# State of New Mexico Supreme Court Building Commission



### **Financial Statements**

June 30, 2013

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Based on an Audit of Financial Statements Performed in

### OFFICIAL ROSTER June 30, 2013

Vice Chair

### **COMMISSION MEMBERS**

Honorable Saul Cohen

Honorable Petra Jimenez Maes Chair

Chief Justice of the Supreme Court

Edith Cherry Member

Joey D. Moya Building Manager

Chief Clerk of the Supreme Court



David G. Zlotnick Asa Laws Richard D. Sandoval

### **Independent Auditor's Report**

Hector H. Balderas
New Mexico State Auditor
and
Honorable Petra Jimenez Maes – Chair
New Mexico Supreme Court Building Commission
Santa Fe, New Mexico

### **Report on Financial Statements**

We have audited the accompanying financial statements of the governmental activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund and Special Revenue fund of the State of New Mexico Supreme Court Building Commission (Commission), as of and for the year ended June 30, 2013 and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. 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. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error.

In making those risk assessments, the auditor considers internal control relevant to the Commission's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### **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 Commission, as of June 30, 2013, and the respective changes in financial position thereof and the respective budgetary comparisons for the general fund and Special Revenue fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### **Other Matters**

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 7 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming opinions on the Commission's financial statements, the combining and individual fund financial statements, and the budgetary comparison. The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

#### Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated December 6, 2013 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, 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 on 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* in considering the Commission's internal control over financial reporting and compliance.

Zlotnick, Laws & Sandoval, PC

Zlotnick florz \$ Sudoval, P.C

December 6, 2013



The Management's Discussion and Analysis (MD&A) provides an overview of the objective and program of the Supreme Court Building Commission. This discussion helps the reader understand the Supreme Court Building Commission's operation in terms of financial planning and expenditures of the annual budget. The Supreme Court Building Commission was created by statute to manage the Supreme Court Building. The Supreme Court Building Commission is responsible for the building and grounds of the Supreme Court Building and all material contents including books and computer equipment.

### **Agency Overview**

The powers and duties of the Supreme Court Building Commission are set forth by statute. *See* NMSA 1978, Sections 34-3-1 to 34-3-3 (1967). The Supreme Court Building houses the Supreme Court, Supreme Court Building Commission, and Supreme Court Law Library. The Supreme Court Building Commission also provides office space for the New Mexico Court of Appeals and the Administrative Office of the Courts. By statute, the Supreme Court Building Commission has care, custody and control of the Supreme Court Building and its grounds, along with all equipment, furniture and fixtures purchased or used by agencies of the judicial branch housed within it. *See* NMSA 1978, Section 34-3-3 (1967). Such equipment and furniture may also be maintained in part by the individual agencies that purchase or use it.

#### **USING THIS ANNUAL REPORT**

### Management's Discussion and Analysis (MD&A)

This section includes information on the use of the annual report, and management's analysis of the financial position and results of operations for the Commission. Information compares this fiscal year with the prior fiscal year.

#### **Financial Statements Overview**

The financial statements are for the purpose of presenting to the reader the financial position and financial changes for the Supreme Court Building Commission. The financial statements are not intended to report the financial position of the State of New Mexico as a whole. The Supreme Court Building Commission is one of 100+ agencies in the State that contributes to the financial position of the State of New Mexico. The Supreme Court Building Commission had one fund during the fiscal year ending 2013, the General Fund.

Generally speaking the Supreme Court Building Commission is a reverting agency. The Supreme Court Building Commission General Fund reverts into the State General Fund after the end of the fiscal year. The Supreme Court Building Commission's revenues are mainly from the State General Fund, with nothing received from court fees.

#### **Government - Wide Financial Statements**

The government-wide financial statements are designed to be corporate-like in that all governmental activities are consolidated into one column. The Supreme Court Building Commission has no business type activities. The focus of the Statement of Net Position (the "Unrestricted Net Position") is designed to be similar to a bottom line for the Supreme Court Building Commission and its governmental activities. This statement combines and consolidates governmental fund's current financial resources (short-term spendable resources) with capital assets and long-term liabilities.

The Statement of Activities is focused on cost of various activities that are provided by the Supreme Court Building Commission's general revenues. This is intended to summarize and simplify the user's analysis of the cost of services.

The Governmental Activities reflect the Supreme Court Building Commission's basic services of providing a physical facility and maintaining the contents.

#### **Fund Financial Statements**

The Supreme Court Building Commission only has one such fund: the General Fund. The Governmental Fund presentation is presented on a sources and uses of liquid resources basis.

### **Budgetary Comparisons**

In addition to the MD&A, GASB 34 requires a budgetary comparison schedule for the General Fund. The budgetary comparison schedules present both the original and the final appropriated budgets for the reporting period as well as the actual inflows, outflows and balances, as stated on the government's budgetary basis.

As required by the Office of the State Auditor under 2.2.2 NMAC, the Statements of Revenues and Expenditures - Budget and Actual is presented. This information is provided at the approved budget level to demonstrate compliance with legal requirements.

