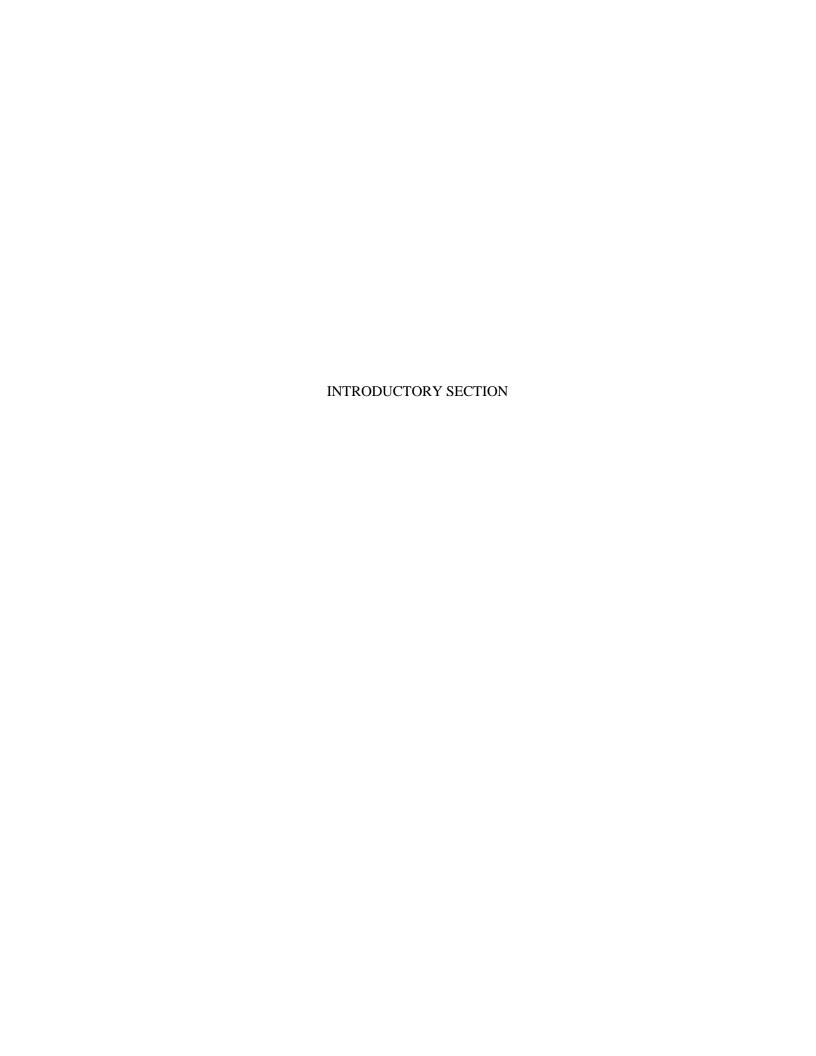
Annual Financial Report For the Year Ended June 30, 2019



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Official Roster June 30, 2019

#### **JUDGES**

Division 1 Honorable Steven E. Blankinship

Division 2 Honorable James W. Counts

Division 3 Honorable Daniel Bryant

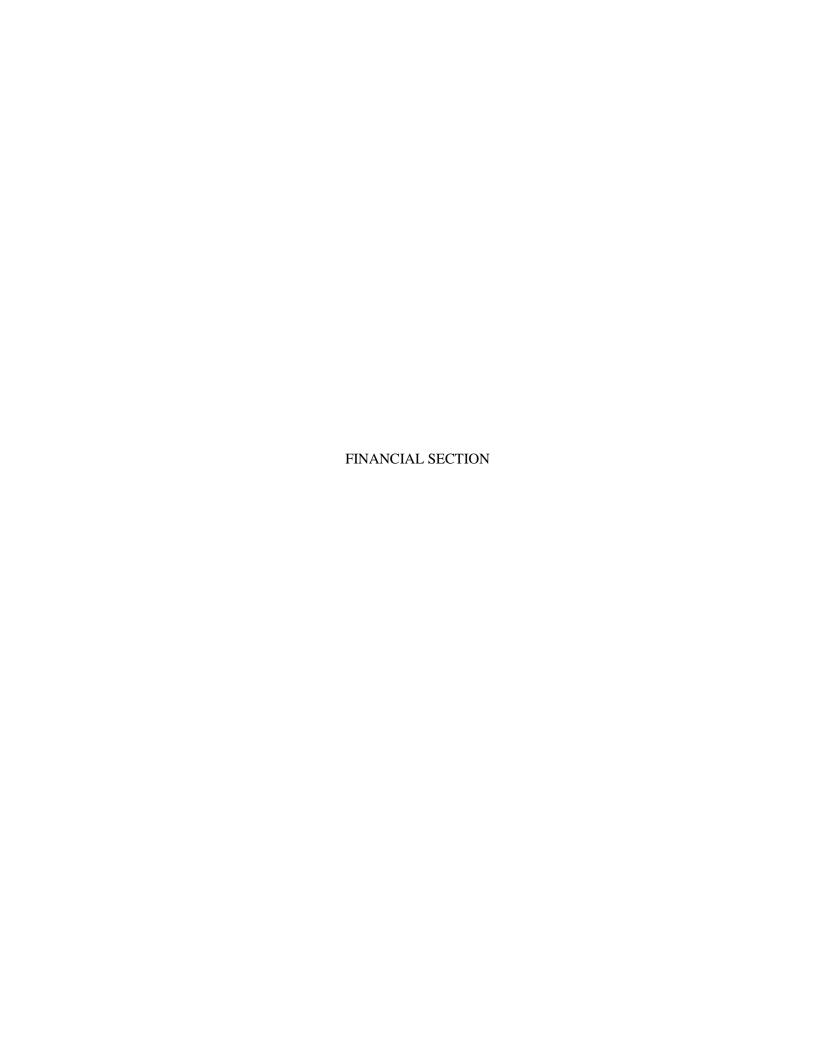
Division 4 Honorable Angie K. Schneider, Chief Judge

### **ADMINISTRATIVE OFFICIALS**

Katina Watson Court Executive Officer/CEO

Audrey Hukari Court Financial Administrator/CFO (as of November 2018)

Dorella Molina Court Financial Administrator/CFO (through November 2018)





#### INDEPENDENT AUDITORS' REPORT

Honorable Angie K. Schneider, Chief Judge State of New Mexico Twelfth Judicial District Court Alamogordo, New Mexico

and Honorable State Auditor Brian S. Colón, Esq.

#### **Report on the 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 the major special revenue funds of the State of New Mexico, Twelfth Judicial District Court (Court), as of and for the year ended June 30, 2019, and the related notes to the financial statements which collectively comprise the Court'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.

#### **Auditors' 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 Court'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 Court'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.

Twelfth Judicial District Court and New Mexico Office of the State Auditor Page 2

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 respective budgetary comparisons for the general fund and major special revenue funds of the Court, as of June 30, 2019, and the respective changes in financial position for the year then ended in accordance 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 fiduciary funds of the Court as of June 30, 2019, in accordance with accounting principles generally accepted in the United States of America.

