

# **Sixth Judicial District Attorney**

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**Financial Statements  
For the Year Ended June 30, 2017**





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<b>Name</b>	<b>Title</b>
Francesca M. Estevez	District Attorney
George G. Zsoka	Chief Deputy District Attorney
Janice Schryer	Chief Deputy District Attorney
Martin Maxwell	Deputy District Attorney
John Holguin	Deputy District Attorney
Michael Martin	Deputy District Attorney
Armand Velez	Deputy District Attorney
Shaharazad Booth	Deputy District Attorney
David Arnone	Deputy District Attorney
Norman Wheeler	Deputy District Attorney
Matthew Bradburn	Deputy District Attorney
Vacant	Deputy District Attorney
Vacant	Deputy District Attorney
Christopher Copeland	Senior Trial Attorney

**Administrative Officials**

Cheryl Wilguess	District Office Manager
Andrea P. Montoya	Chief Financial Officer

## INDEPENDENT AUDITOR'S REPORT

Ms. Francesca M. Estevez, District Attorney  
Sixth Judicial District Attorney  
Silver City, New Mexico  
and  
Mr. Timothy Keller  
New Mexico State Auditor  
Office of the State Auditor  
Santa Fe, New Mexico

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the budgetary comparisons for the general fund and major special revenue funds of the State of New Mexico Office of the Sixth Judicial District Attorney (Office), as of and for the year ended June 30, 2017, and the related notes to the financial statements which collectively comprise the Office's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

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

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from 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 entity'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 entity's internal control. Accordingly, we express no such opinion.

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An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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

### **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Office, as of June 30, 2017, and the respective changes in financial position and the respective budgetary comparisons for the general fund and major special revenue funds for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Other Matters**

#### *Required Supplementary Information*

The Office has omitted Management's Discussion and Analysis which is required to be presented to supplement the basic financial statements. Such missing 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. Our opinion on the basic financial statements is not affected by this missing information.

### **Other Reporting Required by Government Auditing Standards**

In accordance with Government Auditing Standards, we have also issued our report dated September 22, 2017 on our consideration of the Office's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Office's internal control over financial reporting and compliance.



Zlotnick, Laws & Sandoval, P.C.

Santa Fe, NM

September 22, 2017



	<u>Governmental Activities</u>
<b>Assets</b>	
Current Assets	
State General Fund Investment Pool	\$ 331,343
Due from federal government	15,967
Due from other state agencies	<u>5,026</u>
Total Current Assets	352,336
Capital assets, net	<u>277,254</u>
<b>Total Assets</b>	<u><u>\$ 629,590</u></u>
<b>Liabilities</b>	
Current Liabilities	
Deficiency in SGFIP	\$ 14,664
Due to State General Fund	20,512
Due to other state agencies	106
Accounts payable	58,679
Payroll benefits payable	34,856
Payroll taxes payable	17,700
Accrued payroll	45,231
Compensated absences - short-term	<u>81,722</u>
Total Current Liabilities	273,470
Compensated absences - long-term	<u>19,452</u>
<b>Total Liabilities</b>	<u>292,922</u>
<b>Net Position</b>	
Net investment in capital assets	277,254
Unrestricted	<u>59,414</u>
Total Net Position	<u>336,668</u>
<b>Total Liabilities and Net Position</b>	<u><u>\$ 629,590</u></u>

The accompanying notes are an integral part of these financial statements



	<u>Governmental Activities</u>
<b>Expenses</b>	
Public Safety	
Personal services and employee benefits	\$ 2,686,472
Contractual services	23,187
Other	168,344
Depreciation	<u>88,824</u>
Total Program Expenses	2,966,827
<b>Revenue</b>	
Program Revenue	
Federal grants	<u>195,858</u>
Net Program Expenses	<u>(2,770,969)</u>
General Revenues and Transfers	
State General Fund appropriation	2,741,100
Reversion	<u>(20,512)</u>
	<u>2,720,588</u>
Change in Net Position	(50,381)
Net Position, beginning	<u>387,049</u>
Net Position, ending	<u>\$ 336,668</u>