### **GOVERNMENT-WIDE FINANCIAL ANALYSIS**

#### Statement of Net Position

	<b>Government Activities</b>				
		2013	2012		
Current Assets	\$	35,796	38,676		
Capital Assets		4,531,121	5,189,614		
Total Assets		4,566,917	5,228,290		
Liabilities		75,228	76,480		
Invested in Capital Assets Unrestricted (deficit)		4,531,121 (39,432)	5,189,614 (37,804)		
Total Net Position	\$	4,491,689	5,151,810		

For more detailed information, see the Statement of Net Position.

### **Financial Highlights**

The Commission's total net position decreased from \$5,151,810 for fiscal year 2012 to \$4,491,689 for fiscal year 2013, resulting in an overall decrease in net position in the amount of \$1,374,241. The decrease was primarily due to depreciation of capital assets in fiscal year 2013.

### **Statement of Activities**

The following schedule represents the revenues and expenses for the current and prior year.

	<b>Government Activities</b>			
	2013	2012		
General Revenues:				
State General Fund Appropriations	833,400	804,500		
Severance Tax Bond Proceeds	151,401	533,940		
Miscellaneous Revenue	-	-		
Reversions to State General Fund (14000)	(3,770)	(3,391)		
Loss on Disposal of Assets		(5,530)		
Total General Revenues	981,031	1,329,519		
Program Revenues	905,646	650,023		
Total Revenues	1,886,677	1,979,542		
Program Expenses	2,546,798	3,353,783		
Change in net position	(660,121)	(1,374,241)		
Net position, beginning of year	5,151,810	6,526,051		
Net position, end of year	4,491,689	5,151,810		

For more detailed information, see the Statement of Activities.

### **Financial Highlights**

The Commission's total revenues for fiscal year 2013 were \$1,886,677 versus fiscal year 2012 which were \$1,979,542. Revenues decreased in 2013 by \$92,865 due to other entities purchasing significantly less assets in fiscal year 2013 than 2012. Total expenses for fiscal year 2013 were \$2,546,798 versus fiscal year 2012 which were \$3,353,783. Expenditures decreased in 2013 by \$806,985 primarily due to a decrease in depreciation expense.

#### THE SUPREME COURT BUILDING COMMISSION'S FUNDS

The Supreme Court Building Commission has no infrastructure assets, and the following capital assets:

The Supreme Court Building and curtilage (land); Furniture, fixtures and equipment; Data processing equipment; and Vehicles

Most of the data processing equipment, which makes up the majority (>95%) of the Supreme Court Building Commission's current assets after depreciation, was purchased by the Administrative Office of the Courts for the District and Magistrate Courts, and has never been on the premises of the Supreme Court Building, nor in the physical custody of the Supreme Court Building Commission. However, that equipment is an asset of the Supreme Court Building Commission by statute, see NMSA 1978, Section 34-3-3 (1967), as that equipment is an asset purchased by an agency of the judicial branch housed within the Supreme Court Building.

Major purchases of capital assets during the year were primarily for replacing the roof for the entire building. The replacement of 20 roofs on the Supreme Court Building commenced in fiscal year 2012, was completed in the 1st quarter of fiscal year 2014. Funding was provided through the Capital Outlay Budget

### **BUDGETARY HIGHLIGHTS**

There were two budget adjustments for fiscal year 2013 resulting in a decrease of \$13,903 in the Personal Services budget category and \$3,689 in the Contractual Services budget category and an increase of \$17,592 to the Other budget category. Unexpended General Fund appropriations will revert to the State General Fund. In addition, the Commission was appropriated \$700,000 through Severance Tax Bond Proceeds, Laws of 2012, Chapter 5, and Section 14, to replace the roofs on the Supreme Court Building. As of the end of fiscal year 2013 \$685,341 has been expended from the capital funds outlay appropriation.

#### **ANTICIPATED CHANGES**

The Supreme Court Building Commission knows of no anticipated changes that will significantly affect the financial position of the agency.

#### **FINANCIAL CONTACT**

Joey D. Moya, Building Manager and CFO, Supreme Court Building Commission supjdm@nmcourts.gov

Wanda M. Gonzales, Court Financial Manager, Supreme Court Building Commission supwmg@nmcourts.com.

### Statement of Net Position June 30, 2013

	Governmental Activities	
ASSETS Current Assets:     Investment in State General Fund Investment Pool Total Current Assets	\$	35,796 35,796
Land Capital Assets, Net		100,311 4,430,810
TOTAL ASSETS	\$	4,566,917
LIABILITIES  Current Liabilities:     Accounts Payable     Accrued Payroll     Due to State General Fund     Compensated Absences - current Total Current Liabilities:  Noncurrent Liabilities:	\$	21,118 13,043 1,635 33,931 69,727
Compensated Absences TOTAL LIABILITIES		5,501 75,228
NET POSITION Invested in Capital Assets Unrestricted (deficit) TOTAL NET POSITION		4,531,121 (39,432) 4,491,689
TOTAL LIABILITIES AND NET POSITION	\$	4,566,917