#### **Other Matters**

#### Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 8 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.

#### Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Court's 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 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 basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic 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 additional

Twelfth Judicial District Court and New Mexico Office of the State Auditor Page 3

schedules required by 2.2.2. NMAC are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

#### Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 28, 2019 on our consideration of the Court'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 solely 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 effectiveness of the Court's 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 Court's internal control over financial reporting and compliance.

October 28, 2019

Management's Discussion and Analysis (Unaudited) June 30, 2019

The following is an overview of the financial condition for the office of the Court for the fiscal year ending June 30, 2019. This narrative was prepared by management and highlights the major aspects of the Court's financial status for this period. This should be considered in conjunction with the financial statements presented, which follows this section.

#### **OVERVIEW**

The Court is comprised of Otero and Lincoln Counties. Three district judges preside in Alamogordo (Otero County), one district judge presides in Carrizozo (Lincoln County), and there are two full-time hearing officers that hear domestic violence and child support enforcement matters in both counties. There are approximately 58 miles separating the two courthouses. The district is home to two U.S. Border Patrol checkpoints, Holloman Air Force Base, White Sands National Monument, New Mexico State University - Alamogordo, Eastern New Mexico University - Ruidoso, the Mescalero Apache Indian Reservation, the National Observatory, Lincoln National Forest, Ruidoso Downs Race Track, and Ski Apache.

The Court offers a variety of programs to meet public needs. The Court operates a Mediation program and an Alternative Dispute Resolution program. The Court also operates two adult drug courts, one juvenile drug court, a pre-trial services program, a self-help center, and has public access terminals at each location.

The new and reopened caseload for the Court for fiscal year 2019 was 5,255 which is a 0.2% decrease from year 2018.

#### **OVERVIEW OF FINANCIAL STATEMENTS**

This discussion and analysis is intended to serve as an introduction to the Court's basic financial statements. The Court has no business-type activities, but rather solely supports governmental-type activities. These statements reflect basic financial statements and are comprised of: (1) government-wide financial statements, which contain a broad overview of the Court's finances; and (2) fund financial statements, which provide more details of the Court's current financial operations. The Notes provide additional information that is essential to gain a full understanding of the government-wide and fund financial statements.

# GOVERNMENT-WIDE FINANCIAL STATEMENTS

The government-wide financial statements are designed to provide readers with a broad overview of the Court's finances, in a manner similar to a private-sector business. The statement of net position presents information on all of the Court's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Court is improving or deteriorating.

Management's Discussion and Analysis (continued) (Unaudited) June 30, 2019

The statement of activities presents information showing how the Court's net position is reported as soon as underlying event giving rise to the change occurs, regardless of the timing of related cash flows; thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods.

#### **Analysis of Government-Wide Financial Statement**

#### Condensed Statement of Net Position Governmental Activities

	_	June 30, 2019	June 30, 2018
Assets			
Current assets and other assets	\$	345,513	326,654
Capital assets, net of accumulated depreciation		329,984	374,639
Total current assets		675,497	701,293
Liabilities			
Current liabilities		292,843	296,068
Long-term liabilities		21,271	20,149
Total liabilities		314,114	316,217
Net position			
Net investment in capital assets		329,984	374,639
Restricted for program expenses		152,988	124,571
Unrestricted (deficit)		(121,589)	(114,134)
Total net position	\$	361,383	385,076

Net position may serve over time as a useful indicator of a government's financial position. In the case of the Court's primary government, assets exceeded liabilities by \$361,383 at the close of the most recent fiscal year.

The Court's activities during the fiscal year decreased the Court's net position by \$23,693. The decrease is attributed to an increase in net program expenses. Net position is composed of investment in capital assets (e.g., furniture, equipment and vehicles) of \$329,984, unrestricted deficit of \$(121,589) and net position restricted for program expense of \$152,988. The Court uses its capital assets to provide services to the citizens; consequently, these assets are not available for future spending.

Current and other assets consist of cash and investments. The amount decreased by \$25,796 due in large part to a decrease in capital assets.

Management's Discussion and Analysis (continued) (Unaudited) June 30, 2019

#### Condensed Statement of Activities Governmental Activities

	 June 30, 2019	June 30, 2018
Expenses:		
Program expenses	\$ 3,680,389	3,467,482
Depreciation expense	85,359	91,599
Total expenses	3,765,748	3,559,081
Program revenues	107,817	112,304
Net program expenses	(3,657,931)	(3,446,777)
General revenues and transfers:		
State general fund appropriation	3,436,300	3,369,700
Gain on asset disposal	5,154	-
Operating transfers, net	200,778	83,496
State general fund reversion	(7,994)	(6,660)
<b>Total revenues</b>	3,634,238	3,446,536
Change in net position	(23,693)	(241)
Net position, beginning of year	385,076	385,317
Net position, end of year	\$ 361,383	385,076

The statement of activities shows a decrease in program revenues and an increase in expenses for fiscal year 2019 from fiscal year 2018. State general fund appropriations decreased by \$66,600. Operating Transfers (net) increased by \$117,282. State general fund reversion increased by \$1,334.

#### **FUND FINANCIAL STATEMENTS**

A fund is a grouping of related accounts that are used to maintain control over resources that have been segregated for specific activities or objectives. The Court, like other state agencies, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the Court's funds can be divided into two categories: governmental and fiduciary.

#### **Governmental Funds**

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term requirements.

Management's Discussion and Analysis (continued) (Unaudited) June 30, 2019

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Court's financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

In addition to the general fund, the Court maintains three other individual governmental funds that are classified as a special revenue funds. Information for the General Fund, Mediation Fund, Alternative Dispute Resolution Fund, and Other Programs Fund, all of which are considered to be major funds, is presented separately in the government fund balance sheet and in the governmental fund statement of revenues, expenditures and changes in fund balances. The New Mexico Legislature makes annual appropriations for the Court's general fund. Amendments to the budget require approval by the budget division of the Department of Finance and Administration (DFA).

Over the course of the fiscal year, the Court revised the general fund budget and the other programs fund budget. Budgetary comparison statements for the general and special revenue major funds are located in this report.

The basic governmental fund financial statements can also be found in this report.

#### **Fiduciary Funds**

Fiduciary funds are used to account for resources held for the benefit of parties outside the agency. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the Court's own programs.

### **Analysis of Individual Governmental Funds**

The overall financial position of the Funds are largely unchanged except for the Alternative Dispute Resolution Fund, which recognized revenues but did not incur expenditures. The Court receives a state appropriation to pay operating costs and any unused balance is reverted at the end of each year.

#### **Capital Assets**

The Court's net capital assets as of June 30, 2019 amounted to \$329,984 (net of accumulated depreciation). The capital assets includes furniture and fixtures, equipment and vehicles. The following chart shows the breakdown of assets by classification:

Management's Discussion and Analysis (continued) (Unaudited) June 30, 2019

Capital Assets (Net of Accumulated Depreciation)

	June 30, 2019	June 30, 2018
Equipment	\$ 194,210	228,227
Vehicles	126,054	133,560
Data processing	7,718	9,688
Furniture and fixtures	2,002	3,164
	\$ 329,984	374,639

The Court had \$46,800 of capital additions and disposed of \$6,096 of capital assets (book value) for the fiscal year ended June 30, 2019. Depreciation expense for the year was \$85,359. The Court does not own any infrastructure assets. Additional information on the Court's capital assets can be found in Note 4

#### **Currently Known Facts**

To the best of our knowledge, the Court will continue to operate without any significant changes.