**Balance Sheet – Governmental Funds  
For the Year Ended June 30, 2017**

	Major Funds			Total Governmental Funds
	16000 General Fund	26500 Victim's Assistance Fund	26600 Narcotics Prosecution Fund	
<b>Assets</b>				
Cash	\$ -	-	-	\$ -
State General Fund Investment Pool	331,342	-	-	331,342
Due from federal government	-	-	15,968	15,968
Due from other state agencies	-	5,026	-	5,026
<b>Total Assets</b>	<b>\$ 331,342</b>	<b>5,026</b>	<b>15,968</b>	<b>\$ 352,336</b>
<b>Liabilities</b>				
Deficiency in SGFIP	\$ -	4,004	10,660	\$ 14,664
Due to state general fund	20,512	-	-	20,512
Due to other state agencies	-	106	-	106
Accounts payable	58,677	-	-	58,677
Payroll benefits payable	33,088	313	1,455	34,856
Payroll taxes payable	16,322	138	1,240	17,700
Accrued payroll	42,153	465	2,613	45,231
<b>Current Liabilities</b>	<b>170,752</b>	<b>5,026</b>	<b>15,968</b>	<b>191,746</b>
<b>Fund Balance</b>				
Assigned to FY18 Budget	160,590	-	-	160,590
<b>Total Fund Balance</b>	<b>160,590</b>	<b>-</b>	<b>-</b>	<b>160,590</b>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 331,342</b>	<b>5,026</b>	<b>15,968</b>	<b>\$ 352,336</b>

**Reconciliation of the Governmental Fund Balance to the Government-Wide Statement of Net Position:**

Total fund balance governmental funds	\$ 160,590
Capital assets (net of depreciation) used in governmental activities are not financial resources and, therefore, are not reported in the funds	277,254
Compensated absences are not due and payable in the current period and, therefore, are not reported in the funds	<u>(101,176)</u>
Net position of governmental activities	<u>\$ 336,668</u>

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





**Statement of Revenues, Expenditures and  
Changes in Fund Balance – Governmental Funds  
For the Year Ended June 30, 2017**

	Major Funds			Total Governmental Funds
	16000 General Fund	26500 Victim's Assistance Fund	26600 Narcotics Prosecution Fund	
<b>Revenue</b>				
Federal grants	\$ -	96,845	99,013	\$ 195,858
Total Revenue	-	96,845	99,013	195,858
<b>Expenditures</b>				
Personal services and benefits	2,490,614	96,845	99,013	2,686,472
Contractual services	23,186	-	-	23,186
Other costs	178,990	-	-	178,990
Capital outlay	27,798	-	-	27,798
Total Expenditures	2,720,588	96,845	99,013	2,916,446
Excess (Deficiency) of revenues over expenditures	(2,720,588)	-	-	(2,720,588)
<b>Other Financing Sources (Uses)</b>				
State general fund appropriations	2,741,100	-	-	2,741,100
Reversion to State General Fund FY2017	(20,512)	-	-	(20,512)
Total Other Financing Sources (Uses)	2,720,588	-	-	2,720,588
Net change in Fund Balance	-	-	-	-
Fund Balance, beginning	160,590	-	-	160,590
Fund Balance, ending	\$ 160,590	-	-	\$ 160,590

**Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balance of Governmental Funds to the Government-Wide Statement of Activities:**

Net change fund balance in governmental funds	\$ -
<p>Certain outlays are reported as expenditures in governmental funds. However, in the statement of activities, these costs are expensed as they are consumed or are allocated over their estimated useful lives. In the current period these amounts are:</p>	
Capital Outlay	27,798
Depreciation Expense	(88,824)
Expenses recognized in the Statement of Activities, not reported in the funds:	
Change in compensated absences	10,645
Change in net position - governmental activities	\$ (50,381)

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



Statement of Revenues, Expenditures and Changes in Fund Balance Budget and Actual (Budgetary Basis) – General Fund 16000 For the Year Ended June 30, 2017

	Budgeted Amounts		Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
State General Fund appropriations	\$ 2,741,100	2,741,100	2,741,100	\$ -
Other financing sources	-	-	-	-
Program Revenue	-	-	-	-
Total Revenues	<u>2,741,100</u>	<u>2,741,100</u>	<u>2,741,100</u>	<u>\$ -</u>
Fund Balance	-	-		
	<u>\$ 2,741,100</u>	<u>2,741,100</u>		
<b>EXPENDITURES</b>				
Personnel services & employee benefits	\$ 2,538,200	2,499,686	2,490,614	\$ 9,072
Contractual services	18,200	23,188	23,186	2
Other costs	184,700	218,226	206,788	11,438
Total Expenditures	<u>\$ 2,741,100</u>	<u>2,741,100</u>	<u>2,720,588</u>	<u>\$ 20,512</u>

The accompanying notes are an integral part of these financial statements



Statement of Revenues, Expenditures and Changes in Fund Balance Budget and Actual (Budgetary Basis) – Victim’s Assistance Fund 26500 For the Year Ended June 30, 2017

	Budgeted Amounts		Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
State General Fund appropriations	\$ -	-	-	\$ -
Other financing sources	-	-	-	-
Program Revenue	99,124	99,124	96,845	(2,279)
Total Revenues	99,124	99,124	96,845	\$ (2,279)
Fund Balance	-	-		
	<u>\$ 99,124</u>	<u>99,124</u>		
<b>EXPENDITURES</b>				
Personnel services & employee benefits	\$ 99,124	99,124	96,845	\$ 2,279
Contractual services	-	-	-	-
Other costs	-	-	-	-
Total Expenditures	<u>\$ 99,124</u>	<u>99,124</u>	<u>96,845</u>	<u>\$ 2,279</u>