### Statement of Activities For the Year Ended June 30, 2013

	Governmental Activities		
Expenses: Judicial:			
Administrative Services	\$	828,739	
Depreciation		1,718,059	
Total Expenses		2,546,798	
Program Revenues			
Capital Grants and Contributions	\$	905,646	
Total Program Revenues		905,646	
Net Program Expense		(1,641,152)	
General Revenues and Transfers		022.400	
State General Fund Appropriations Severance Tax Bond Proceeds		833,400	
2013 State General Fund Reversion(14000)		151,401 (3,770)	
Total General Revenues and Transfers	-	981,031	
Total delicial Neverlaes and Translers		301,031	
Change in Net Positon	\$	(660,121)	
Net Position, beginning of year		5,151,810	
Net Position, end of year	\$	4,491,689	

### Balance Sheet - Governmental Funds June 30, 2013

		General Fund	Severance Tax Bond	Total
ASSETS				
Current Assets: Investment in State General Fund Investment Pool	\$	35,796		35,796
TOTAL ASSETS		35,796		35,796
LIABILITIES AND FUND BALANCES				-
Current Liabilities: Accounts Payable Accrued Payroll Due to State General Fund  TOTAL LIABILITIES  FUND BALANCES  Unassigned (See Note 10) TOTAL FUND BALANCES		21,118 13,043 1,635 35,796	- - - -	21,118 13,043 1,635 - 35,796
TOTAL LIABILITIES AND FUND BALANCES	\$	35,796		35,796
Amounts reported in the Statement of Net Position differ bed Total fund balances	cause	<b>):</b>		-
Capital assets reported in governmental activities are not financial resources and, therefore, are not reported in the government funds statement				4,531,121 -
Compensated absences accrued in the government-wide financial statements are excluded from the governmental funds statement				(39,432)
Net Postion per Statement of Net Position				4,491,689

## Statement of Revenues, Expenditures and Changes in Fund Balance - Governmental Funds For the Year Ended June 30, 2013

	General Fund	Severance Tax Bond	Total
REVENUES	\$ -		
EXPENDITURES Current: General Government:			
Administrative Services: Personal Services and Benefits	650,058	_	650,058
Contract Services	7,011	5,290	12,301
Other Costs	172,561	146,111	318,672
Total Expenditures	829,630	151,401	981,031
(Deficiency) of Revenues Over Expenditures	(829,630)	(151,401)	(981,031)
OTHER FINANCING SOURCES (Uses)			-
Transfers In: General Fund Appropriation Transfers Out: 2013 Reversions to the State General Fund Transfers In: Severance Tax Bond Proceeds	833,400 (3,770)	151,401	833,400 (3,770) 151,401
Total Other Financing Sources (Uses)	829,630	151,401	981,031
Net Change in Fund Balances			
Fund Balances, beginning			
Fund Balances, ending	\$ -		-
Amounts reported In the Statement of Activities are different bed	cause:		
Net Change in Fund Balance			\$ -
Assets purchased by other entities Capital outlay Depreciation expense Net change in total compensated absences			905,646 153,920 (1,718,059) (1,628)
Changes in net position of governmental activities			\$ (660,121)

# Statement of Revenues and Expenditures Budget and Actual (Budgetary Basis) - General Fund For the Year Ended June 30, 2013

			Actual	Variance with
			Amounts	Final Budget
	Budg	get	(Budgetary	Positive
	Original	Final	Basis)	(Negative)
REVENUES				
General Fund Appropriation	\$ 833,400	833,400	833,400	_
Total Revenues	833,400	833,400	833,400	-
Fund Balance	=	-		
Total Revenues and Fund Balance	\$ 833,400	\$ 833,400		
EXPENDITURES				
Administrative Services:				
Personal Services	\$ 665,100	651,197	650,058	1,139
Contractual Services	10,700	7,011	7,011	-
Other	157,600	175,192	172,561	2,631
Total Expenditures	\$ 833,400	833,400	829,630	3,770

### **SEVERANCE TAX BOND PROCEEDS Multiyear Budget (See Note 9)**

REVENUES					
Severance Tax Bond Proceeds	\$	700,000	166,060	151,401	14,659
Total Revenues		700,000	166,060	151,401	14,659
Fund Balance		_	-		
Total Revenues and Fund Balance	\$	700,000	166,060		
EXPENDITURES  Administrative Services:  Contractual Services	\$	66,500	15,360	5,290	10,070
Other	•	633,500	150,700	146,111	4,589
Total Expenditures	\$	700,000	166,060	151,401	14,659

#### **NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the State of New Mexico, Supreme Court Building Commission (Commission) have been prepared in conformity with accounting principles generally accepted in the United States of America as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standards-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Commission's accounting policies are described below:

### A. Reporting Entity

### **Building Commission**

The Supreme Court Building Commission was created by statute. See NMSA 1978, Section 34-3-1 (1967). The Building Commission operates under a Board of Directors, three residents of the State appointed by the New Mexico Supreme Court. The Building Manager of the Building Commission is responsible for administrative operations and for handling budget matters and all financial transactions. The Building Superintendent is under the Building Manager's supervision.

The Supreme Court Building Commission is a component unit of the Judicial Branch and these financial statements include all funds and activities over which the Building Commission has oversight responsibility. The Building Commission has decision-making authority, the power to designate management, the responsibility to significantly influence operations, and primary accountability for fiscal matters. The Building Commission is part of the primary government of the State of New Mexico and its financial data should be included with the financial data of the state. However, New Mexico does not at present issue an audited Comprehensive Annual Financial Report inclusive of all agencies of the primary government. The Building Commission has no component units that are required to be reported in its financial statements.

