

**STATE OF NEW MEXICO**

**SECOND JUDICIAL DISTRICT COURT**

**Financial Statements and Schedules  
With Independent Auditor's Report Thereon**

**For the Fiscal Year Ended June 30, 2009**

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

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**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

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**STATE OF NEW MEXICO  
JUDICIAL DISTRICT COURT**

**OFFICIAL ROSTER**

**June 30, 2009**

**Judges**

Honorable William Parnall	Division 1
Honorable Stan Whitaker	Division 2
Honorable M. Monica Zamora	Division 3
Honorable Beatrice Brickhouse	Division 4
Honorable Ted Baca, Chief Judge	Division 5
Honorable Neil Candelaria	Division 6
Honorable John J. Romero	Division 7
Honorable Ross C. Sanchez	Division 8
Honorable Robert Schwartz	Division 9
Honorable Theresa Baca	Division 10
Honorable Gerard Lavelle	Division 11
Honorable Clay Campbell	Division 12
Honorable Valerie A Mackie Huling	Division 13
Honorable Reed Sheppard	Division 14
Honorable Alan Malott	Division 15
Honorable Carl J. Butkus	Division 16
Honorable Nan G. Nash	Division 17
Honorable Denise Barela-Shepherd	Division 18
Honorable Albert S. Murdoch	Division 19
Vacant	Division 20
Honorable Angela J. Jewell	Division 21
Honorable Deborah Davis Walker	Division 22
Honorable Geraldine E. Rivera	Division 23
Honorable Kenneth H. Martinez	Division 24
Honorable Elizabeth Whitefield	Division 25
Honorable Charles Brown	Division 26

**Administrative Officials**

Juanita Duran	Court Executive Officer
Arthur Gallegos	Deputy Court Executive Officer
Judith Finfrock	Deputy Court Executive Officer
Leanne Martel	Deputy Court Executive Officer
Mark Pickle	Deputy Court Executive Officer
Monica Roybal	Deputy Court Executive Officer
Farah French	Fiscal Services Director

# Zlotnick, Laws & Sandoval, P.C.

CERTIFIED PUBLIC ACCOUNTANTS  
ONE CALLE MEDICO  
SANTA FE, NEW MEXICO 87505

DAVID G. ZLOTNICK, CPA  
ASA LAWS, CPA  
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## **INDEPENDENT AUDITOR'S REPORT**

Hector H. Balderas  
New Mexico State Auditor  
Santa Fe, New Mexico  
and  
Honorable Ted Baca, Chief Judge  
Second Judicial District Court  
Albuquerque, New Mexico

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the State of New Mexico, Second Judicial District Court (Court), as of and for the year ended June 30, 2009 which collectively comprise the Court's basic financial statements as listed in the table of contents. We also have audited the combining and individual fund financial statements of the Court as of and for the year ended June 30, 2009, presented as supplementary information as listed in the table of contents. These financial statements are the responsibility of the Court's management. 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 includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

As discussed in Note 1, the financial statements of the Second Judicial District Court are intended to present the financial position and changes in financial position of only that portion of the financial reporting entity of the State that is attributable to the transactions of the Court. They do not purport to, and do not, present fairly the financial position of the entire state of New Mexico as of June 30, 2009 and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Court as of June 30, 2009, and the respective changes in financial position thereof and the respective budgetary comparisons for the general fund and the major special revenue funds for the year then ended in conformity with accounting principles generally accepted in the United States of America. In addition, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the combining and individual general fund accounts of the Court as of June 30, 2009, and the respective changes in financial position and respective budget comparisons thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued a report dated November 13, 2009 on our consideration of the Court's internal control over financial reporting and our tests of its compliance with certain provision 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 and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis on pages 3 to 8 are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the basic financial statements, and on the combining and individual fund financial statements and budgetary comparisons. The accompanying schedule of expenditures of federal awards included in the supplementary information is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, and is also not a required part of the basic financial statements. The additional schedules listed as supplementary information in the table of contents are presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, such information is fairly presented in all material respects in relation to the financial statements taken as a whole.

*Zlotnick, Law & Sandoval, P.C.*

Zlotnick, Laws & Sandoval, P.C.

November 13, 2009

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

The Second Judicial District Court's discussion and analysis is provided as an overview of the Court's financial activities for the fiscal year ending June 30, 2009. In fiscal year 2002, the Court adopted the provisions of Governmental Accounting Standards Board Statement No. 34 (GASB 34), which established new financial reporting requirements for state and local governments throughout the United States. The new requirements were developed by GASB to make annual reports more comprehensive and easier to understand and use.

This annual report consists of a series of financial statements. The Statement of Net Assets and the Statement of Activities (on pages 9 and 10), provide information about the Court as a whole and presents a longer term view of the court's finances. Fund financial statements start on page 11. For governmental activities, these statements tell how these services were financed in the short-term as well as what remains for future spending. Fund financial statements also report the Court's operations in more detail than the government-wide statements by providing information about the Court's most significant funds. The Statement of Fiduciary Net Assets provides information about activities for which the Court acts solely as agent for the benefit of others, to whom the resources belong.

Government-Wide Financial Statements

Government-wide financial statements report information about the Court as a whole using accounting methods similar to those used by private-sector companies. The Statement of Net Assets includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the Statement of Activities regardless of when cash is received or paid.

Fund Financial Statements

The fund financial statements provide more detailed information about the Court's most significant funds, not the Court as a whole. Funds are accounting devices that the Court uses to keep track of specific sources of funding and spending for particular purposes.

The Court has two types of funds:

- Governmental funds - Most of the Court's basic services are included in governmental funds, which focus on 1) how cash and other financial assets that can readily be converted to cash flow in and out and 2) the balances left at year-end that are available for spending.
- Fiduciary funds - The Court maintains three agency funds to account for monies held on behalf of others. These funds are purely custodial in nature thus do not include measurement of the results of operations.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

Condensed Financial Information:

	<u>FY2009</u>	<u>FY2008</u>	<b>Percent Change</b>
<b>STATEMENT OF NET ASSETS</b>			
<b>ASSETS</b>			
Current and other assets	\$ 1,907,065	\$ 1,513,348	26.02%
Capital assets, net	<u>479,540</u>	<u>695,642</u>	-31.07%
Total assets	<u>2,386,605</u>	<u>2,208,990</u>	8.04%
<b>LIABILITIES</b>			
Current liabilities	1,929,326	1,755,008	9.93%
Long term liabilities	<u>141,488</u>	<u>120,925</u>	17.00%
Total liabilities	<u>2,070,814</u>	<u>1,875,933</u>	10.39%
<b>NET ASSETS</b>			
Invested in capital assets	479,540	695,942	-31.07%
Restricted	792,359	508,400	55.85%
Unrestricted	<u>(956,108)</u>	<u>(870,985)</u>	9.77%
Total net assets	<u>\$ 315,791</u>	<u>\$ 333,057</u>	-5.18%
<b>STATEMENT OF ACTIVITIES</b>			
<b>REVENUES</b>			
Program revenues	\$ 2,129,073	\$ 1,989,942	6.99%
General revenue, net of transfers	<u>22,268,963</u>	<u>21,992,163</u>	1.26%
Total revenues	24,398,036	23,982,105	1.73%
<b>EXPENSES</b>			
Judicial	<u>24,415,302</u>	<u>24,200,438</u>	.89%
Change in net assets	(17,266)	(218,333)	-92.09%
Net assets, beginning of year	<u>333,057</u>	<u>551,390</u>	-39.60%
Net assets, end of year	<u>\$ 315,791</u>	<u>\$ 333,057</u>	-5.18%



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

Financial Highlights

The financial position and results from operation for the Second Judicial District Court during the year ended June 30, 2009 are detailed below. Total assets at June 30, 2009, were \$2,386,605. This includes petty cash of \$1,500 and Interest in State General Fund Investment Pool of \$1,538,113, due from external parties of \$7,826, due from other state agencies of \$149,373, due from local governments of \$112,141, postage inventory of \$98,112 and capital assets of \$479,540, net of accumulated depreciation of \$2,415,912. Total liabilities were \$2,070,814, including current liabilities of \$1,929,326 and long-term liabilities of \$141,488. Net assets include unrestricted net assets of (\$956,108), restricted net assets of \$792,359 and \$479,540 invested in capital assets.