Beginning July 1, 2019, the Court's budget increased approximately \$1,411,200 and an additional seventeen employees were added due to the absorption of Magistrate Court into FY20 budget.

#### **Request for Information**

The Court financial report is designed to provide citizens, taxpayers, customers, legislators, and creditors with a general overview of the agency and to demonstrate the agency's accountability for the funds it receives. If there are any questions about this report or if additional information is needed contact: Court Executive Officer, Twelfth Judicial District Court, 1000 New York Avenue, Room 209, Alamogordo, NM 88310.

Statement of Net Position June 30, 2019

	Governmental Activities
Assets	
Current assets:	
Cash on hand \$	50
Investment in State General Fund Investment Pool	340,163
Prepaid expense	5,300
Total current assets	345,513
Non-current assets:	
Capital assets	686,601
Less: Accumulated depreciation	(356,617)
Total capital assets, net of depreciation	329,984
Total assets \$	675,497
Liabilities	
Current liabilities:	
Accounts payable \$	63,017
Accrued payroll and payroll liabilities	129,508
Compensated absences - short term	100,318
Total current liabilities	292,843
Long-Term liabilities:	
Compensated absences - long term	21,271
Total liabilities	314,114
Net position	
Net investment in capital assets	329,984
Restricted	152,988
Unrestricted	(121,589)
Total net position \$	361,383

## Statement of Activities For the Year Ended June 30, 2019

	Governmental Activities
Expenses	
Judicial:	
Administrative services	\$ 3,680,389
Depreciation expense	85,359
Total expenses	3,765,748
Program revenues:	
Charges for services	73,070
Other gifts and grants	34,747
Total program revenues	107,817
Net program expenses	(3,657,931)
General revenues and transfers	
State general fund appropriations	3,436,300
Operating transfers, net	200,778
Gain on asset disposal	5,154
State general fund reversion FY 19	(7,994)
Total general revenues and transfers	3,634,238
Change in net position	(23,693)
Net position, beginning of year	385,076
Net position, end of year	\$ 361,383

Balance Sheet – Governmental Funds June 30, 2019

				Alternative		
		General	Mediation	Dispute	Other	
		Fund	Fund	Resolution	<b>Programs</b>	
		#15200	#50240	Fund #50570	#92900	Total
Assets						_
Cash on hand	\$	50	-	-	-	50
Investment in the State General						
Fund Investment Pool		166,993	62,366	60,980	49,824	340,163
Prepaid asset		5,300				5,300
Total assets	\$	172,343	62,366	60,980	49,824	345,513
Liabilities and fund balances						
Accounts payable	\$	45,485	-	-	17,532	63,017
Accrued payroll and payroll liabilitie	S	121,471			8,037	129,508
Total liabilities		166,956			25,569	192,525
Fund balances						
Assigned		5,387	-	-	-	5,387
Restricted		_	62,366	60,980	24,255	147,601
Unrestricted						
Total fund balances		5,387	62,366	60,980	24,255	152,988
Total liabilities and fund balances	\$	172,343	62,366	60,980	49,824	345,513

# Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position June 30, 2019

Total fund balances for governmental funds	\$	152,988
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets net of accumulated depreciation used in governmental activities are not financial resources and therefore are not reported in the funds.		329,984
Liabilities, including compensated absences, are not due and payable in the current period and therefore are not reported in the funds.		
Compensated absences	_	(121,589)
Net position of governmental activities	\$	361,383

Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds For the Year Ended June 30, 2019

			Alternative Dispute		
	General	Mediation	Resolution	Other	
	Fund	Fund	Fund	Programs	
	#15200	#50240	#50570	#92900	Total
Revenues					
Court fees	\$ -	18,550	24,465	-	43,015
Miscellaneous revenue	27,765	-	-	2,290	30,055
Other services - AOC			180	34,567	34,747
Total revenues	27,765	18,550	24,645	36,857	107,817
Expenditures					
Current:					
Personal services	3,005,482	41,210	-	188,843	3,235,535
Contractual services	44,007	3,515	-	153,215	200,737
Other costs	202,630	491	-	33,541	236,662
Capital outlay	35,550				35,550
Total expenditures	3,287,669	45,216		375,599	3,708,484
Excess (deficiency) of revenues over					
expenditures	(3,259,904)	(26,666)	24,645	(338,742)	(3,600,667)
Other financing sources (uses)					
State general fund appropriation	3,273,200	22,900	-	244,400	3,540,500
Transfers from (to) other state agencies	-	-	-	96,578	96,578
Reversion FY 19	(7,994)				(7,994)
<b>Total other financing sources (uses)</b>	3,265,206	22,900		340,978	3,629,084
Net change in fund balance	5,302	(3,766)	24,645	2,236	28,417
Fund balance, beginning of year	85	66,132	36,335	22,019	124,571
Fund balance, end of year	\$ 5,387	62,366	60,980	24,255	152,988

Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities

For the Year Ended June 30, 2019

Net change in fund balances - Total governmental funds	\$ 28,417
Governmental funds report capital outlays as expenditures, however, in the statement of activities, the cost of those assets is allocated over their estimated useful lives as depreciation expense.	
Depreciation expense	(85,359)
Capital outlay	46,800
Asset disposal, net	(6,096)
Some expenses reported in the statement of activities do not require the use of current financial resources and therefore, are not reported as expenditures in governmental funds.	
Change in compensated absences	(7,455)
Change in net position of governmental activities	\$ (23,693)

# Statement of Revenues and Expenditures and Changes in Fund Balance -Budget and Actual (Non-GAAP Budgetary Basis) General Fund (#15200)

For Year Ended June 30, 2019

		Dudosad	A	Actual Amounts (Non-GAAP	Variance with Final Budget
		Budgeted .		Budgetary	Positive
		<u>Original</u>	Final	Basis)	(Negative)
Revenues					
General fund appropriation	\$	3,267,000	3,267,000	3,273,200	6,200
Miscellaneous revenues		26,000	26,000	27,765	1,765
Total revenues Fund balance		3,293,000	3,293,000	3,300,965	7,965
Total revenues and fund balance	\$	3,293,000	3,293,000	3,300,965	7,965
Expenditures					
Administrative services:					
Personal services		3,004,100	3,004,100	3,005,482	(1,382)
Contractual services		84,300	44,300	44,007	293
Other services		204,600	244,600	207,930	36,670
Capital Outlay				35,550	(35,550)
Total expenditures	\$	3,293,000	3,293,000	3,292,969	31
Excess (deficiency) of					
revenues over expenditures			\$	7,996	7,996
Budgetary - GAAP reporting reconciliati					
Excess (deficiency) revenues over ex	penditi	ures			
and other financing sources (uses)				7,996	
Gain/loss on disposal of asset				5,300	
Adjustments for current year reversion	ns			(7,994)	
Net change in fund balance			\$	5,302	