#### **B.** Basic Financial Statements

The basic financial statements include both government-wide (based on the Supreme Court Building Commission as a whole) and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as either governmental or business type. The Supreme Court Building Commission is a single-purpose government entity and has no business type activities. In the government-wide Statement of Net Position, the governmental activities are presented on a consolidated basis and are reflected on the full accrual, economic resource basis, which incorporates long-term assets, receivables and deferred outflows of resources, as well as long-term debt and deferred inflows of resources.

Government-wide financial statements exclude information about fiduciary funds and component units that are fiduciary in nature.

The government-wide Statement of Activities reflects both the gross and net cost per functional category, which are otherwise being supported by general government revenues. The Statement of Activities reduces gross expenses by related program revenues, operating and capital grants. The program revenues must be directly associated with the function.

The net cost by function is normally covered by general revenue. Historically, the previous model did not summarize or present net cost by function or activity. Since the Supreme Court Building Commission only has one program, it does not employ direct cost allocation in the financial statements.

The fund financial statements are very similar to the financial statements presented in the previous model. Emphasis is on the major funds of the governmental category. Non-major funds are summarized into a single column. The Supreme Court Building Commission's funds are its General Fund and Severance Tax Bond Fund which are considered major funds.

The governmental funds in the fund financial statements are presented on a current financial resource and modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. This presentation is deemed more appropriate to demonstrate legal and covenant compliance, to demonstrate the source and use of liquid resources and to demonstrate how the Supreme Court Building Commission's actual experience conforms to the budget or fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements governmental column, a reconciliation is presented on the page following each statement, which briefly explains the adjustment necessary to transform the fund based financial statements into the governmental column of the government-wide presentation.

The financial transactions of the Supreme Court Building Commission are recorded in individual funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, deferred outflows of resources, liabilities, deferred inflows of resources, fund balance, revenues, expenditures or expenses and other financing sources or uses. Government resources are allocated to, and accounted for, in individual funds based upon the purpose for which they are to be spent and the means by which the spending activities are controlled.

The Supreme Court Building Commission's Funds are classified as governmental.

<u>General Fund</u> – The General Fund (SHARE Fund 14000) is the primary operating fund of the Commission. It accounts for all financial resources except those required to be accounted for in another fund. The operations of the Commission are funded primarily by appropriations from the State General Fund, which are recorded as "other financing sources" in the general fund in the year appropriated. The Commission also receives funding from other state funds, which are recorded as interagency transfers. The General Fund is a reverting fund.

<u>Severance Tax Bond Funds</u> – The Capital Outlay (Severance Bonds SHARE Fund 89200) was created by an appropriation to the Supreme Court Building Commission for the replacement of the roof.

### C. Non-Current Governmental Assets/Liabilities

Non-current assets and liabilities are not presented in the fund financial statements, but rather incorporated only in the government-wide Statement of Net Position.

### **D.** Basis of Accounting

Basis of accounting refers to the point at which revenues or expenditures are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic assets used. Revenues, expenses, gains, losses, assets, deferred outflows of resources and liabilities and deferred inflows of resources resulting from exchange transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, deferred outflows of resources, liabilities and deferred inflows of resources resulting from non-exchange transactions are recognized in accordance with requirements of GASB 33.

The General Fund utilizes the modified accrual basis of accounting. Under this method, revenues and other governmental fund financial resource increments are recognized in the accounting period in which they become susceptible to accrual that is, when they become both measurable and available to finance expenditures of the current fiscal period; available meaning collectible within the current period or soon enough thereafter (60 days) to be used to pay liabilities of the current period.

Expenditures are recorded as liabilities when incurred. An exception to this general rule is that accumulated unpaid annual, compensatory and certain sick leave are not accrued as current liabilities but as non-current liabilities.

In applying the "susceptible to accrual" concept to intergovernmental revenues pursuant to Governmental Accounting Standards Board Statement No. 33 (GASB 33), Accounting and Financial Reporting for Nonexchange Transactions, the provider should recognize liabilities and expenses and the recipient should recognize receivables and revenues when the applicable eligibility requirements, including time requirements, are met. Resources transmitted before the eligibility requirements are met, under most circumstances, should be reported as advances by the provider and unearned revenue by the recipient. The Severance Tax Bond Proceeds appropriations are recognized in an amount equivalent to the related capital and other expenditures.

#### E. Encumbrances

Encumbrances follow the modified accrual basis of accounting. Outstanding valid encumbrances are classified as accounts payable if they are normally paid before 30 days after the end of the fiscal year. After this deadline, the agency may still make the expenditure for a prior year accounts payable; however, they must first obtain DFA's permission to pay prior year bills. "Permission to pay prior year bills" is a penalty under law for not paying bills timely. It penalizes an agency by mandating that they charge an expenditure of one fiscal year to the subsequent fiscal year's budget.