Total revenues for the year ended June 30, 2009 were \$24,398,036. This included State general fund appropriation of \$21,801,363, net of reversion, revenue from other state funds of \$467,600, charges for services in the amount of \$204,229, court fees of \$496,086, revenue from federal grants-operating of \$586,048 and revenue from other operating grants of \$842,710. Total expenses were \$24,415,302. The total change in net assets for the year was a decrease of \$17,266, resulting in a net asset balance of \$315,791 as of June 30, 2009.

The amount due to the State General Fund was \$20,707. This reversion figure includes the actual amount reverted for fiscal year 2009. The Court Regular General Fund reversion for fiscal year 2009 was \$533. The Child Support Hearing Officer Program reversion for fiscal year 2009 was \$20,174.

Total fund equity was \$792,359, which includes \$1,500 for petty cash, \$98,112 for postage inventory, \$374,729 from the Court Mediation fund, and \$318,018 from the Court Arbitration fund. Special Revenue Funds are non-reverting funds used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. The Special Revenue Funds include Court Mediation and Court Arbitration.

The decrease in net assets in fiscal year 2009 was due to an increase in accumulated depreciation of Capital Assets.

Other Financial Highlights

The Second Judicial District Court is responsible for monitoring and maintaining all litigant funds. Agency funds are not "operating" funds but are purely custodial and thus do not involve a measurement of results of operations. The funds are deposited into registry and savings trust accounts. The Court's savings account is established through the State Treasurer's Local Government Investment Pool (LGIP) and earned an average of 1.16% interest during the year ending June 30, 2009. In order for the Court to deposit funds into this account, deposits must exceed \$25,000 or the Court Order must specify the funds be deposited into a savings account. All other funds are deposited into the registry account through a local bank and any bank interest accrued is transferred to the State General Fund.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

General Fund Budgetary Highlights

The New Mexico State Legislature makes annual appropriations to the Court. Budget adjustments require approval by the New Mexico Department of Finance and Administration. These budget adjustments fall into the following three categories:

- Amendments approved shortly after the beginning of the year to reflect the actual beginning account balances.
- Budget adjustments requests that increase or decrease other State funds based on actual revenues.
- Increases or reallocations of appropriations to prevent budget overruns.

The fiscal year 2009 legislative session lasted 60 days. The Court requested \$25.5 million and was appropriated \$24.7 million after an additional budget reduction of approximately 1.4% during the fiscal year 2010 legislative session. Amendments to the budget require approval by the Budget Division of the Department of Finance and Administration.

Approved budgets increased by \$317,145 during the year from the original amount of \$24,740,200 to \$25,057,345. This 1.3% increase is primarily attributed to establishing the budget for the Juvenile Drug Court grant, increasing the Bernalillo County Pre Trial Services contract to match the actual contract amount, increasing the budget for projected General Fund Miscellaneous Revenue and decreasing the Child Support budget to match the actual contract amount. Actual budgetary basis expenditures of \$24,213,690 are within the total allowed in the final approved budget by \$843,655.

The statement of revenues and expenditures reflects a balance of \$184,347 for the net change in fund balances in the Total Governmental Funds column. Contributing factors to the excess were that the Court increased the revenue carryover for Special Revenue Funds. These special revenue funds include Mediation and Court Alternatives (Arbitration).

Capital Assets

The Court's capital assets for the year ended June 30, 2009 increased by \$14,603. This includes furniture and equipment needed for the courthouse. The Court does not own any real property or infrastructure assets.

Long Term Liabilities

Long term Liabilities consist entirely of accrued compensated absences. The long term portion of accrued compensated absences increased by \$20,563 during the year.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

Agency Highlights

The fund financial statements provide more detailed information about the Second Judicial District Court's General Fund and its components, which include the child support enforcement hearing officer fund, grants, and contracts. The general fund appropriation of \$21,822,100 includes Court Regular, Adult Drug Court, Juvenile Drug Court, Domestic Violence FAIR Program, and Judicial Supervision Program f/k/a Mental Health Court. This amount is an increase of \$937,542, or 4.5%, from the prior fiscal year. Other State Funds decreased by \$662,415, or 58.6%, from the prior fiscal year. Other State Funds for the fiscal year 2009 consists of \$467,600 for a compensation package towards judges and employee salaries. The Child Support Enforcement Hearing Officer fund was created through a grant agreement from the Human Services Department for \$896,241. This reflects an increase of \$26,105, or 3%, over fiscal year 2008. Grant revenues increased by \$134,863 or 33.9%, from the prior year. The amount of \$532,517 for other grants under the general fund column includes funds received for the PreTrial Services Program. Grant revenue is on a cost reimbursement basis.

The Court was advised that during the 2009 Legislative Session the Legislature would be revisiting the FY09 appropriations to make additional cuts in funding based on the State's current economic situation. The Court's budget was reduced by approximately 1.4%. At this time the Court began making operational expense reductions in order to operate within our newly allotted budget. These budget reduction measures included: eliminating the Domestic Violence Family Assessment and Intervention Resources (F.A.I.R) program in January 2009, eliminating the Adult Drug Court Client Housing contract in January 2009, reducing the Judicial Supervision program, reducing Self Help programs; reducing office supplies, professional dues, land and fax lines, cell phones and maintenance agreements; eliminating furniture purchases, out of state travel, educational assistance program requests, reimbursements of professional licenses after October 2008 and the cancellation of six copier leases. Due to the 12.5% increase in workload, the Court had to limit customer service hours. The Clerks office hours for the general public have been changed from 8 a.m.- 5 p.m. to 10 a.m. – 5 p.m.

The Major Fund column in the fund financial statement consists of the Court Mediation fund, which primarily supports the Court Clinic Division. The Court Clinic is a division within the Court that provides services to all District Court Judges, Hearing Officers, and Special Commissioners. The revenue generated comes from a portion of domestic relations filings fees collected as well as advisory consultation fees collected from clients based on a sliding fee scale. The Court has statutory authority to collect both these fees.

Expenses incurred from the Court Mediation fund include salary and benefits. Revenue generated in fiscal year 2009 was \$260,176, a decrease of \$54,526 or just over 17% from fiscal year 2008. The Court Mediation fund is non-reverting.

The other Major Fund column in the fund financial statements consists of the Court Alternatives (Arbitration) Program, which offers settlement facilitation for civil and domestic relations cases.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MANAGEMENT'S DISCUSSION AND ANALYSIS**

**JUNE 30, 2009**

The program generates revenues through a portion of the civil filing fees collected. Pursuant to statute, any judicial district that has established a Court Alternatives Program may collect a fee of \$15 on all new and reopened civil cases. In fiscal year 2009, the revenue generated for this program was \$235,910, an increase of \$33,560, or 16.6% from fiscal year 2008. This is also a non-reverting fund.

Economic Factors and Next Year's Budget

The budget request for fiscal year 2010 was \$26.6 million, which included the general fund and special revenue funds. The approved appropriation was \$24.1 million. Due to the budget shortfall, the Court received a loan of \$142,700 from the Board of Finance. During the 2009 Special Session, the Governor signed a bill to further reduce FY10 budgets. The Court's general fund budget was reduced by 2%, resulting in a total budget of \$23.7 million. The Court will continue to enforce all operating expense reductions started in FY09 to operate within this limited budget. The Court will continue to try to maintain a 5% vacancy rate; however employee furlough may be necessary as 94.6% of the Court's General Fund Budget funds personnel salaries and benefits.

Request for Information

This financial report is designed to provide the general public and other interested parties with a general overview of this Court's finances and accountability of funds. Questions concerning this report or request for additional information should be addressed to the Second Judicial District Court, 400 Lomas Blvd. NW, Albuquerque, NM 87102.