# Statement of Revenues and Expenditures and Changes in Fund Balance -Budget and Actual (Non-GAAP Budgetary Basis) Mediation Fund (#50240) For Year Ended June 30, 2019

				Actual Amounts	Variance with Final
				(Non-GAAP	Budget
		Budgeted	Amounts	Budgetary	Positive
		Original	Final	Basis)	(Negative)
Revenues					<u> </u>
General fund appropriation	\$	22,900	22,900	22,900	_
Court fees		18,000	18,000	18,550	550
Total revenues		40,900	40,900	41,450	550
Fund balance		50,000	50,000	<u> </u>	(50,000)
Total revenues and fund balance	\$	90,900	90,900	41,450	(49,450)
Expenditures					
Administrative services:					
Personal services	\$	59,900	59,900	41,210	18,690
Contractual services		8,500	8,500	3,515	4,985
Other services		22,500	22,500	491	22,009
Total expenditures	\$	90,900	90,900	45,216	45,684
Excess (deficiency) of					
revenues over expenditures			\$	(3,766)	(3,766)
Budgetary - GAAP reporting reconciliati	ion:				
Excess (deficiency) revenues over ex		ıres			
and other financing sources (uses)				(3,766)	
Adjustments for current year reversion	ons				
Net change in fund balance			\$	(3,766)	

# Statement of Revenues and Expenditures and Changes in Fund Balance -Budget and Actual (Non-GAAP Budgetary Basis) Alternative Dispute Resolution Fund (#50570) For Year Ended June 30, 2019

				Actual Amounts	Variance with Final
				(Non-GAAP	Budget
		Budgeted A	Amounts	Budgetary	Positive
		Original	Final	Basis)	(Negative)
Revenues					
Court fees	\$	25,000	25,000	24,465	(535)
Other financing sources		<u> </u>		180	180
Total revenues		25,000	25,000	24,645	(355)
Fund balance					
Total revenues and fund balance	\$	25,000	25,000	24,645	(355)
Expenditures					
Administrative services:					
Personal services	\$	-	-	-	-
Contractual services		3,500	3,500	-	3,500
Other services		21,500	21,500		21,500
Total expenditures	\$	25,000	25,000		25,000
Excess (deficiency) of					
revenues over expenditures			\$	24,645	24,645
Budgetary - GAAP reporting reconciliat	ion:				
Excess (deficiency) revenues over ex	penditu	ires			
and other financing sources (uses)				24,645	
Adjustments for current year reversion	ons				
Net change in fund balance			\$	24,645	

# Statement of Revenues and Expenditures and Changes in Fund Balance -Budget and Actual (Non-GAAP Budgetary Basis) Other Programs Fund (#92900)

For Year Ended June 30, 2019

Amo	etual Variance ounts with Final GAAP Budget
Budgeted Amounts Budgeted Amounts	getary Positive
Original Final Ba	sis) (Negative)
Revenues	
General fund appropriation \$ 244,400 244,400 24	44,400 cc
Miscellaneous revenues 3,000 3,000	2,290 (710)
Other financing sources126,100131,18213	31,145 (37)
Total revenues 373,500 378,582 3	77,835 (747)
Fund balance13,000	_ (13,000)
Total revenues and fund balance \$\\\ 386,500\\\\ 391,582\\\\ 3	77,835 (13,747)
Expenditures Administrative services:	
	88,843 557
	53,215 3,667
	33,541 11,759
Total expenditures \$ 386,500 391,582 3	75,599 15,983
Excess (deficiency) of revenues over expenditures \$	2,236 2,236
Budgetary - GAAP reporting reconciliation:	
Excess (deficiency) revenues over expenditures	
and other financing sources (uses)	2,236
Adjustments for current year reversions	<u>-</u>
Net change in fund balance \$	2,236

# Statement of Fiduciary Assets and Liabilities – Agency Fund June 30, 2019

Assets	Agency Fund
Cash and cash equivalents	\$742,110
Total assets	\$ 742,110
Liabilities	
Deposits held in custody for others	\$742,110
Total liabilities	\$742,110

Notes to Financial Statements June 30, 2019

#### 1. Summary of Significant Accounting Policies

The financial statements of the State of New Mexico Twelfth Judicial District Court (Court) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to government units. The Government Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Court's accounting policies are described below.

#### A. Financial Reporting Entity

The Court is given its authority under Section 13 of the New Mexico State Constitution and Sections 34-6-1, 34-62, 34-6-12 and 36-5-17 through 34-6-47 of the New Mexico State Statutes Annotated, 1978 Compilation, and is a department of the state of New Mexico. The agency code assigned by the Department of Finance and Administration for the Court is 24200. The Court judges are elected to their position in a partisan election prior to being eligible for a nonpartisan retention election. Thereafter, each judge is subject to retention or rejection on a nonpartisan ballot every sixth year. 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 appropriations.

The Court's basic financial statements include all activities and accounts of the Court's "financial reporting entity."

The financial reporting entity consists of the primary government and any other organization for which the nature and significance of its relationship with the primary government is such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

The definition of the reporting entity is based primarily on the notion of financial accountability. A primary government is financially accountable for the organizations that make up its legal entity. It is also financially accountable for legally separate organizations if its officials appoint a voting majority of an organization's governing body, and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or impose specific financial burdens on, the primary government. A primary government may also be financially accountable for fiscally dependent governmental organizations.

A primary government has the ability to impose its will on an organization if it can significantly influence the programs, projects, activities, or level of services performed or provided by the organization, A financial benefit or burden relationship exists if the primary government (a) is entitled to the organization's resources; (b) is legally obligated or has otherwise assumed the obligation to finance the deficits of, or provide financial support to, the organization; or (c) is obligated in some manner for the debt of the organization.

Notes to Financial Statements June 30, 2019

### 1. Summary of Significant Accounting Policies (continued)

#### A. <u>Financial Reporting Entity (continued)</u>

The Court's office has no component units.

#### B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government. All assets, all liabilities and deferred outflows and inflows of resources are included on the statement of net position. At June 30, 2019, the Court did not have any deferred outflows or inflows of resources. The effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. The Court does not have any business-type activities.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by the judiciary and (2) grants and contributions that are restricted to meeting the operational or capital requirements of the judiciary. Taxes and other items not properly included among *program revenues* are reported instead as *general revenues*.

Separate financial statements are provided for the governmental funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements.

#### C. Measurements Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide and fiduciary funds financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the *current financial* resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period. For this purpose, the Court considers revenues to be available if they are collected within sixty days of the end of the current fiscal period. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Notes to Financial Statements June 30, 2019

#### 1. Summary of Significant Accounting Policies (continued)

# C. <u>Measurements Focus, Basis of Accounting, and Financial Statement Presentation</u> (continued)

All other revenues are recognized when they are received and are not susceptible to accrual, because they are usually not measurable until payment is actually received. Expenditures are recorded as liabilities when they are incurred, except for certain compensated absences that are recognized when the obligations are expected to be liquidated with expendable available financial resources. When both restricted and unrestricted resources are available for use, it is the Court's policy to use restricted resources first and then unrestricted resources as they are recorded.