#### F. Capital Assets

Property, plant, and equipment purchased or acquired at a value of \$5,000 or greater are capitalized. Assets are carried at historical cost or estimated historical cost. Contributed assets are recorded at fair market value as of the date received. 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 when incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives with no salvage value.

	<u>Years</u>
Building and improvements	10-40
Furniture/fixtures	10
Data processing equipment and software	3-5
Equipment	5
Vehicles	5

### **G.** Compensated Absences

Qualified employees accumulate annual leave to a maximum of 240 hours as follows:

Years	Hours Earned
of Service	Bi-Weekly
1 – 3 years	4.62
4 – 6 years	5.54
7 – 13 years	6.46
14 years or more	7.39

The maximum accrued annual leave may be carried forward into the beginning of the next calendar year and any excess is lost. When employees terminate, they are compensated for accumulated unpaid annual leave as of the date of termination. Accrued annual leave is recorded as a liability and net changes are recorded as expenditures in the government-wide financial statements. The fund financial statements and budgetary comparison reports only recognize the compensated absences when payments are made to employees.

### **H. Net Position**

The government-wide financial statements utilize a net position presentation. Net Position is categorized as invested in capital assets (net of related debt), restricted and unrestricted.

Invested in Capital Assets (net of related debt)—is intended to reflect the portion of net position which is associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost. The Commission does not have any related debt.

Restricted Net Position—are liquid assets (generated from revenues and not bond proceeds), which have third-party, legally enforceable, (statutory, bond covenant or granting agency) limitations on their use. When there is an option, the Supreme Court Building Commission spends restricted resources first.

Unrestricted Net Position—represents unrestricted liquid assets.

#### I. Fund Balances

Governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The classifications used in the governmental fund financial statements are as follows:

**Nonspendable** – This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

**Restricted** – This classification includes amounts that are restricted to a specific purpose. Fund balances are restricted when constraints placed on the use of resources are either: (a) Externally imposed by creditors (such as debt covenants), grantors, contributors, or laws or regulations of other governments; (b) Enabling legislation, as the term is used authorizes the Commission to assess, levy, charge or otherwise mandate payment of resources and includes a *legally enforceable* requirement that those resources be used only for the specific purposes stipulated in the legislation.

**Committed** – This classification includes amounts that can only be used for specific purposes to constraints imposed by formal action of the Commission's highest level of decision-making authority. Those committed amounts cannot be used for any other purpose unless the Commission removes or changes the specific use by taking the same type of action (for example resolution, ordinance) it employed to previously commit those amounts.

Assigned – This classification includes amounts that are constrained by the Commission's *intent* to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by (a) the governing body itself or (b) a body or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes.

**Unassigned** — This classification is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. The general fund should be the only fund that reports a positive unassigned fund balance amount.

### J. Compensated Absences

Vested or accumulated vacation leave and vested sick leave are reported in the entity-wide financial statements, since they are not expected to be liquidated with expendable available financial resources. No current expenditures are reported in the General Fund financial statements for these amounts.

### K. Long-Term Obligations

Long-term debt is recognized as a liability of a governmental fund when due. For other long-term obligations, only that portion expected to be financed from expendable available financial resources is reported as a liability of the General Fund. The remaining portion of such obligations is reported in the entity-wide financial statements.

### L. Budgets

The Supreme Court Building Commission follows these procedures in establishing the budgetary data reflected in the financial statements:

No later than September 1, the Supreme Court Building Commission submits to the Judicial Budget Office (JBO), the Legislative Finance Committee (LFC), and the Department of Finance and Administration (DFA) an appropriation request for the fiscal year commencing the following July 1. The appropriation request includes proposed expenditures and the means of financing them.

Appropriation request hearings are scheduled by the DFA. Budget hearings are scheduled before the New Mexico House Appropriations and Senate Finance Committees. The final outcomes of these hearings are incorporated into the General Appropriations Act. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit.

The Supreme Court Building Commission submits to the DFA, no later than May 1, an annual operating budget by category and line item based upon the appropriation made by the Legislature. The DFA – Budget Division reviews and approves the operating budget which becomes effective on July 1. All subsequent budget adjustments must be approved by the State of New Mexico, Administrative Office of the Courts and the director of the DFA – Budget Division and the LFC. The current year budget was adjusted in a legal manner.

Legal budget control for expenditures is by category of line item. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund.

Appropriations lapse at the end of the fiscal year except for multi-year special appropriations. All amounts within the General Fund revert annually to the State General Fund, with the exception of unspent multi-year special appropriations.

Each year the Legislature approves multiple year appropriations, which the State considers as continuing appropriations. The Legislature authorizes these appropriations for two to five years; however, it does not identify the authorized amount by fiscal year. Consequently, the appropriation is budgeted in its entirety the first year the Legislature authorizes it. The unexpended portion of the budget is carried forward as the next year's beginning budget balance until either the project period has expired or the appropriation has been fully expended. The budget presentation in these financial statements is consistent with this budgeting methodology.

The budget for the General Fund is adopted on the modified accrual basis of accounting except for accounts payable accrued at the end of the fiscal year that do not get paid by the statutory deadline (Section 6-10-4 NMSA 1978), that must be paid out of next year's budget. A reconciliation of budgetary basis to GAAP basis will be necessary if all accounts payable at the end of the fiscal year are not paid by the statutory deadline. No reconciliation was necessary as of June 30, 2013.