**GOVERNMENT-WIDE FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**STATEMENT OF NET ASSETS**

**JUNE 30, 2009**

	<u>Governmental Activities</u>
<b>ASSETS</b>	
Petty Cash	\$ 1,500
Investment in State General Fund Investment Pool	1,538,113
Due from external parties	7,826
Due from other state agencies	149,373
Due from local governments	112,141
Postage inventory	98,112
Capital assets, net (see Note 5)	<u>479,540</u>
 Total assets	 <u>\$ 2,386,605</u>
 <b>LIABILITIES</b>	
Accounts payable	\$ 48,919
Accrued payroll	1,045,050
Due to local governments	30
Due to State General Fund	20,707
Compensated absences (see Note 7)	
Due within one year	814,620
Due in more than one year	<u>141,488</u>
 Total liabilities	 <u>2,070,814</u>
 <b>NET ASSETS</b>	
Invested in capital assets	479,540
Restricted for program expenditures	792,359
Unrestricted	<u>(956,108)</u>
 Total net assets	 <u>\$ 315,791</u>

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**STATEMENT OF ACTIVITIES**

**For the Year Ended June 30, 2009**

	<u>Governmental Activities</u>
<b>Expenses:</b>	
Judicial:	
Administrative services	\$ 24,184,598
Depreciation expense	230,704
Total expenses	<u>24,415,302</u>
 <b>Program Revenues:</b>	
Charges for services	204,229
Court fees	496,086
Federal grants - operating	586,048
Other operating grants	842,710
Total program revenues	<u>2,129,073</u>
Net program expenses	(22,286,229)
 <b>General Revenue and Transfers:</b>	
General fund appropriation	21,822,100
Other state funds	467,600
Transfers:	
Reversion to the Bernalillo County	(30)
Reversion to State General Fund	(20,707)
Total general revenue and transfers	<u>22,268,963</u>
Change in net assets	(17,266)
Net assets-June 30, 2008	<u>333,057</u>
Net assets -June 30, 2009	<u><u>\$ 315,791</u></u>

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

## **FUND FINANCIAL STATEMENTS**



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**BALANCE SHEET - GOVERNMENTAL FUNDS**

**June 30, 2009**

	<u>Major Funds</u>			<b>Total Governmental Funds</b>
	General Fund	Mediation Fund	Alternative Dispute Resolution	
<b>ASSETS</b>				
Petty Cash	\$ 1,500	\$ -	\$ -	\$ 1,500
Investment in SGFIP	858,153	382,871	297,089	1,538,113
Due from external parties	1,391	2,910	3,525	7,826
Due from other funds	15	-	25,205	25,220
Due from other state agencies	149,373	-	-	149,373
Due from local governments	112,141	-	-	112,141
Postage inventory	98,112	-	-	98,112
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total assets	<u>\$ 1,220,685</u>	<u>\$ 385,781</u>	<u>\$ 325,819</u>	<u>\$ 1,932,285</u>
<b>LIABILITIES AND FUND BALANCES</b>				
Liabilities:				
Accounts payable	\$ 48,919	\$ -	\$ -	\$ 48,919
Accrued payroll	1,026,212	11,037	7,801	1,045,050
Due to other funds	25,205	15	-	25,220
Due to local governments	30	-	-	30
Due to State General Fund	20,707	-	-	20,707
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total liabilities	<u>1,121,073</u>	<u>11,052</u>	<u>7,801</u>	<u>1,139,926</u>
Fund Balances:				
Reserved for:				
Petty cash	1,500	-	-	1,500
Inventory	98,112	-	-	98,112
Program expenditures	-	374,729	318,018	692,747
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total fund balances	<u>99,612</u>	<u>374,729</u>	<u>318,018</u>	<u>792,359</u>
Total liabilities and fund balances	<u>\$ 1,220,685</u>	<u>\$ 385,781</u>	<u>\$ 325,819</u>	<u>\$ 1,932,285</u>

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**RECONCILIATION OF GOVERNMENTAL FUNDS BALANCE SHEET  
TO THE STATEMENT OF NET ASSETS**

**June 30, 2009**

Total fund balances for governmental funds \$ 792,359

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds. These assets consist of the following:

Property, plant & equipment	2,895,452	
Accumulated depreciation	<u>(2,415,912)</u>	
Total capital assets		479,540

Some liabilities are not due and payable in the current period and therefore are not reported in the funds. Those liabilities consist of the following:

Compensated absences	<u>(956,108)</u>
----------------------	------------------

Net Assets of Governmental Activities \$ 315,791

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**Statement of Revenues, Expenditures and Changes in Fund Balances  
Governmental Funds**

**For the Year Ended June 30, 2009**

	<b>Major Funds</b>			<b>Total Governmental Funds</b>
	General Fund	Mediation Fund	Alternative Dispute Resolution	
<b>REVENUES</b>				
Charges for services	\$ 204,229	\$ -	\$ -	\$ 204,229
Court fees	-	260,176	235,910	496,086
Federal grants - operating	586,048	-	-	586,048
Other grants	842,710	-	-	842,710
Total revenues	<u>1,632,987</u>	<u>260,176</u>	<u>235,910</u>	<u>2,129,073</u>
<b>EXPENDITURES</b>				
Current:				
Administrative services	23,887,347	171,339	140,400	24,199,086
Capital outlay	14,603	-	-	14,603
Total expenditures	<u>23,901,950</u>	<u>171,339</u>	<u>140,400</u>	<u>24,213,689</u>
Excess (deficiency) of revenues over expenditures	(22,268,963)	88,837	95,510	(22,084,616)
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers out:				
Reversions to the State General Fund:				
FY2009	(20,707)	-	-	(20,707)
Reversion to the Bernalillo County	(30)	-	-	(30)
Transfers in:				
General fund appropriation	21,822,100	-	-	21,822,100
Other state funds	467,600	-	-	467,600
Total other financing sources (uses)	<u>22,268,963</u>	<u>-</u>	<u>-</u>	<u>22,268,963</u>
Net change in fund balances	-	88,837	95,510	184,347
Fund balances - June 30, 2008	1,500	285,892	222,508	509,900
Increase in reserve for postage inventory	98,112	-	-	98,112
Fund balances - June 30, 2009	<u>\$ 99,612</u>	<u>\$ 374,729</u>	<u>\$ 318,018</u>	<u>\$ 792,359</u>

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**RECONCILIATION OF THE CHANGE IN FUND BALANCES  
OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

**For the Year Ended June 30, 2009**

Net Change in fund balances - total governmental funds \$ 184,347

Amounts reported for governmental activities in the statement of activities are different because:

Certain outlays are reported as expenditures in governmental funds. However, in the statement of activities, these costs are expensed as they are consumed or allocated over their estimated useful lives. In the current period these amounts are:

Capital outlay	14,603	
Depreciation expense	<u>(230,704)</u>	
Excess of depreciation expense over capital outlay		(216,101)

Postage inventory		98,112
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Expenses recognized in the Statement of Activities, not reported in governmental funds:

Increase in compensated absences		<u>(83,624)</u>
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Change in Net Assets of Governmental Activities		<u><u>\$ (17,266)</u></u>
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The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**Statement of Revenues and Expenditures-Budget and Actual  
(Budgetary Basis)  
GENERAL FUND**

**For the Year Ended June 30, 2009**

	<b>GENERAL FUND</b>			
	Budget Original	Budget Final	Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>				
Misc. revenue	\$ 184,700	\$ 210,000	\$ 204,229	\$ (5,771)
Appropriations	22,143,800	21,822,100	21,822,100	-
Federal grants	906,300	898,145	896,241	(1,904)
Other grants	389,300	689,300	532,517	(156,783)
Other financing sources	697,600	697,600	467,600	(230,000)
Total revenues	<u>24,321,700</u>	<u>24,317,145</u>	<u>23,922,687</u>	<u>(394,458)</u>
<b>EXPENDITURES</b>				
Administrative Services:				
Personal services & benefits	22,698,400	22,903,994	22,518,805	385,189
Contractual services	476,500	200,304	198,089	2,215
Other costs	1,146,800	1,212,847	1,185,057	27,790
Total expenditures	<u>\$ 24,321,700</u>	<u>\$ 24,317,145</u>	<u>\$ 23,901,951</u>	<u>\$ 415,194</u>