The accompanying notes are an integral part of these financial statements



Statement of Revenues, Expenditures and Changes in Fund Balance Budget and Actual (Budgetary Basis) – Narcotics Prosecution Fund 26600 For the Year Ended June 30, 2017

	Budgeted Amounts		Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
State General Fund appropriations	\$ -	-	-	\$ -
Other financing sources	-	-	-	-
Program Revenue	127,403	127,403	99,013	(28,390)
Total Revenues	127,403	127,403	99,013	\$ (28,390)
Fund Balance	-	-		
	<u>\$ 127,403</u>	<u>127,403</u>		
<b>EXPENDITURES</b>				
Personnel services & employee benefits	\$ 127,403	127,403	99,013	\$ 28,390
Contractual services	-	-	-	-
Other costs	-	-	-	-
Total Expenditures	<u>\$ 127,403</u>	<u>127,403</u>	<u>99,013</u>	<u>\$ 28,390</u>

The accompanying notes are an integral part of these financial statements



**NATURE OF BUSINESS AND REPORTING ENTITY**

The Sixth Judicial District Attorney (the Office) is an elective office established by the Constitution of the State of New Mexico, Article VI, Section 24. The District Attorney is elected to a four-year term. Functions of the Office are defined in Section 36-1-1 through 36-1-26 NMSA 1978 as amended. The Office serves all of Grant, Luna, and Hidalgo Counties. It is the duty of the Office to prosecute and defend for the state in all courts of record of the counties of the district, all cases, criminal and civil, in which the state or any county in the district may be a party or may be interested. The Office also fulfills various other duties as called upon by statute. Section 36-1A-1 through Section 36-1A-15 cited as the “District Attorney’s Personnel and Compensation Act” established for all District Attorneys a uniform equitable and binding system of personnel administration.

The District Attorney’s basic financial statements include all activities and accounts of the District Attorney’s “financial reporting entity.” The financial reporting entity consists of the primary government, and any other organization 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.

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 governmental organizations that are fiscally dependent on it.

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.

The District Attorney has no component units.

The Sixth Judicial District Attorney is a part of the Judicial Branch of the State of New Mexico. These financial statements include only those funds and activities over which the Sixth Judicial District Attorney has oversight responsibility. The Sixth Judicial District Attorney is not included in any other government “reporting entity” as described in Section 2100, “Codification of Governmental Accounting and Financial Reporting Standards.”

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**A. Basic Financial Statements**

The financial statements of the Office have been prepared in conformity with accounting principles generally accepted (GAAP) in the United States of America as applied to governmental units. The Governmental Account Standards Board (GASB) is the accepted Standard-setting body for establishing



governmental accounting and financial reporting principles. The GASB periodically updates its codification of the existing Governmental Accounting and Financial Reporting Standards, which, along with subsequent GASB pronouncements (Statements and Interpretations), constitutes GAAP for governmental units. The more significant of the Office's accounting policies are described below.

The government-wide financial statements (i.e., the statement of net position and the statement of activities and changes in net position) report information on all of the non-fiduciary activities of the primary government. For the most part, the effect of inter fund 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 District Attorney 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, are 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 a given function or segment and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

The government-wide focus is more on the sustainability of the Office as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. The fund financial statements are similar to the financial statements presented in the previous accounting model.

The governmental fund statements are presented on a current financial resource and modified accrual basis of accounting. This presentation is deemed appropriate to (a) demonstrate legal compliance, (b) demonstrate the source and use of liquid resources, and (c) demonstrate how the Office's actual experience conforms to the budget or fiscal plan. Since the governmental fund statements are presented on a different focus and basis of accounting than the government-wide statements' governmental column, a reconciliation accompanies each statement, which briefly explains the adjustment necessary to transform the fund based financial statements to the governmental column on the government-wide presentation.

## **B. Basis of Presentation**

The financial transactions of the Office are maintained on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, deferred outflows, liabilities, deferred inflows, fund balance, revenues, expenditures and other financing sources or uses.

Government resources are allocated to, and accounted for, in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. The various funds are summarized by type and reported by generic classification in the accompanying financial statements.

The reporting model, GASB Statement No. 34, sets forth minimum criteria for the determination of major funds based on a percentage of the assets, liabilities, revenues or expenditures. The general fund is always



considered a major fund. The Office has elected to consider all special revenue funds as major funds regardless of size. Major individual governmental funds are reported as separate columns in the fund financial statements.