### M. Program Revenues

The Commission derives program revenues (capital grants and contributions) from the following other state agencies: Administrative Office of the Courts, Court of Appeals, Supreme Court Law Library, and The Supreme Court. These revenues represent capital assets acquired by these entities.

#### NOTE 2: STATE TREASURER GENERAL FUND INVESTMENT POOL

State law (Section 8-6-3 NMSA 1978) requires the Commission's cash be managed by the New Mexico State Treasurer's Office. Accordingly, the investments of the Commission consist of an interest in the General Fund Investment Pool managed by the New Mexico State Treasurer's Office.

At June 30, 2013 the Commission had the following invested in the General Fund Investment Pool:

	Share Fund #	Maturity		Account Balance	 Fair Value
General Fund	134	1 day	\$_	35,796	\$ 35,796

<u>Interest Rate Risk</u> – The New Mexico State Treasurer's Office has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is the means of managing exposure to fair value losses arising from increasing interest rates. This policy is reviewed and approved annually by the New Mexico State Board of Finance.

Credit risk – The New Mexico State Treasurer pools are not rated.

For additional GASB 40 disclosure information regarding cash held by the New Mexico State Treasurer, the reader should see the separate audit report for the New Mexico State Treasurer's Office for the fiscal year ended June 30, 2013.

#### **General Fund Investment Pool Not Reconciled**

For cash management and investment purposes, funds of various state agencies are deposited in the State General Fund investment Pool (the Pool), which is managed by the office of New Mexico State Treasurer. Claims on the Pool are reported as assets by the various agencies investing in the Pool.

In June 2012 an independent expert diagnostic report revealed that the General Fund Investment Pool balances have not been reconciled at the business unit/fund level since the inception of the Statewide Human resources, Accounting, and management Reporting system (SHARE) system in July of 2006. The Diagnostic reports are available in the Resources section of the Cash Control page of the New Mexico Department of Finance & Administration's website at:

http://www.nmdfa.state.nm.us/Cash\_Control.aspx.

By state statute, the New Mexico Department of Finance and Administration (DFA) is responsible for the performance of monthly reconciliations with the balances and accounts kept by the State Treasurer. Therefore, under the direction of the State Controller / Financial Control Division Director, the Financial Control Division (FCD) of the New Mexico Department of Finance & Administration undertook action to address the situation. DFA/FCD initiated the Cash Management Remediation Project (Remediation Project) in partnership with the Office of the New Mexico State Treasurer, the New Mexico Department of Information Technology, and a contracted third party with expertise in the Enterprise System Software used by the State.

The Remediation Project objective was to design and implement changes necessary to ensure ongoing completion of timely, accurate and comprehensive reconciliation of the Pool. DFA has or is in the process of implementing all the recommendations resulting for the Remediation Project and has made changes to the State's SHARE System configuration, cash accounting policies and procedures, business practices, and banking structure. This has enabled DFA to complete timely and accurate reconciliation of bank to book balances at the State and Business Unit level on a post-implementation basis, however it did not resolve historical reconciling items. Additional changes recommended by the Project continue to be cascaded through DFA and state agencies to support the Business Unit by Fund accounting requirements.

A plan to address historical reconciliation items is being assessed and a separate initiative will need to be undertaken to resolve the historical reconciliation items. DFA Management considers it unlikely that this separate initiative will be successful in allocating all historical reconciling items to the State entities invested in the Pool. As a result, any remaining differences post specific allocation to Pool participants will be reported in the State General Fund.

DFA Management in FY 2012 recorded a loss contingency of \$101.7 million in the State General Fund based on its estimate of the effect of issues related to the reconciliation of the Pool, that estimate is still current. Because no specific loss amount is determinable, consistent with generally accepted accounting principles, the amount accrued is the minimum amount that DFA management considers to be probable. Ultimately, the loss could exceed the amount accrued, perhaps by a substantial amount.

The cash transactions processed by Supreme Court Building Commission flow through the state general fund investment pool. Since SHARE was implemented, we recognized the statewide cash reconciliation issue and in response, developed internal reconciliation procedures to ensure that cash receipts and disbursements recorded in the SHARE system are in fact transactions that have been initiated by the Supreme Court Building Commission.

The reconciliation occurs each month and any required adjustments are forwarded to the Financial Control Division at DFA for correction. Monthly reconciliation procedures throughout the fiscal year, include, but are not limited to validation of: allotments, deposits, expenditures, all general entries, operating transfers, payroll expenditures/payroll liabilities, and review of outstanding warrants. The Supreme Court Building Commission reports the timely completion of the reconciliation process to Commission management monthly and conducts monthly management budget reviews to ensure that all cash deposits and financial transactions are accurately recorded and posted to the SHARE system.

This monthly internal reconciliation of cash receipts and disbursements flowing through Commission's share of the state general fund investment pool provides management assurance that the balance reflected in State General Fund Investment Pool account is accurate as of the end of the reporting period. In addition, Supreme Court Building Commission reconciles other asset and liability accounts on the balance sheet of each fund type. This process also provides additional assurance that transactions affecting the Commission's share in the State General Fund Investment Pool account are accurate.