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**Statement of Revenues and Expenditures-Budget and Actual  
(Budgetary Basis)  
MAJOR FUND**

**For the Year Ended June 30, 2009**

	<b>MEDIATION FUND</b>			
	Budget Original	Budget Final	Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>				
Court costs	\$ 134,300	\$ 134,300	\$ 116,730	\$ (17,570)
Pay/care individual	134,200	134,200	143,446	9,246
Total revenues	268,500	268,500	260,176	(8,324)
Fund balance	129,400	129,400		
Total resources	397,900	397,900		
<b>EXPENDITURES</b>				
Administrative Services:				
Personal services & benefits	\$ 397,900	\$ 397,900	\$ 171,339	\$ 226,561

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**Statement of Revenues and Expenditures-Budget and Actual  
(Budgetary Basis)  
MAJOR FUND**

**For the Year Ended June 30, 2009**

	<b>ALTERNATIVE DISPUTE RESOLUTION</b>			
	Budget Original	Budget Final	Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>				
Court costs	\$ 187,900	\$ 187,900	\$ 235,910	\$ 48,010
Total revenues	187,900	187,900	<u>235,910</u>	<u>48,010</u>
Fund balance	<u>154,400</u>	<u>154,400</u>	-	
Total resources	<u>342,300</u>	<u>342,300</u>		
<b>EXPENDITURES</b>				
Administrative Services:				
Personal services & benefits	\$ <u>342,300</u>	\$ <u>342,300</u>	<u>140,400</u>	<u>\$ 201,900</u>

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

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**STATEMENT OF FIDUCIARY ASSETS AND LIABILITIES - AGENCY FUNDS**

**June 30, 2009**

	<u><b>AGENCY FUND</b></u>
<b>ASSETS</b>	
Cash and cash equivalents	\$ 1,140,572
Interest in local government investment pool	<u>3,637,802</u>
Total	<u><u>\$ 4,778,374</u></u>
<b>LIABILITIES</b>	
Due to external parties	<u><u>\$ 4,778,374</u></u>
<b>NET ASSETS</b>	
Total net assets	<u><u>\$ -</u></u>

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



## **NOTES TO FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Financial Reporting Entity

The Second Judicial District Court (Court) operates under Section 34-6-1, 34-6-2, 34-6-5 and 34-6-17 through 34-6-46, NMSA 1978 Compilation. The Court covers Bernalillo County, New Mexico. The Court is comprised of twenty four divisions as authorized in the above sections. The Court is the State Court of general jurisdiction and is authorized to hear and determine all civil and criminal cases which are not specifically exempted from its jurisdiction. Financing of the court is by state appropriation.

The financial reporting entity as defined by GASB Statement 14 consists of the primary government, organizations for which the primary government is financially accountable, and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. This definition of the reporting entity is based primarily on the notion of financial accountability as the "cornerstone of all financial reporting in government."

The Second Judicial District Court is a component unit of the Judicial Branch and these financial statements include all funds and activities over which the Court has oversight responsibility. The Court 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 District Court has decision-making authority, the power to designate management, the responsibility to significantly influence operations, and primary accountability for fiscal matters. The Court has no component units that are required to be reported in its financial statements.

The accounting policies of the Second Judicial District Court conform to generally accepted accounting principles (GAAP) as applicable to governments. A summary of the Court's significant accounting policies follows:

**A. Basis of Accounting- GASB Statement No. 34**

The basic financial statements include both government-wide and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as governmental activities.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**B. Basis of Presentation - Fund Accounting**

*Government-Wide Financial Statements*

The statement of net assets and the statement of activities display information about the Court, the primary government, as a whole, without displaying individual funds or fund types. Generally, these statements distinguish between activities that are governmental and those that are considered business-type activities. The Court has no business-type activities; therefore these statements only reflect governmental activities.

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

The government-wide 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 asset used. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets and liabilities resulting from non-exchange transactions are recognized in accordance with the requirements of GASB 33. Grants revenue is recorded when all applicable eligibility or reimbursement requirements are met.

*Fund Financial Statements*

The governmental fund financial statements are presented on the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when “measurable and available”. Measurable means knowing or being able to reasonably estimate the amount. Available means collectible within the current period or within sixty days in order to pay current liabilities. Expenditures (including capital outlay) are recorded when the related fund liability is incurred.

This presentation is deemed appropriate to (a) demonstrate legal compliance, (b) demonstrate the source and use of liquid resources, and (c) demonstrate how the Courts actual experience confirms 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, a reconciliation is presented on the page following each fund statement, which briefly explains the adjustment necessary to transform the fund based financial statements into the government-wide presentation.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**B. Basis of Presentation - Fund Accounting (continued)**

The Court's fiduciary fund (agency funds) is presented in the fund financial statements. The agency fund is presented on the accrual basis of accounting. Since by definition these assets are being held for the benefit of a third party and cannot be used to address activities or obligations of the government, these funds are not incorporated in the government-wide financial statements.

When an expense is incurred for purposes for which both restricted and unrestricted net assets are available, the Court first uses restricted resources then unrestricted resources.

The accounts of the Court are organized on a fund basis, 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, liabilities, fund equity, revenues and expenditures, or expenses as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which spending activities are controlled. The following fund types are used by the Court:

Governmental Funds

Court Regular - The Court Regular is the general operating fund of the District Court. It is used to account for all financial resources except those required to be accounted for in another fund. Any unencumbered balance remaining in the General Fund at the end of the fiscal year reverts to the General Fund of the State of New Mexico. The SHARE fund number is #14200 - Court Regular.

Hearing Officer - The Child Support Enforcement Hearing Officer Fund is a component of the General Fund. It was created through a contract with the Human Services Department. Unused funds are to be refunded to the Human Services Department at program termination. The SHARE fund number is # 67900.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**B. Basis of Presentation - Fund Accounting (continued)**

Special Revenue Funds - Special Revenue Funds account for revenue sources that are legally restricted to expenditures for specific purposes. No expenditures can be made from special revenue funds for operations of the Court.

Court Mediation - The Court has established a domestic relations mediation program pursuant to Section 5 (40-12-5, NMSA 1978 Comp.) of the Domestic Relations Mediations Act. Deposits to this fund shall include payments made through the imposition of a sliding fee scale and the collection of a surcharge provided for in the Domestic Relations Mediation Act. The fund is non-reverting. The SHARE fund number of the Mediation Fund is # 92000. This fund is considered a major fund.

Alternative Dispute Resolution - The Court has established an Alternative Dispute Resolution Fund pursuant to Section 34-6-45 NMSA 1978. The fund obtains its resources from the imposition of a \$15 fee on all new and reopened civil cases. The fund is non-reverting. The SHARE fund number is # 92200. This fund is considered a major fund.

Fiduciary Funds

Agency Funds - Agency Funds are used to account for assets held by the Court in a trustee capacity or as an agent for individuals, private organizations, other governments and/or other funds. Agency funds are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations. The agency funds are used to collect and distribute court fees assessed per State Statute.

**C. Assets, Liabilities and Equity**

Cash and Investments

The Court's cash and cash equivalents include demand deposits, savings accounts, investment in state general fund investment pool and local government investment pool used to hold litigant deposits.

Receivables

All receivables are fully collectible.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**C. Assets, Liabilities and Equity (continued)**

*Capital Assets*

In the government-wide financial statements, property, plant and equipment is accounted for as capital assets. All capital assets are valued at historical cost or estimated historical cost if actual is unavailable, except for donated assets which are recorded at their estimated fair value at the date of donation. Capital assets with a value exceeding \$5,000 are capitalized and depreciated. Any software acquired is also included in capital assets and depreciated.