#### **Governmental Funds**

The Court reports the following major governmental funds:

#### **General Fund**

The general fund is the general operating fund of the Court and is considered a major fund. It is used to account for all financial resources except those required to be accounted for in another fund. Any unreserved fund balance from state appropriations remaining at the end of the fiscal year reverts to the General Fund of the State of New Mexico. The revenues and expenditures of the Court are regularly accounted for in this fund. The SHARE fund number and description for the general fund of the Court is 15200 - Court Regular.

#### **Mediation Fund**

The Court has established a domestic relations mediation program pursuant to Section 5 (40-12-5 NMSA, 1978 Comp.) of the Domestic Relations Mediation act. Deposits to the funds shall include payments made through the imposition of a sliding fee scale pursuant to Section 5 (40-12-5, NMSA, 1978 Comp.) of the Domestic Relations Mediation Act and the collection of the surcharge provided for in Section 6 (40-12-6, NMSA, 1978 Comp.) of the Act. The Mediation Fund is a special revenue fund and is non-reverting. The SHARE number of the Mediation Fund is 50240. For purposes of financial statement presentation, the fund is considered a major fund.

#### **Alternative Dispute Resolution Fund**

The Court has established an alternative dispute resolution program pursuant to Section 34-6-45 NMSA, 1978 Comp. The purpose of the program is to resolve disputes through alternative means, including, but not limited to, arbitration, mediation, and settlement facilitation. To finance the cost of the program, a fee of fifteen dollars (\$15) is collected on all new and re-opened civil cases. In accordance with section 34-6-44, NMSA, 1978 Comp., the fee is deposited into alternative dispute resolution fund. The fund is special revenue fund and is non-reverting. For purposes of financial statement presentation, the fund is considered a major fund. The SHARE fund number is 50570.

Notes to Financial Statements June 30, 2019

- 1. Summary of Significant Accounting Policies (continued)
  - C. <u>Measurements Focus, Basis of Accounting, and Financial Statement Presentation</u> (continued)

#### **Other Programs Fund**

The Court receives special appropriations and federal grants to operate certain special programs including the CASA program, Juvenile Drug Court and Adult Drug Court. The authority for the creation and maintenance of the fund is given under New Mexico State Statutes 34-6-47 and 40-12-4 and, as such, the fund balance will not revert to the state of New Mexico's general fund. However, because the Court co-mingles non-reverting funds with reverting appropriations, it is the Court's policy to account for and record direct expenses of each program separately, so as to facilitate the calculation of reversions. For purposes of financial statement presentation, the fund is a major fund whose SHARE fund number is 92900.

#### **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 Court has two agency funds:

- 1. Litigant's Fund These monies are amounts collected from persons involved in pending lawsuits. The Court has custody and, if directed by the Court, may invest these monies until refunded to litigants. The interest earned, if stated in the court order, is refunded and, if not stated, the interest earned is transferred to the state general fund.
- 2. Court Clerk's Fund These monies are collected from individuals filing with the Court. These monies are remitted intact to the New Mexico State Treasurer.

#### **Budgets**

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

1. Prior to September 15th, the Court submits to the Department of Finance and Administration (DFA) an appropriation request for the fiscal year commencing the following July 1st. The appropriation request includes proposed expenditures and the means of financing those expenditures.

Notes to Financial Statements June 30, 2019

- 1. Summary of Significant Accounting Policies (continued)
  - C. <u>Measurements Focus, Basis of Accounting, and Financial Statement Presentation</u> (continued)

### **Budgets (continued)**

- 2. 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.
- 3. The governor of the state of New Mexico signs the Act into law, within the legally prescribed time limit.
- 4. The Court submits, no later than May 1st to DFA, 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 1st. The Legislative Finance Committee and the State Budget Division must approve all subsequent budget adjustments. The budget for the current year was amended in a legal manner.
- 5. Legal budget control for expenditures is by the appropriation program level.
- 6. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund.
- 7. The General Appropriation Act, Laws of 2008, Section 3, Subsection F establishes the modified accrual basis of accounting for governmental funds as the budgetary basis of accounting for the state of New Mexico. So long as the appropriation period has not lapsed and a budget has been approved by the DFA, an encumbrance can be charged against that budget. However, when the appropriation period lapses, so does the authority for the budget. The result is the encumbrance can no longer be charged to that budget. If the Legislature has provided a new appropriation, the encumbrance is carried forward to a new appropriation period to be charged against the new budget. If the Legislature has not provided a new appropriation, the encumbrance is no longer authorized and the amount of the encumbrance must be restored to unreserved fund balance. For reverting funds, the unreserved fund balance must revert to the state general fund at the end of the appropriation period.
- 8. There is one statutory exception to the modified accrual basis for budget. That exception addresses accounts payable accrued at the end of the fiscal year that are not paid by the statutory deadline, per Section 6-10-4 NMSA 1978. Accounts payable that are not paid timely must be paid out of the following year's budget.

Notes to Financial Statements June 30, 2019

- 1. Summary of Significant Accounting Policies (continued)
  - 1. <u>Measurements Focus, Basis of Accounting, and Financial Statement Presentation</u> (continued)

#### **Budgets (continued)**

- 9. 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 that 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 presentations in these financial statements are consistent with this budgeting methodology.
- D. <u>Assets Liabilities and Net Position or Equity</u>

#### **Cash**

The Court has defined cash to include cash on hand and demand deposits.

#### **Receivables and Payables**

Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" or "advances to/from other funds." Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate that they are not available for appropriation and are not expendable or not available, expendable financial resources.

#### **Capital Assets**

Purchased or constructed assets are recorded at historical cost or estimated cost. Donated capital assets are recorded at estimated fair market value at the date of the donation. Capital assets, which include property, plant, equipment and infrastructure, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets with a value exceeding \$5,000 are capitalized.

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

Notes to Financial Statements June 30, 2019

#### 1. Summary of Significant Accounting Policies (continued)

#### D. Assets Liabilities and Net Position or Equity (continued)

#### **Capital Assets (continued)**

Furniture and fixtures	7 years
Equipment and machinery	7 years
Automobiles	7 years
Data processing	5 years

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.

Costs other than personnel expenses for computer software developed internally, are capitalized and depreciated over the useful life of the software. Purchased computer software is recorded at historical cost.

#### **Compensated Absences**

District Court employees may accumulate limited amounts of vacation pay, which are payable to the employee upon termination or retirement. For governmental funds, expenditures are recognized during the period in which vacation costs become payable from available, expendable resources. A liability for amounts earned but not payable from available, expendable resources is reported in the government-wide financial statements. Court employees may accumulate limited amounts of sick leave. For governmental funds, expenditures are recognized during the period in which sick leave costs become payable from available, expendable resources. A liability for amounts earned but not payable from available, expendable resources is reported in the government-wide financial statements.

	Hours Earned	Hours of
	Per Pay	Maximum
Years of Service	Period	Accrual
1-3 years	4.62	240
Over 3-7	5.54	240
Over 7-14	6.46	240
Over 14 years and beyond	7.39	240

A maximum of 240 hours of 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, up to the aforementioned maximums.