#### **NOTE 3: DUE FROM STATE GENERAL FUND**

During the fiscal year ended June 30, 2012 management discovered that in fiscal year 2010 the accounts payable balance and the accompanying expenditures were erroneously adjusted. As a result of the error the fiscal year 2011 reversion was overstated by \$3,700. The Commission obtained permission from the Department of Finance and Administration to net the current year reversion against the \$3,700 resulting in an amount due from the state general fund of \$309.

**NOTE 4: CAPITAL ASSETS** 

Capital asset activity for the year ended June 30, 2013 was as follows:

	Balance 6/30/12	Additions	Deletions	Balance 6/30/13	
	0/30/12	7.4441110113	Defetions	0/30/13	
Land	\$ 100,311	-	-	100,311	
Capital Assets:					
Buildings & Improvements	3,720,208	263,423	-	3,983,631	
Furniture, Fixtures & Equipment	3,983,228	148,296	-	4,131,524	
Data Processing Equipment	11,639,851	647,847	-	12,287,698	
Vehicles	314,241			314,241	
Total	19,757,839	1,059,566		20,817,405	
Accumulated Depreciation:					
<b>Buildings &amp; Improvements</b>	2,041,934	245,204	-	2,287,138	
Furniture, Fixtures & Equipment	1,882,602	319,980	-	2,202,582	
Data Processing Equipment	10,426,305	1,104,121	-	11,530,426	
Vehicles	217,384	48,754		266,138	
Total	14,568,225	1,718,059		16.286.284	
Net Capital Assets	5,189,614	(658,493)		4,531,121	

Current depreciation expense is \$1,718,059.

#### **NOTE 5: COMPENSATED ABSENCES**

The following is a summary of changes in compensated absences:

Balance			Balance	Due within	
6/30/12	Additions	Deletions	6/30/13	One Year	
\$37,804	37,883	36,255	\$39,432	\$33,931	

Compensated absences are liquidated with available financial resources out of the general fund. The State of NM does not budget in the current year, funds to pay any portion of the compensated absence liability at the end of the year; therefore, the current portion of compensated absences is not recorded in the fund financial statements. The Commission has no other debt.

#### **NOTE 6: RETIREMENT PLANS**

Plan Description. Substantially all of the Supreme Court Building Commission's full-time employees participate in public employee retirement system authorized under the Public Employees Retirement Act (Chapter 10, Article 11 NMSA 1978). The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retirement, disability benefits, survivor benefits and cost-of-living adjustments to plan members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to PERA, PO Box 2123, Santa Fe, NM 87504-2123.

Funding Policy. Plan members are required to contribute 8.92% of their gross salary. The Supreme Court Building Commission is required to contribute 15.09% of the gross covered salary. The contribution requirements of plan members and Supreme Court Building Commission are established under Chapter 10, Article 11 NMSA 1978. The requirements may be amended by acts of the legislature. The Supreme Court Building Commission contributions to PERA for the years ended June 30, 2013, 2012 and 2011 were \$62,505, \$54,807 and \$60,521, respectively, equal to the amount of the required contributions for each year.

### NOTE 7: POST-EMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN

Plan Description. The Supreme Court Building Commission contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit post-employment healthcare plan administered by the New Mexico Retiree Health Care Authority (RHCA). The RHCA provides health care insurance and prescription drug benefits to retired employees of participating New Mexico government agencies, their spouses, dependents, and surviving spouses and dependents. The RHCA Board was established by the Retiree Health Care Act (Chapter 10, Article 7C, NMSA 1978). The Board is responsible for establishing and amending benefit provisions of the healthcare plan and is also authorized to designate optional and/or voluntary benefits like dental, vision, supplemental life insurance, and long-term care policies.

Eligible retirees are: 1) retirees who make contributions to the fund for at least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the RHCA plan on the person's behalf unless that person retires before the employer's RHCA effective date, in which the event the time period required for employee and employer contributions shall become the period of time between the employer's effective date and the date of retirement; 2) retirees defined by the Act who retired prior to July 1, 1990; 3) former legislators who served at least two years; and 4) former governing authority members who served at least four years.

The RHCA issues a publicly available stand-alone financial report that includes financial statements and required supplementary information for the post-employment healthcare plan. That report and further information can be obtained by writing to the Retiree Health Care Authority at 4308 Carlisle NE, Suite 104, Albuquerque, NM 87107.

Funding Policy. The Retiree Health Care Act (Section 10-7C-13 NMSA 1978) authorizes the RHCA Board to establish the monthly premium contributions that retirees are required to pay for healthcare benefits. Each participating retiree pays a monthly premium according to a service based subsidy rate schedule for the medical plus basic life plan plus an additional participation fee of five dollars if the eligible participant retired prior to the employer's RHCA effective date or is a former legislator or former governing authority member. Former legislators and governing authority members are required to pay 100% of the insurance premium to cover their claims and the administrative expenses of the plan. The monthly premium rate schedule can be obtained from the RHCA or viewed on their website at www.nmrhca.state.nm.us.