Depreciation is provided over the assets' estimated useful lives using the straight-line method of depreciation. The range of estimated useful lives by type of asset is as follows:

Furniture and Fixtures	10	years
Equipment and Machinery	5-10	years
Data Processing	3-5	years
Vehicles	7	years
Software	3	years

The Court does not depreciate its art collection to reflect the inexhaustible nature of art work.

In the fund financial statements, capital assets used in governmental fund operations are accounted for as capital outlay expenditures of the governmental fund upon acquisition.

*Long-Term Liabilities*

Compensated Absences

The Court's policies regarding annual leave permits employees to accumulate earned but unused annual leave. The liability for these compensated absences is recorded as current and noncurrent liabilities in the government-wide statements. In the fund financial statements, governmental funds report only the compensated absences liability payable from expendable available financial resources.

*Equity*

Government-Wide Statements

Equity is classified as net assets and displayed in three components:

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**C. Assets, Liabilities and Equity (continued)**

- i. *Invested in capital assets* consists of capital assets net of accumulated depreciation and reduced by any outstanding debt. The Court has no outstanding debt relating to capital assets.
- ii. *Restricted net assets*, consists of net assets with constraints placed on their use either by (1) external groups such as creditors, grantors, contributors or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation.
- iii. *Unrestricted net assets* are all other net assets that do not meet the definition of “restricted” or “invested in capital assets.” The deficit reflected in the statement is caused primarily by accrued compensated absences at year end that have not been funded.

Fund Financial Statements

Governmental fund equity is classified as fund balance. Fund balance is further classified as reserved and unreserved. Reserved fund balances at year end represent amounts reserved for future program specific expenditures.

**D. Compensated Absences Payable**

Vacation and sick leave earned and not taken is cumulative; however, upon termination of employment, sick pay for such leave hours accumulated up to 600 hours is forfeited, and vacation pay is limited to payment of 240 hours. Vacation leave up to the maximum of 240 hours is payable upon separation from service at the employee’s current hourly rate. Sick leave is payable annually to qualified employees for hours accumulated above 600 hours at a rate equal to 50 percent of their hourly rate, not to exceed 120 hours. Upon retirement, payment for sick leave is limited to 400 hours accumulated in excess of 600 hours at the 50 percent hourly rate.

Accrued vacation and sick leave pay are recorded as a liability and as an increase or decrease in expenses in the Government-Wide financial statements. Qualified employees accumulate sick leave of 8 hours a month and annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned Per Month</u>
1 month - 3 yrs	10
Over 3 - 7 yrs	12
Over 7 - 14 yrs	14
Over 14 yrs - beyond	16

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**D. Compensated Absences Payable (Continued)**

The maximum accrued annual leave of 240 hours may be carried forward into the beginning of the next calendar year and any excess is lost.

In addition, the Court allows FLSA non-exempt employees to accumulate compensatory leave in certain approved circumstances. Compensatory leave may be carried forward into the next calendar year and any unused portion is paid at termination to non-exempt employees under the Federal Labor Standards Act.

Court General Fund resources have been used to liquidate accrued compensated absences in the past.

**E. Program Revenues**

Program revenues include federal and state grants, charges for tapes and copies of court proceedings and court fees collected per statute designated for court operations. Grant revenues are recognized when all eligibility requirements have been met.

**F. Budgets and Budgetary Accounting**

The Second Judicial District Court follows these procedures in establishing the budgetary data reflected in the financial statements:

1. No later than September 1, the Court submits to the Judicial Budget Office (JBO), the Legislative Finance Committee (LFC) and the Department of Finance and Administration an appropriation request for the fiscal year commencing the following July. The appropriation includes proposed expenditures and the means of financing them.
2. Appropriation request hearings are scheduled by the JBO. Recommendations are made by the JBO to the Supreme Court for their approval. The Supreme Court approved appropriation request is then submitted to the Legislature as the Supreme Court's recommended appropriation request for the Second District.
3. Budget hearings are scheduled before the New Mexico House Appropriations and Senate Finance Committees. The final outcome of these hearings is incorporated into the General Appropriations Act.



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**F. Budgets and Budgetary Accounting (continued)**

4. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit.
5. The Court submits, no later than May 1, to DFA an annual operating budget by category and line item based upon the appropriations made by the Legislature. The DFA - Budget Division reviews and approves the operating budget which becomes effective in July.

All subsequent budget adjustments must be approved by the JBO and the director of the DFA - Budget Division. The current year budget was revised in a legal manner.

6. Legal budget control for expenditures and encumbrances is by category.
7. Formal budgetary integration is employed as a management control device during the fiscal year for the Governmental Funds.
8. The budget for this State Agency is adopted on the modified accrual basis of accounting except for the 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 the next year's budget.
9. Appropriations lapse at the end of the fiscal year unless specifically re-appropriated by the legislature. Unexpended amounts within the General Fund revert to the State General Fund.
10. The State of New Mexico and the Second Judicial District Court budget the Child Support Hearing Officer grant as federal money. The New Mexico Human Services Department considers the pass through fund to be 2/3 federal money.

**G. Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**H. Interfund Activity**

Amounts due to and due from other funds were created because general fund money was used to pay for special projects of other funds which was then reimbursed by grantors. Interfund receivables or payables at year end are netted as part of the reconciliation to the government-wide financial statements.

**(2) COLLATERAL PLEDGED BY FINANCIAL INSTITUTIONS**

Section 6-10-17, NMSA 1978 compilation requires that banks or savings and loans provide additional collateral on funds held that exceed the FDIC insurance limit. These excess funds are required to be fifty percent collateralized. The collateralization of the Court's bank accounts is monitored by the State Treasurer's Office. The State Treasurer issues separate financial statements which disclose the collateral pledged to secure State Treasurer cash and investments. At year end, Wells Fargo bank has pledged a T-Bill with fair market value of \$9,769,140, maturity date of 5/1/2038, Security # 31415LCN5. This amount represents pledged collateral for all State funds held by Wells Fargo.

**(3) CASH AND CASH EQUIVALENTS**

Cash and cash equivalents at year end are classified as follows:

	<u>Bank Balance</u>	<u>Book Balance</u>
Governmental Funds:		
Petty cash		\$ <u>1,500</u>
Agency Funds:		
Cash in Bank	\$ 1,273,518	\$ <u>1,140,572</u>
Less: FDIC coverage	<u>250,000</u>	
Uninsured litigant funds	1,023,518	
Pledged Collateral held by pledging bank's trust department or agent but not in the Court's name	<u>(511,759)</u>	
Uninsured and uncollateralized	\$ <u>511,759</u>	

**Custodial Credit Risk – Cash in Bank**

Custodial credit risk is the risk that in the event of a bank failure the Court's deposits may not be returned. The Court does not have a policy for custodial credit risk. As of June 30, 2009 \$1,023,518 of the Court's bank account balances was exposed to custodial credit risk.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(3) INVESTMENTS**

Investments at year end are classified as follows:

	<u>State Treasurer Balance</u>
<b>Governmental Funds:</b>	
State Treasurer's General Fund Investment Pool (GFIP)	\$ <u>1,539,612</u>
<b>Agency Funds:</b>	
State Treasurer's Local Government Investment Pool (LGIP)	\$ 3,472,924
State Treasurer's Reserve Contingency Fund	<u>164,878</u>
Total external investment pools	<u>3,637,802</u>

With respect to the LGIP, public funds are not required to disclose custodial credit risk and concentration of credit risk for external investment pool. The LGIP has no foreign currency risk as all investments in the pool are in U.S. dollar denominated assets.