Notes to Financial Statements June 30, 2019

# 1. <u>Summary of Significant Accounting Policies (continued)</u>

#### D. Assets Liabilities and Net Position or Equity (continued)

#### **Compensated Absences (continued)**

Under provisions of NMSA 1978, Section 10-7-10, employees who accumulate more than 600 hours of sick leave are entitled to be paid for unused sick leave in excess of 600 hours at a rate equal to 50% of the employee's hourly rate of pay for up to 120 hours of sick leave. Payments may be made only once per fiscal year in either July or January.

Employees who terminate receive no payment for accumulated sick leave. Therefore, the only sick leave that has been accrued represents the hours earned at June 30, 2019, over 600 hours. Expenditures for accumulated sick leave pay for less than 600 hours will be recognized as employees take such absences.

#### **Net Position**

The government-wide and business-type activities fund financial statements utilize a net position presentation. Net position is categorized as follows:

- Net investment in capital assets This category reflects the portion of net position that is associated with capital assets less outstanding capital assetrelated debt.
- 2. Restricted This category reflects the portion of net position that has third party limitations on their use.
- 3. Unrestricted This category reflects net position of the Court not restricted for any project or other purpose.

#### **Fund Equity Reservation and Designations**

In the fund financial statements, governmental funds report aggregate amounts for five classifications of fund balances based on the constraints imposed on the use of these resources. The nonspendable fund balance classification includes amounts that cannot be spent because they are either (a) not in spendable form — i.e., prepaid items or inventories; or (b) legally or contractually required to be maintained intact.

The spendable portion of the fund balance comprises the remaining four classifications: restricted, committed, assigned, and unassigned.

Notes to Financial Statements June 30, 2019

#### 1. Summary of Significant Accounting Policies (continued)

#### D. Assets Liabilities and Net Position or Equity (continued)

#### **Fund Equity Reservation and Designations (continued)**

Restricted fund balance - This classification reflects the constraints imposed on resources either (a) externally by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed fund balance - These amounts can only be used for specific purposes pursuant to constraints imposed by formal action of the Court - the entity's highest level of decision-making authority. Those committed amounts cannot be used for any other purpose unless the Court Executive Officer removes the specified use by taking the same type of action imposing the commitment. This classification also includes contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements.

Assigned fund balance - This classification reflects the amounts constrained by the Court's "intent" to be used for specific purposes, but are neither restricted nor committed. This intent can be expressed by the Court, or through the Court delegating this responsibility to the Court Executive Officer through the budgetary process. Assigned fund balances include any remaining amounts (except negative balances) that are reported in governmental funds other than the General Fund, that are not classified as nonspendable and are neither restricted nor committed.

*Unassigned fund balance* - This fund balance is the residual classification for the General Fund. It is also used to report negative fund balances in other governmental funds.

When both restricted and unrestricted resources are available for use, it is the Court's policy to use externally restricted resources first, then unrestricted resources - committed, assigned, and unassigned - in order, as needed.

#### **Use of Estimates**

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

Notes to Financial Statements June 30, 2019

#### 2. <u>Cash and Cash Equivalents</u>

At June 30, 2019, cash and cash equivalents consisted of the following checking accounts:

	Per						Per
		Interest		Financial	O/S	O/S	Financial
	Туре	Bearing		Institution	Deposits	Checks	Statements
Agency Funds:							
Litigant - Wells Fargo							
(Otero/Lincoln)	Checking	Y	\$	331,319	-	28,273	303,046
Litigant - Wells Fargo							
(Otero/Lincoln)	Savings	Y		439,064			439,064
Total agency funds in bank				770,383	-	28,273	742,110
Less FDIC insurance				(250,000)			
Total uninsured Public Funds	<b>;</b>			520,383			
50% collateral requirement				(260,192)			
Pledged security			\$	*			

Custodial Credit Risk: Custodial credit risk is the risk that in the event of a bank failure, the Court's deposits may not be returned. Currently, all of the above listed accounts are either insured or collateral has been pledged by the financial institution for amounts exceeding Federal Deposit Insurance Corporation (FDIC) insurance.

\*Section 6-10-14, 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 (STO). The STO cash and investments, and can be accessed at the State Treasurer's website, <a href="https://www.nmsto.gov">www.nmsto.gov</a>.

#### 3. Investment in the State General Fund Investment Pool (SGFIP)

As provided for in Chapter 8-6 of the New Mexico Statutes Annotated 1978, the State Treasurer shall receive and keep all monies of the state, except when otherwise provided, and shall disburse the public money upon lawful warrants. The STO acts as the State's bank when agency cash receipts are deposited with STO and later pooled in a statewide investment fund, also referred to as the State General Fund Investment Pool (SGFIP). In times when amounts are greater than immediate needs, the amounts are placed into short-term investments. When agencies make payments to vendors and employees, they are made from this pool and their claims on the pool reduced.

The comprehensive cash reconciliation model which compares aggregated agency claims on the SGFIP to the associated resources held by the STO has been completed for fiscal year 2019. This process has been previously reviewed multiple times by the IPAs performing audits of the General Fund, the DFA, and the State of New Mexico Comprehensive Annual Financial Report

Notes to Financial Statements June 30, 2019

# 3. Investment in the State General Fund Investment Pool (SGFIP) (continued)

(CAFR). The reviews have deemed the process to be sound and the Court fully compliant with the reconciliation requirement.

The purpose of this memo is to provide the following assertions:

- 1. As of June 30, 2019, resources held in the pool were equivalent to the corresponding business unit claims on those resources.
- 2. All claims as recorded in SHARE shall be honored at face value.

At June 30, 2019, the Court had the following invested in the SGFIP:

				Account		
Share Fund #	Fund	Maturity	_	Balance	Fair Value	
State General Fund Investment Pool						
15200	General	1 day	\$	166,993	166,993	
50240	Mediation	1 day		62,366	62,366	
50570	ADR	1 day		60,980	60,980	
92900	Other Programs	1 day		49,824	49,824	
Total state general fund investment pool			\$	340,163	340,163	

#### **Interest Rate Risk**

The STO has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is a 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.

#### **Concentration of Credit Risk**

The New Mexico State Treasurer pools are not rated.

#### **Custodial Credit Risk - Deposit**

The STO monitors the collateral for deposits it holds, which would include the investment accounts of the Court. Therefore, collateralization of the Court's accounts is the responsibility of the STO. The STO has its own separate annual independent audit in which the collateral pledged to secure these deposits is disclosed. There is no custodial risk at the Court's level since the Court's investments are under the contract of the STO.

Notes to Financial Statements June 30, 2019

#### 3. <u>Investment in the State General Fund Investment Pool (SGFIP) (continued)</u>

#### **Custodial Credit Risk – Deposit (continued)**

For further information regarding the SGFIP, please see the State Treasurer's annual audit report and specifically refer to the GASB 40 disclosure of the investments. That report may be obtained by writing to the New Mexico State Treasurer's Office, P.O. Box 608, Santa Fe, NM 87504-0708.