The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the employer and employee contributions can be changed by the New Mexico State Legislature. Employers that choose to become participating employers after January 1, 1998, are required to make contributions to the RHCA find in the amount determined to be appropriate by the board.

The Retiree Health Care Act (Section 10-7C-15 NMSA 1978) is the statutory authority that establishes the required contributions of participating employers and their employees. For employees that were members of an enhanced retirement plan (state police and adult correctional officer member coverage plan 1; municipal police member coverage plans 3, 4 or 5; municipal fire member coverage plan 3, 4 or 5; municipal detention officer member coverage plan 1; and members pursuant to the Judicial Retirement Act) during the fiscal year ended June 30, 2013, the statute required each participating employer to contribute 2.5% of each participating employee's annual salary; and each participating employee was required to contribute 1.25% of their salary. For employees that were not members of an enhanced retirement plan during the fiscal year ended June 30, 2013, the statute required each participating employer to contribute 2.0% of each participating employee's annual salary; each participating employee was required to contribute 1.0% of their salary. In addition, pursuant to Section 10-7C-15(G) NMSA 1978, at the first session of the Legislature following July 1, 2013, the legislature shall review and adjust the distributions pursuant to Section 7-1-6.1 NMSA 1978 and the employer and employee contributions to the authority in order to ensure the actuarial soundness of the benefits provided under the Retiree Health Care Act.

The Supreme Court Building Commission contributions to the RHCA for the years ended June 30, 2013, 2012 and 2011 were \$8,289, \$7,497, and \$6,636, respectively, which equal the required contributions for each year.

#### **NOTE 8: RISK MANAGEMENT**

The Supreme Court Building Commission is exposed to various risk of loss related to torts; theft of, damage to, or destruction of assets; errors and omissions; injuries to employees or others; or acts of God. The Commission is insured through Risk Management Division of the General Services Department, which is accounted for as an internal service fund of the State of New Mexico. In general, Risk Management Division responds to suits against the state and state agencies; manages fund to provide unemployment compensation, tort liability insurance, workman's compensation, and general and property insurance, and attempts to reduce the number of suits against the state and state agencies through the risk management process. The actuarial gains and losses of Risk Management Division were not available and are not included in this report. However, the Commission would not be liable for more than the annual premiums. The Commission expended \$40,381 to obtain this coverage.

### **NOTE 9: CAPITAL OUTLAY APPROPRIATIONS**

The Commission was appropriated \$700,000 through Severance Tax Bond Proceeds, Laws of 2011, Chapter 5, and Section 14, to replace the roofs on the Supreme Court Building, to expire in fiscal year 2016. As of the end of fiscal year 2013, \$685,341 has been expended from the capital funds outlay appropriation, \$14,659 remains unencumbered and will not be used. The accompanying financial statements only reflect the amounts expended during the year. The final budget in the budgetary comparison reflects the unexpended project balance at the beginning of the fiscal year.

### Schedule of Operating Transfers For the Year Ended June 30, 2013

SHARE				TRANSFER			
_	FUND	D TITLE		In		Out	
(1)	14000	Department of Finance & Administration	\$	833,400	\$	_	
(2)	89200	Department of Finance & Administration		151,401		-	
(1)	14000	FY 2013 Reversion(14000)				3,770	
	Total		\$	984,801	\$	3,770	

- (1) General Fund Appropriation, Laws of 2012, Chapter 19, Section 4
- (2) Severance Tax Bond Proceeds, Laws of 2011, Chapter 5, Section 14

See Independent Auditor's Report





Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards

Hector H. Balderas
New Mexico State Auditor
and
Honorable Petra Jimenez Maes – Chair
New Mexico Supreme Court Building Commission
Santa Fe, New Mexico

We have audited in accordance with the 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, the financial statements of the governmental activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund and special revenue fund of the New Mexico Supreme Court Building Commission (Commission), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the comission's basic financial statements and have issued our report thereon dated December 6, 2013.

### **Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A *deficiency in internal control* 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 and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Commission's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet is important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Commission's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Zlotnick, Laws & Sandoval, P.C.

Zlotnick flore & Sudoval, P.C

December 6, 2013



### Schedule of Findings and Responses June 30, 2013

### **Status of Prior Year's Findings**

2012-01 - Personnel Records Maintenance Resolved

2012-02 - Fraud Policy Resolved

2012-03 - Proper Control over Capital Assets Resolved

2012-05 - Budgetary Control Resolved

### **Current Year's Findings.**

None



### Other Disclosures June 30, 2013

### **Preparation of the Financial Statements**

Zlotnick, Laws & Sandoval, PC assisted in the preparation of the financial statements presented in this report. Management is responsible for the financial statements. The Commission's management has reviewed and approved the financial statements and related notes and they believe that their records adequately support the financial statements.

### **Exit Conference**

The contents of this report were discussed on December 11, 2013. The following individuals were in attendance:

New Mexico Supreme Court Building Commission

Honorable Petra Jimenez Maes Chair

Chief Justice of the Supreme Court

Joey D. Moya Building Manager

Chief Clerk of the Supreme Court, Co CFO

Wanda M. Gonzales

Court Financial Manager, Co CFO

Zlotnick, Laws & Sandoval, PC

Asa Laws, CPA Partner