Interest Rate Risk & Credit Risk - LGIP

Interest rate risk is the risk that interest rate variations may adversely affect an investment's fair value. The prices of securities fluctuate with market interest rates and the securities held in a portfolio will decline if market interest rates rise. The portfolio's weighted average maturity (WAM) is a key determinant of the tolerance of a fund's investments to rising interest rates. In general, the longer the WAM, the more susceptible the fund is to rising interest rates. The LGIP, a government investment pool is rated by Standard & Poor's. The Court's investment in the LGIP at June 30, 2009 consists of the following:

LGIP	AAA <sub>m</sub> rated	\$3,472,339	43-day WAM
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Contingency

The New Mexico State Treasurer's Office invested a portion of the LGIP in The Reserve Primary Fund ("the Fund"), a money market fund, in fiscal years 2006, 2007, 2008 and 2009. On September 15, 2008, the balance of the LGIP's investment in the Fund was \$381.7 million. On September 16, 2008, The Reserve Primary Fund's net asset value fell below \$1.00 and holdings in the Fund were frozen. Since September 2008, The Reserve Primary Fund has returned approximately \$0.90 per share to shareholders. On February 26, 2009, The Reserve Primary Fund announced that it was withholding \$3.5 billion of the Fund's assets for anticipated and pending litigation against it, which amount could increase or decrease as the Fund evaluates information related to such litigation. As a result, the State Treasurer's Office cannot anticipate what the actual loss to the LGIP from The Reserve Primary Fund may be or when the actual loss may be realized. No actual loss has been realized to date.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(3) INVESTMENTS (Continued)**

The total remaining Reserve Primary Fund position as of June 30, 2009, is \$39.5 million. The LGIP's remaining position in The Reserve Primary Fund is a non-performing asset. The LGIP's investment in The Reserve Primary Fund was transferred to the Reserve Contingency Fund, which is not rated, is a non-performing asset and, as such, a WAM cannot be calculated.

**(4) INTERFUND BALANCES**

	Court Regular	Hearing Officer	Mediation	Arbitration
Due from	\$ 15	\$ -0-	\$ -0-	\$ 25,205
Due to	\$ 25,205	\$ -0-	\$ 15	\$ -0-

**(5) CAPITAL ASSETS**

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

	Balance June 30, 2008	Additions	Deletions	Balance June 30, 2009
<b>Depreciable</b>				
Furniture & Fixtures	\$ 1,588,840	\$ -0-	\$ -0-	\$ 1,588,840
Data Processing	739,214	14,603	(40,979)	712,838
Machinery & Equipment	515,454	-0-	(3,530)	511,924
Vehicles	51,850	-0-	-0-	51,850
Sub-total	2,895,358	14,603	(44,509)	2,865,452
<b>Non-depreciable</b>				
Artwork	30,000	-0-	-0-	30,000
Total	\$ 2,925,358	\$ 14,603	\$ (44,509)	\$ 2,895,452
Accumulated Depreciation:				
Furniture & Fixtures	\$ (1,095,945)	\$ (144,199)	\$ -0-	\$ (1,240,144)
Data Processing	(738,165)	(694)	40,979	(697,880)
Machinery & Equipment	(351,837)	(78,404)	3,530	(426,711)
Vehicles	(43,770)	(7,407)	-0-	(51,177)
Total	(2,229,717)	(230,704)	44,509	(2,415,912)
Total (Net Asset)	\$ 695,641	\$ (216,101)	\$ -0-	\$ 479,540

Current year depreciation expense is \$230,704.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(6) DUE TO STATE GENERAL FUND**

The Due to State General Fund in the Statement of Net Assets includes \$20,707 in 2009 reversion that will be remitted to the state general fund.

**(7) COMPENSATED ABSENCES**

The following is a summary of changes in compensated absences:

	Beginning Balance	Additions	Deletions	Ending Balance	Due within One Year
Annual Leave	\$ 843,359	\$ 1,059,206	\$ 974,357	\$ 928,208	\$ 797,646
Sick Leave	23,012	18,480	19,838	21,654	10,728
Compensatory Leave	6,114	132	-0-	6,246	6,246
Total	<u>\$ 872,485</u>	<u>\$ 1,077,818</u>	<u>\$ 994,195</u>	<u>\$ 956,108</u>	<u>\$ 814,620</u>

**(8) OPERATING LEASES**

The Court leases office equipment under operating leases with third party vendors. The contracts for lease include annual nonappropriation clauses which can terminate the respective leases. Lease expense under these leases amounted to \$134,169 for the year ending June 30, 2009. Annual future minimum lease payments are as follows:

June 30, 2010	\$ 111,232
June 30, 2011	108,002
June 30, 2012	87,502
June 30, 2013	31,243
June 30, 2014	<u>-0-</u>
Total	<u>\$ 337,979</u>

**(9) DEFERRED COMPENSATION**

The State of New Mexico offers state, local government and school district employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan available to all State employees and those local government and school district employees whose employers have elected participation in the plan permits participants to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency.

There are employees that are making contributions to a Deferred Compensation Plan. Neither the Court nor the State of New Mexico makes any contributions to the Deferred Compensation Plan. All contributions withheld from participants by the Court have been paid to the New Mexico Public Employees Retirement Association, which administers the plan.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(10) RETIREE HEALTH CARE ACT CONTRIBUTION**

Plan Description

Second Judicial District Court contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit postemployment 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 a least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the Retiree Health Care Act on the person's behalf, unless that person retires before the employer's NMRHCA effective date, in which 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 postemployment 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](http://www.nmrhca.state.nm.us).

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(10) RETIREE HEALTH CARE ACT CONTRIBUTION (continued)**

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. The statute requires each participating employer to contribute 1.3% of each participating employee's annual salary; each participating employee is required to contribute .65% of their salary. Employers joining the program after 1/1/98 are also required to make a surplus-amount contribution to the RHCA based on one of two formulas at agreed-upon intervals.

The RHCA plan is financed on a pay-as-you-go basis. The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the contributions can be changed by the New Mexico State Legislature.

The Second Judicial District Court's contributions to the RHCA for the years ended June 30, 2009, 2008 and 2007 were \$211,574, \$203,832 and \$185,635, respectively, which equal the required contributions for each year.

**(11) PERA RETIREMENT PLAN**

Plan Description

Substantially all of the Court's full-time employees participate in a 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 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 for the plan. That report may be obtained by writing to PERA, P.O. Box 2123, Santa Fe, NM 87504-2123. The report is also available on PERA's website at [www.pera.state.nm.us](http://www.pera.state.nm.us)

Funding Policy

Plan members are required to contribute 7.42% of their gross salary. The Court is required to contribute 16.59% of the gross covered salary. The contribution requirements of plan members and the Court are established under Chapter 10, Article 11 NMSA 1978. The requirements may be amended by acts of the legislature. The Court's contributions to PERA for the years ending June 30, 2009, 2008 and 2007 were \$2,246,990, \$2,178,262, and \$1,990,376, respectively, equal to the amount of the required contributions for each fiscal year.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(12) JRA RETIREMENT PLAN**

Plan Description

All of the Court's Judges or Justices participate in a public employee retirement system authorized under the Judicial Retirement Act. 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 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, P.O. Box 2123, Santa Fe, NM 87504-2123. The report is also available on PERA's website at [www.pera.state.nm.us](http://www.pera.state.nm.us)

Funding Policy

Plan members are required to contribute 7.5% of their gross salary. The Court is required to contribute 12% of the gross covered salary. The Court's contributions to JRA for the years ending June 30, 2009, 2008 and 2007 were \$344,993, \$332,674 and \$298,420, respectively, equal to the amount of the required contributions for each year.

In addition to the above, the Court remits \$38 of each filing fee collected by the Court into the Judicial Retirement Act plan as required by Section 10-12b-11, NMSA 1978. These fees are remitted directly to PERA and are not included within the accompanying financial statements. The Court remitted \$745,560, \$666,368 and \$647,014, in filing fees for the year ending June 30, 2009, 2008 and 2007, respectively (attributed to JRA portion only).