#### 4. <u>Capital Assets</u>

Capital asset activity for the year ended June 30, 2019, was as follows:

		Balance June 30, 2018	Additions	Deletions	Balance June 30, 2019	
Capital assets being depreciated:	-					
Furniture and fixtures	\$	5,809	-	-	5,809	
Equipment		462,785	19,400	-	482,185	
Data processing		13,792	-	-	13,792	
Vehicles		201,179	27,400	(43,764)	184,815	
Total capital assets being						
depreciated		683,565	46,800	(43,764)	686,601	
Less accumulated depreciation:						
Furniture and fixtures		(2,645)	(1,162)	-	(3,807)	
Equipment		(234,558)	(53,417)	-	(287,975)	
Data processing		(4,104)	(1,970)	-	(6,074)	
Vehicles		(67,619)	(28,810)	37,668	(58,761)	
Total accumulated deprecia	ition	(308,926)	(85,359)	37,668	(356,617)	
Total capital assets, net	\$	374,639	(38,559)	(6,096)	329,984	

The Court recorded a depreciation expense of \$85,359 for the year ended June 30, 2019. The depreciation expense is a direct expense of the judicial administration function. The Court does not have any debt related to capital assets.

Notes to Financial Statements June 30, 2019

## 5. <u>Compensated Absences</u>

The amount recorded as a current and long-term liability in the government-wide statements for compensated absences consist of accrued annual leave and accrued sick leave. The following is a summary of changes in compensated absences:

	Balance			Balance	Amounts	Amounts
	June 30,			June 30,	Due within	Due after
	2018	Increases	Decreases	2019	one year	one year
Accrued annual leave	\$ 111,706	140,405	133,900	118,211	100,318	17,893
Accrued sick leave	2,428	11,567	10,617	3,378		3,378
Total compensated						
absences	\$ 114,134	151,972	144,517	121,589	100,318	21,271

Compensated absences are liquidated with available financial resources out of the general fund. The State of New Mexico does not have, 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 Court has no other debt.

#### 6. Operating Leases

The Court has operating leases for two postage machines. The leases have 4-year terms and are payable on a quarterly basis. Each individual lease can be terminated due to lack of funding from the legislature with no penalty to the Court. Future minimum lease payments are:

Fiscal Year Ending June 30,		<u>Amount</u>		
2020	\$	3,734		
2021		3,734		
2022		2,442		
2023	<u> </u>	862		
	\$	10,772		

The Court recorded rental of equipment expense of \$3,371 for the year ending June 30, 2019 and are primarily from the general funds.

#### 7. <u>Pension Plan - Public Employee Retirement Association</u>

The Court, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple employer defined benefit pension plan administered by the Public Employees Retirement Association (PERA). Disclosure requirements for governmental

Notes to Financial Statements June 30, 2019

#### 7. Pension Plan - Public Employee Retirement Association (continued)

funds apply to the primary government as a whole, and as such, this information will be presented in the Component Appropriation Funds Annual Financial Report (General Fund) and the CAFR of the State of New Mexico.

Information concerning the net pension liability, pension expense, and pension-related deferred inflows and outflows of resources of the primary government will be contained in the General Fund and the CAFR and will be available, when issued, from the Office of State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501.

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). PERA is the administrator of the plan, which is a cost-sharing multiple employer defined benefit retirement plan. The plan provides for retirement benefits, 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 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.

Funding Policy. Plan members are required to contribute 8.92% of their gross salary. The Court is required to contribute 16.99% of the gross covered salary. The contribution requirements of plan members and the Court are established in State statute 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 fiscal years ending June 30, 2019, 2018 and 2017 were \$297,720, \$267,198, and \$253,911, respectively, which equal the amount of the required contributions for fiscal year.

#### 8. Pension Plan - Judicial Retirement Act (JRA)

The Court, as part of the primary government of the State of New Mexico, is a single employer defined benefit pension plan (Judicial Retirement) administered by the Public Employees Retirement Association (PERA). Disclosure requirements for governmental funds apply to the primary government as a whole, and as such, this information will be presented in the Component Appropriation Funds Annual Financial Report (General Fund) and the CAFR of the State of New Mexico.

Information concerning the net pension liability, pension expense, and pension-related deferred inflows and outflows of resources of the primary government will be contained in the General Fund and the CAFR and will be available, when issued, from the Office of State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501.

*Plan Description*. All of the Court's Judges or Justices participate in a public employee retirement system authorized under the JRA. PERA is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retire-

Notes to Financial Statements June 30, 2019

#### 8. Pension Plan - Judicial Retirement Act (JRA) (continued)

ment, 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 <a href="https://www.pera.state.nm.us">www.pera.state.nm.us</a>.

Funding Policy. Plan members are required to contribute 10.5% of their gross salary. The Court is required to contribute 15.0% of the gross covered salary. The Court's contributions to JRA for the years ending June 30, 2019, 2018, and 2017 were \$75,624, \$70,895, and \$71,304, respectively, which equal to the amount of the required contributions for each fiscal year.

In addition to the above, the Court remits \$38 of each filing fee collected by the Court into the JRA 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 \$81,054, \$86,336, and \$72,048 in filing fees for the years ending June 30, 2019, 2018, and 2017, respectively.

#### 9. Post-Employment Benefits - State Retiree Health Care Plan

Plan Description. The 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 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 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.

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

Notes to Financial Statements June 30, 2019

#### 9. Post-Employment Benefits - State Retiree Health Care Plan (continued)

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 fund 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, 2019, the statutes 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, 2019, 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, 2016, 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.

Compliant with the requirements of GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions, the State of New Mexico has implemented this standard for the fiscal year ended June 30, 2019.

The Court, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple-employer defined benefit postemployment health care plan that provides comprehensive group health insurance for persons who have retired from certain public service positions in New Mexico. The other postemployment benefits (OPEB) Plan is administered by the RHCA of the State of New Mexico. Overall, total OPEB liability exceeds OPEB Plan net position resulting in a net OPEB liability. The State has determined the State's share of the net OPEB liability to be a liability of the Sate as a whole, rather than any agency or department of the State and liability will not be reported in the department or agency level financial statements of the State. All required disclosures will be presented in the CAFR of the State of New Mexico.

Notes to Financial Statements June 30, 2019

#### 9. Post-Employment Benefits - State Retiree Health Care Plan (continued)

Information concerning the net liability, benefit expense, and benefit-related deferred inflows and deferred outflows of resources of the primary government will be contained in the State of New Mexico CAFR for the year ended June 30, 2018 and will be available, when issued, from the Office of the State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501.

The Court's contributions to the RHCA for the years ended June 30, 2019, 2018, and 2017 were \$47,561, \$43,269, and \$42,110, respectively, which equal the required contributions for each year.

#### 10. Risk of Loss

The Court obtains coverage through Risk Management Division of the State of New Mexico General Services Department. This coverage includes general liability, worker's compensation, law enforcement liability, civil rights, property, and vehicle. 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 of \$5,000,000 coverage limit with a \$1,000 deductible per occurrence by the State of New Mexico for the period July 1 through June 30. There are no pending or known threatened legal proceedings involving material matters to which the Court is a party.

