline:

Bookkeeper

Commissioners (Chair, Secretary, & Treasurer)

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2015

2011-005 – Purchase Orders and Payment Authorization (Repeated and Revised)

Criteria: In accordance with proper accounting procedures and 1.4.1 NMAC purchases of goods and services should be preceded with the issuance of a purchase order to encumber the funds. Additionally, sound accounting practices require proper segregation of duties, proper receiving procedures, proper documentation for payments, and proper authorization of expenditures.

Condition: Halford Community Ditch (District) does not issue purchase orders before expending funds. Therefore, all expenditures are not in compliance with state guidelines. The District also has no formal written agreement in place for the monthly fees paid to the ditch rider and the bookkeeper for their services. We also could identify nothing in the annual meeting minutes establishing the pay for the coming year.

Cause: The District was unaware of the state purchasing guidelines affecting state agencies which require the issuance of a purchase order prior to committing or expending funds. Additionally, the District has worked on a verbal basis with the ditch rider and the bookkeeper in the past.

Effect: The District is not in compliance with state regulations regarding purchases with regards to issuance of purchase orders. Funds are not being encumbered prior to purchase.

Auditor's Recommendation: We recommend that the District begin issuing purchase orders for all purchases. Additionally, we recommend that the rates for compensating the bookkeeper and the ditch rider be put in writing and that when changes occur to the monthly fee that the agreement be amended.

Responsible Official's Plan:

- Specific corrective action plan for finding:

A commissioner or bookkeeper will be required to issue a purchase order for all purchases prior to expending funds. A commissioner's signature will be required for approval on both the purchase order and the invoice prior to payment being issued by the commissioner and bookkeeper as verification that services or products were received. All checks written for invoice payment will be signed by both a commissioner and the bookkeeper. Copies of all invoices will be filed with a copy of purchase order attached, including all proper signatures for both the purchase order and invoice.

- Timeline for completion of corrective action plan:

January 2016

- Employee position(s) responsible for meeting the timeline:

Bookkeeper

Commissioners (Chair, Secretary, & Treasurer)

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2015

Prior Year Findings:

- 2011-001 Bank Reconciliation Procedures – Resolved
- 2011-002 Submission of Required Budgets and Reports to the Department of Finance and Administration (DFA) – Repeated and Revised
- 2011-003 Annual Physical Inventory and Asset Classifications – Resolved
- 2011-004 Waiver of Member Fees – Repeated and Revised
- 2011-005 Purchase Orders and Payment Authorization – Repeated and Revised
- 2011-006 Budgetary Controls – Resolved
- 2011-007 Late Submission of IPA Recommendation and Agreed-Upon Procedures Contract – Resolved
- 2011-008 Late Submission of Agreed-Upon Procedures Report – Resolved
- 2014-001 Incomplete Bidding Procedures - Resolved

STATE OF NEW MEXICO
HALFORD COMMUNITY DITCH
OTHER DISCLOSURES
FOR THE YEAR ENDED DECEMBER 31, 2015

Exit Conference

The contents of this report were discussed on January 28, 2016. The following individuals were in attendance.

Halford Community Ditch

Joe Jaquez, Treasurer

Julie Cynova, Bookkeeper

Manning Accounting and Consulting Services, LLC

Byron R. Manning, CPA