**(13) RECONCILIATION BETWEEN BUDGETARY BASIS AND GAAP**

A reconciliation of revenues and expenditures on the budgetary basis to revenues and expenditures on a GAAP basis for the fiscal year ended June 30, 2009 follows:

<u>General Fund</u>	<u>Revenue</u>
Budgetary Basis	\$ 23,922,687
Reclassified to other financing sources/uses	(22,289,700)
Prepaid expense	-0-
GAAP basis	<u>\$ 1,632,987</u>



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
NOTES TO FINANCIAL STATEMENTS**

**June 30, 2009**

**(14) RISK OF LOSS**

The Court obtains coverage through Risk Management Division of the State of New Mexico General Services Department. This coverage includes liability and civil rights, property, vehicle, employer bond, workers' compensation, group insurance and state unemployment. These coverages are designed to satisfy the requirements of the State Tort Claims Act. All employees of the Court are covered by a blanket fidelity bond with a \$5,000,000 coverage limit with a \$1,000 deductible per occurrence by the State of New Mexico for the period July 01, 2008 through June 30, 2009.

## **SUPPLEMENTARY INFORMATION**



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**COMBINING BALANCE SHEET - GENERAL FUND**

**June 30, 2009**

	<u>COURT REGULAR</u>	<u>HEARING OFFICER</u>	<u>TOTAL</u>
<b>ASSETS</b>			
Petty Cash	\$ 1,500	\$ -	\$ 1,500
Investment in SGFIP	948,249	(90,096)	858,153
Due from external parties	1,391	-	1,391
Due from other funds	15	-	15
Due from other state agencies	-	149,373	149,373
Due from local governments	112,141	-	112,141
Postage inventory	98,112	-	98,112
	<u>98,112</u>	<u>-</u>	<u>98,112</u>
Total assets	<u>\$ 1,161,408</u>	<u>\$ 59,277</u>	<u>\$ 1,220,685</u>
 <b>LIABILITIES AND FUND BALANCES</b>			
Liabilities:			
Accounts payable	\$ 48,248	\$ 671	\$ 48,919
Accrued payroll	987,780	38,432	1,026,212
Due to other funds	25,205	-	25,205
Due to local governments	30	-	30
Due to State General Fund	533	20,174	20,707
	<u>533</u>	<u>20,174</u>	<u>20,707</u>
Total liabilities	<u>1,061,796</u>	<u>59,277</u>	<u>1,121,073</u>
Fund Balances:			
Reserved for:			
Petty cash	1,500	-	1,500
Inventory	98,112	-	98,112
	<u>98,112</u>	<u>-</u>	<u>98,112</u>
Total fund balances	<u>99,612</u>	<u>-</u>	<u>99,612</u>
Total liabilities and fund balances	<u>\$ 1,161,408</u>	<u>\$ 59,277</u>	<u>\$ 1,220,685</u>

See Auditor's Report.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**Combining Statement of Revenues, Expenditures, and Changes in Fund Balances  
GENERAL FUND  
For the Year Ended June 30, 2009**

	COURT REGULAR	HEARING OFFICER	TOTAL
<b>REVENUES</b>			
Charges for services	\$ 204,229	\$ -	\$ 204,229
Federal grants - operating	-	586,048	586,048
Other grants	532,517	310,193	842,710
Total revenues	736,746	896,241	1,632,987
<b>EXPENDITURES</b>			
Current:			
Administrative services	23,011,280	876,067	23,887,347
Capital outlay	14,603	-	14,603
Total expenditures	23,025,883	876,067	23,901,950
Excess (deficiency) of revenues over expenditures	(22,289,137)	20,174	(22,268,963)
<b>OTHER FINANCING SOURCES (USES)</b>			
Transfers out:			
Reversions to the State General Fund:			
FY2009	(533)	(20,174)	(20,707)
Reversion to the Bernalillo County	(30)	-	(30)
Transfers in:			
General fund appropriation	21,822,100	-	21,822,100
Other state funds	467,600	-	467,600
Total other financing sources (uses)	22,289,137	(20,174)	22,268,963
Net change in fund balances	-	-	-
Fund balances - June 30, 2008	1,500	-	1,500
Increase in reserve for postage inventory	98,112	-	98,112
Fund balances - June 30, 2009	\$ 99,612	\$ -	\$ 99,612

See Auditor's Report

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**COMBINING STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL ( BUDGETARY BASIS)  
GENERAL FUND**

**For the Year Ended June 30, 2009**

<b>COURT REGULAR</b>				
	Budget Original	Budget Final	Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>				
Misc. revenue	\$ 184,700	\$ 210,000	\$ 204,229	\$ (5,771)
Appropriations	22,143,800	21,822,100	21,822,100	-
Federal grants	-	1,904	-	(1,904)
Other grants	389,300	689,300	532,517	(156,783)
Other financing sources	697,600	697,600	467,600	(230,000)
Total revenues	23,415,400	23,420,904	23,026,446	(394,458)
 <b>EXPENDITURES</b>				
Administrative Services:				
Personal services & benefits	21,896,000	22,078,076	21,695,738	382,338
Contractual services	476,500	200,304	198,089	2,215
Other costs	1,042,900	1,142,524	1,132,056	10,468
Total expenditures	\$23,415,400	\$23,420,904	\$23,025,883	\$ 395,021
 <b>HEARING OFFICER</b>				
<b>REVENUES</b>				
Federal grants	\$ 906,300	\$ 896,241	\$ 896,241	\$ -
 <b>EXPENDITURES</b>				
Administrative Services:				
Personal services & benefits	\$ 802,400	\$ 825,918	823,067	\$ 2,851
Other costs	103,900	70,323	53,001	17,322
Total expenditures	\$ 906,300	\$ 896,241	\$ 876,068	\$ 20,173

See Auditor's Report.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF CHANGES IN FIDUCIARY ASSETS AND LIABILITIES**

**For the Year Ended June 30, 2009**

	<b>Agency Fund</b>			
	<u>Beginning Balance</u>	<u>Increase</u>	<u>Decrease</u>	<u>Ending Balance</u>
Cash and cash equivalents	\$ 1,066,897	\$ 19,761,713	\$ 19,688,038	\$1,140,572
Interest in local government investment pool	<u>5,807,255</u>	<u>5,620,961</u>	<u>7,790,414</u>	<u>3,637,802</u>
Total	<u>6,874,152</u>	<u>25,382,674</u>	<u>27,478,452</u>	<u>4,778,374</u>
Due to mediation	3,098	226,580	229,678	-
Due to arbitration	3,255	192,410	195,665	-
Due to court operating	1,399	1,208,466	1,209,865	-
Due to state general fund	5,566	391,623	397,189	-
Due to other agencies	23,250	1,651,502	1,674,752	-
Due to litigants	<u>6,837,584</u>	<u>21,712,094</u>	<u>23,771,304</u>	<u>4,778,374</u>
	<u>\$ 6,874,152</u>	<u>\$ 25,382,674</u>	<u>\$ 27,478,452</u>	<u>\$4,778,374</u>

See Auditor's Report.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF OPERATING TRANSFERS**

**For the Year Ended June 30, 2009**

	SHARE FUND	TITLE	TRANSFER	
			In	Out
<b>General Fund - Regular (14200)</b>				
(1)	85300	Department of Finance & Administration	\$21,822,100	\$ -
(2)	85300	Department of Finance & Administration	467,600	-
(3)	85300	Department of Finance & Administration	-	533
<b>Child Support Hearing Officer (67900)</b>				
(4)	85300	Department of Finance & Administration	-	20,174
			<u>\$22,289,700</u>	<u>\$ 20,707</u>

- (1) General Fund Appropriation, Laws of 2008, Chapter 3, Section 4.
- (2) Compensation Package, Laws of 2008, Chapter 3, Section 8.
- (3 & 4) Reversion to State General Fund.