#### 11. Unrestricted Deficit Net Position

GASB 34 requires recording of capitalized assets, net of accumulated depreciation and long-term liabilities, which results in an unrestricted net position deficit of \$(121,589). The deficit is created by compensated absences liabilities which are expected to be paid from subsequent years state general fund appropriations.

#### 12. <u>Supplemental Appropriations</u>

Supplemental Appropriation Laws of 2019, Chapter 271, Section 6, Item 8: The Court received \$6,200 for a shortfall in the personal services and employee benefits category. As of June 30, 2019, all balances have been expended.

#### 13. <u>Evaluation of Subsequent Events</u>

Subsequent events were evaluated through October 28, 2019, which is the date the financial statements were available to be issued.



# Statement of Changes in Fiduciary Assets and Liabilities - Agency Fund June 30, 2019

	June 30, 2018	Additions	Deletions	June 30, 2019
Agency Funds:				
Assets				
Cash - Litigant Accounts	\$ 707,599	292,021	257,510	742,110
Cash - Court Clerk Accounts		296,218	296,218	
Total Assets	\$ 707,599	588,239	553,728	742,110
Liabilities				
Deposits held in custody of others	\$ 707,599	292,021	257,510	742,110
Due to Other Agencies		296,218	296,218	
Total Liabilities	\$ 707,599	588,239	553,728	742,110

## Schedule of Operating Transfers For the Year Ended June 30, 2019

	Agency Transferred	From	То		Tran	sfer
Description	From	Fund	Fund	Reference	In	Out
Program Revenues Other interagency services - LETF Drug Court/Interlock DWI Grant	Administrative Office of the Courts	13900	24200	Laws 2018, Ch 73, Sec 4, Item 4(i)	\$ 34,567	
<b>Total Program Revenues</b>					\$ 34,567	
State Appropriations General Fund Appropriation	State General Fund	85300	24200	Laws 2018, Ch 73, Sec 4(b) 12	\$ 3,430,100	_
General Fund Deficiency Appropriation	State General Fund	85300	24200		\$ 6,200	
<b>Total State Appropriations</b>					\$ 3,436,300	
Other Financing Sources Court Appointed Special Advocates (CASA) for Children	Administrative Office of the Courts	13900	24200	Laws 2018, Ch 73, Sec 4, Item 4A & C		
Compensation Appropriation	State General Fund	85300	24200	Laws 2018, Ch 73, Sec 8, Item A & B	\$ 88,578	-
Compensation Appropriation	State General Fund	85300	24200	Laws 2018, Ch 73, Sec 8, Item A & B	103,500	-
Compensation Appropriation	State General Fund	85300	24200	Laws 2018, Ch 73, Sec 8, Item A & B	700 8,000	<u>-</u>
<b>Total Other Financing Sources</b>					\$ 200,778	
<b>Reversion</b> General Fund Appropriation	Department of Finance & Administration	24200	85300	Laws 2018 Ch 73, Sec 4 - Reversion of current year miscellaneous income		7,994
<b>Total Reversion</b>					\$ 	7,994



# INDEPENDENT AUDITORS' 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

Honorable Angie K. Schneider, Chief Judge State of New Mexico Twelfth Judicial District Court Alamogordo, New Mexico

and Honorable State Auditor Brian S. Colón, Esq.

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, the budgetary comparisons of the general fund and major special revenue funds, of the State of New Mexico Twelfth Judicial District Court (Court) as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the Court's basic financial statements and have issued our report thereon dated October 28, 2019.

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

In planning and performing our audit of the financial statements, we considered the Court'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 Court's internal control. Accordingly, we do not express an opinion on the effectiveness of the Court'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 entity'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 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.

Twelfth Judicial District Court and Office of the New Mexico State Auditor Page 40

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Court'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 an instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards* and which is described in the accompanying schedule of findings and responses as item 2019-001.

#### State of New Mexico, Twelfth Judicial District Court's Response to Finding

The Court's response to the finding identified in our audit is described in the accompanying schedule of findings and responses. The Court's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

#### 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 result 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 entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

October 28, 2019

Burt & Company CPAs, LLC

## STATE OF NEW MEXICO TWELFTH JUDICIAL DISTRICT COURT Summary Schedule of Findings and Responses June 30, 2019

# Status of Current Year

Current Year Finding	and Prior Year Findings			
2019-001 (2018-001) Controls Over Agency Funds				
Prior Year Finding				
2018-001 Controls Over Agency Funds	Repeated and modified as 2019-001			
SUMMARY OF AUDIT RESULTS				
Type of auditors' report issued	Unmodified			
Internal control over financial reporting:				
• Material weakness(es) identified?	No			
• Significant deficiency(ies) identified that are not considered to be material weaknesses?	No			
<ul> <li>Noncompliance material to financial statements noted?</li> </ul>	No			

Schedule of Findings and Responses June 30, 2019

#### 2019-001 (2018-001) Controls Over Agency Funds - Other Noncompliance

Condition: The Court has the following control deficiencies over Agency Funds:

- the Court has approximately \$191,028 in seized currency drug funds from the years of 1993-2013 that is subject to forfeiture but no resolution of the disposition of funds has been determined.
- the Court has approximately \$69,313 in litigant bond funds from the years of 1994-2014 that final disposition of the case file has not been determined with respect to monies due back to the litigant.

Although no seized currency drug fund monies were released in FY19, the Court has made progress towards identifying and subsequently releasing seized currency. See Agency response below.

In FY19, \$3,731 of litigant bond funds were released. The Court continues to work on releasing the remainder of litigant bond funds.

<u>Criteria</u>: The New Mexico Forfeiture Act requires the return of seized property to the owner of the property within a reasonable period of time as provided for within the Act. NMSA Statute 34-6-36 requires the Court to dispose of litigant monies as provided for within the Act.

<u>Cause</u>: The Court does not have timely resolution over Agency Funds.

Effect: The Court is not in compliance with state statutes.

<u>Recommendation</u>: The Court should research and document the required disposition of seized currency drug funds and litigant bond funds to determine the Court's requirements to dispose of said funds. The Court should monitor these funds on a periodic basis. The Court should comply with state statute requirements concerning compliance over Agency Funds.

Response: The CFO has been working with the Otero County Sheriff's office to dispose of the \$191,028 in seized currency and \$73,544 in litigant bond funds. Research was done in FY19 to begin the process of releasing the seized currency, however, none was released in FY19. In the first two months of FY20, \$6,906.45 has been released and \$2,313.00 has been determined to still be in active cases. For the litigant bond funds, \$3,730.69 was released in FY19 and an additional \$10,000.00 has already been released in FY20. Work is continuing in an effort to reduce both of these liabilities and significant progress should be made in FY20.

Exit Conference June 30, 2019

The contents of this report were discussed at the exit conference held October 28, 2019 and was attended by the following:

Honorable Angie K. Schneider, Chief Judge Katina Watson, Court Executive Officer Audrey Hukari, Court Financial Administrator

Burt & Company CPAs, LLC was represented by:

Ronald E. Schranz, CPA, CVA

The financial statements were prepared by the auditors of Burt & Company CPAs, LLC with the assistance of the Court's personnel. However, the financial statements are the responsibility of management.