See Auditor's Report.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF DEPOSITS AND INVESTMENTS**

**June 30, 2009**

	<b>SHARE Account</b>	<b>SHARE Balance</b>
<b>Governmental Funds</b>		
Interest in State General Fund Investment Pool		
Court Regular	14200	\$ 948,249
Child Support Hearing Officer	67900	(90,096)
Court Mediation	92000	382,871
Court Arbitration (Alternative Dispute)	92200	297,089
<b>Total governmental</b>		<b>\$ 1,538,113</b>

	<b>Type of Account</b>	<b>Bank Balance</b>	<b>Reconciled Balance</b>
<b>AGENCY FUND</b>			
Cash in Bank			
Wells Fargo	Checking	\$ 196,964	\$ 79,992
Wells Fargo	Checking	1,076,554	1,060,580
State Treasurer			
Local Gov't Investment Pool	Investment	3,472,339	3,472,924
Reserve Contingency Fund	Investment	164,878	164,878
<b>Total Agency Fund</b>		<b>\$ 4,910,735</b>	<b>\$ 4,778,374</b>

See Auditor's Report



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**MEMORANDUM OF UNDERSTANDING**

**June 30, 2009**

- a) Participants: The Second Judicial District Attorney's Office and the Second Judicial District
- b) Responsible party for operations: The Second Judicial District Attorney's Office.
- c) Descriptions - The scope of this agreement is for the District Attorney's Office to provide a paralegal/legal assistant for the Adult Drug Court. The paralegal/legal assistant will provide screening for all pre-indictment cases and make referrals based on the results of each screening. The paralegal/legal assistant will work with the District Attorney and Public Defender to put together diversion packets.
- d) Beginning and ending dates of agreement: July 1, 2008 to June 30, 2009.
- e) Total estimated amount of project is \$44,300.
- f) The Court contributed \$44,300 in the current fiscal year.
- g) The District Attorney's Office has audit responsibility.
- h) The District Attorney's Office is the fiscal agent.
- i) The District Attorney's Office reports all revenues and expenditures.

See Auditor's Report

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

**For the Year Ended June 30, 2009**

<u>Federal Grantor/Pass-through Grantor/Program Title</u>	<u>Federal CFDA Number</u>	<u>Agency or Pass Through Number</u>	<u>Federal Expenditures</u>
<u>U.S. Department of Health and Human Services</u>			
Pass through from New Mexico Human Services Department			
* Child Support Enforcement	93-563	GSA 06-630-6000-0008 A-3	<u>\$ 586,048</u>

\* Denotes Major Program

**Note 1> Basis of Presentation**

The accompanying schedule of expenditures of federal awards has been prepared on an accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations. Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of, the basic financial statements.

**Note 2> Outstanding Loans and Subrecipients**

The Court does not receive any non-cash assistance, outstanding loan nor provides federal awards for subrecipients.

**Note 3> Other**

About 2/3 of the pass through grant from NM Human Services Department is considered to be federal funds.

See Auditor's Report.

## **OTHER REPORTS**

# Zlotnick, Laws & Sandoval, P.C.

CERTIFIED PUBLIC ACCOUNTANTS  
ONE CALLE MEDICO  
SANTA FE, NEW MEXICO 87505

DAVID G. ZLOTNICK, CPA  
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TELEPHONE (505) 982-3894  
FAX (505) 982-3818

## **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 Ted Baca, Chief Judge  
Second Judicial District Court  
Albuquerque, New Mexico

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, the budgetary comparisons for the general fund and major special revenue funds, and the combining and individual funds presented as supplemental information of the State of New Mexico, Second Judicial District Court (Court), as of and for the year ended June 30, 2009 and have issued our reported thereon dated November 13, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

### Internal Control over Financial Reporting

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

A control deficiency 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 misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the Court's internal control.

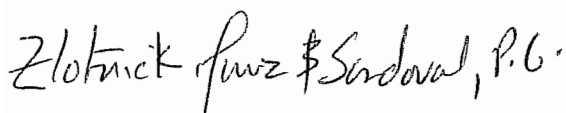
A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Court's internal control.

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

#### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Court's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have 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.

This report is intended solely for the information and use of management, others within the Court, the State Auditor, the New Mexico Department of Finance and Administration, the New Mexico Legislature, and applicable federal grantors, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



Zlotnick, Laws & Sandoval, P.C.

November 13, 2009

# Zlotnick, Laws & Sandoval, P.C.

CERTIFIED PUBLIC ACCOUNTANTS  
ONE CALLE MEDICO  
SANTA FE, NEW MEXICO 87505

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

Hector H. Balderas  
New Mexico State Auditor  
and  
Honorable Ted Baca, Chief Judge  
Second Judicial District Court  
Albuquerque, New Mexico

### Compliance

We have audited the compliance of the State of New Mexico, Second Judicial District Court (Court) with the types of compliance requirements described in the *U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement* that are applicable to each of its major federal programs for the year ended June 30, 2009. The Court's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts and grants applicable to each of its major federal programs is the responsibility of the Court's management. Our responsibility is to express an opinion on the Court's compliance based on our audit.

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

In our opinion, the Second Judicial District Court complied, in all material respects with the requirements referred to above that are applicable to each of its major federal programs for the year ended June 30, 2009.

## Internal Control Over Compliance

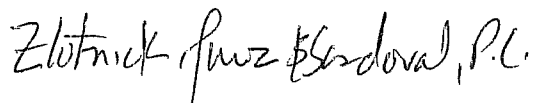
The management of the Court is responsible for establishing and maintaining effective internal control over compliance with requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the Court's internal control over compliance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

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

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that material noncompliance with a type of compliance requirement of a federal program will not be prevented or detected by the entity's internal control.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

This report is intended solely for the information and use of management, others within the Court, the State Auditor, the New Mexico Department of Finance and Administration, the New Mexico Legislature, and applicable federal grantors, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



Zlotnick, Laws & Sandoval, P.C.

November 13, 2009

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
Year Ended June 30, 2009**

**Section I - Summary of Auditor's Results**

---

**Financial Statements**

Type of auditors' report issued: Unqualified Opinion

Internal control over financial reporting:

- A. Material weaknesses identified \_\_\_ Yes   X   No
- B. Significant deficiencies identified that  
are not considered to be material  
weaknesses? \_\_\_ Yes   X   No

Noncompliance material to the financial  
statements noted? \_\_\_ Yes   X   No

**Federal Awards**

Internal control over major programs:

- A. Material weaknesses identified? \_\_\_ Yes   X   No
- B. Significant deficiencies identified that  
are not considered to be material  
weaknesses? \_\_\_ Yes   X   No

Type of auditors' report issued on compliance for major programs: Unqualified Opinion

Any audit findings disclosed that are  
required to be reported in accordance  
with 510(a) of Circular A-133? \_\_\_ Yes   X   No

Identification of major programs:

CFDA Numbers  
93-563

Name of Federal Program or Cluster  
Child Support Enforcement

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

Auditee qualified as low-risk auditee?   X   Yes \_\_\_ No



**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

**Year Ended June 30, 2009**

**Section II - Financial Statement Findings**

---

*No matters were reported.*

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

**Year Ended June 30, 2009**

**Section III - Federal Awards Findings**

---

*No matters were reported.*

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**PRIOR YEAR FINDINGS**

**Year Ended June 30, 2009**

**Reference  
Number**

**Condition**

**Disposition**

*No matters were reported.*

The financial statements were prepared by the auditors, Zlotnick, Laws & Sandoval, P.C.

Although the Court has expertise to prepare the financial statements, they contracted with and paid the auditor to prepare the report and assigned an individual to oversee our services.

**STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT**

**EXIT CONFERENCE**

**June 30, 2009**

The contents of this report were discussed at an exit conference held on November 30, 2009 with the following in attendance:

**2<sup>nd</sup> Judicial District Court**

Honorable Ted Baca, Chief Judge

Juanita M. Duran, Court Executive Officer

Farah French, Fiscal Services Director

**Zlotnick, Laws & Sandoval, P.C.**

Asa Laws, CPA

Ban Trinh, CPA

We appreciate the opportunity to be of service to the Second Judicial District Court and also appreciated the assistance provided to us by the management and staff.