The following are the Office's major funds:

**Governmental Funds:**

**General Fund (16000)** – The general fund is the operating fund of the Office. It is used to account for all financial resources except those required to be accounted for in another fund. All appropriations received in this fund are revertible funds if not expended in the appropriate time frame. This fund is also used to account for federal grant proceeds from the US Department of Justice (Southwest Border Prosecution Initiative [SWBI]). The fund balance created from these proceeds will not revert to the State of New Mexico's general fund as the source of revenues is the federal government.

The Office receives all State of New Mexico appropriations in their General Fund. The Office's Special Revenue Funds, as noted below, receive funds from various grants and contracts.

**Victims' Assistance Program Fund (26500)** – The Victims' Assistance fund is used to account for the grant proceeds from the Violence Against Women Act (VAWA) and Victims of Crime Act (VOCA), and the expenditures there from. The authority for the creation and maintenance of the fund is the requirement of the state of New Mexico Crime Victims Reparation Commission to maintain a separate fund. The fund balance will not revert to the state of New Mexico's general fund, as the source of revenues is the federal government.

**Narcotics Prosecution Fund (26600)** – The Narcotics Prosecution fund is used to account for the grant proceeds from the Office of National Drug Control Policy - High Intensity Drug Trafficking Area grant, and the Border Operations Task Force, and the expenditures there from. The authority for the creation and maintenance of the fund is the requirement of the federal government to maintain a separate fund. The fund balance will not revert to the state of New Mexico's general fund as the source of revenues is the federal government.

**C. Basis of Accounting**

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

The government-wide and the fiduciary financial statements are presented on an accrual basis of accounting. The governmental funds in the fund financial statements are presented on a modified accrual basis.

The statement of net position and the statement of activities are prepared 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 the related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. By definition, the resources of fiduciary funds are not available to support the Office's programs. Therefore, fiduciary funds are excluded from the government-wide financial statements.



All governmental funds are accounted for using the modified accrual basis of accounting and the current financial resources measurement focus. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual; i.e., both measurable and available. "Available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period, which is considered to be within sixty days of year-end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred. The exception to this general rule is that principal and interest on general long-term debt, if any, is recognized when due.

In applying the "susceptible to accrual" concept to intergovernmental revenues the provider should recognize liabilities and expenses and the recipient should recognize receivables and revenues when the applicable eligibility requirements including time requirements, are met. Resources transmitted before the eligibility requirements are met, under most circumstances, should be reported as advances by the provider and deferred revenue by the recipient.

As a general rule the effect of interfund activity has been eliminated from government-wide financial statements. Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "transfers in or out from other funds."

**D. Budgetary data**

The New Mexico State Legislature makes annual appropriations to the Office. Legal compliance is monitored through the establishment of a budget (modified-accrual basis) and a financial control system, which permits a budget to actual expenditure comparison. Expenditures may not legally exceed appropriations for each budget at the appropriation unit level.

Budgeted appropriation unit amounts may be amended upon approval from the Budget Division of the State of New Mexico Department of Finance and Administration within the limitation as specified in the General Appropriation Act. The budget amounts shown in the financial statements are both the original appropriation and the final authorized amounts as legally revised during the year.

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

1. By September 1st, the Office prepares a budget request by appropriation unit to be presented to the next Legislature.
2. The appropriation request is submitted to the Department of Finance and Administration's Budget Division (DFA) and to the Legislature.
3. DFA makes recommendations and adjustments to the appropriation request, which become the Governor's proposal to the Legislature.
4. Legislative Finance Committee (LFC) holds hearings on the appropriation request, also submitting recommendations and adjustments before presentation to the Legislature.
5. Both the DFA's and LFC's recommended appropriation proposals are presented to the Legislature for approval of the final budget plan.





6. Budget hearings are scheduled before the New Mexico House Appropriations and Senate Finance Committees. The final outcomes of these hearings are incorporated into the General Appropriations Act.

7. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit. The Office submits, no later than May 1st, 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 on July 1.

8. All subsequent budget adjustments must be approved by the Office and the Director of the DFA - Budget Division. The budget for the current year was properly amended.

9. The Office's budget for the fiscal year ending June 30, 2017 was amended in a legally permissible manner by increasing or reallocating appropriation unit totals as the need arose during the fiscal year. Individual amendments were not material in relation to the original budget.

10. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund and the Special Revenue Funds.

11. Appropriations lapse at the end of the fiscal year. The Office's General Fund is a reverting fund (funds revert back to the State General Fund), with the exception of funds appropriated for the Southwest Border Prosecution Initiative.

12. Appropriations lapse at the end of the year except for those amounts properly classified as accounts payable.

13. Budgets for the General Fund and Special Revenue Funds are presented on the modified accrual basis of accounting. Encumbrances related to single year appropriations lapse at year end. The portion of an encumbrance representing goods and services received by the last day of the fiscal year should be reclassified as accounts payable.

14. The legal level of budgetary control is at the appropriation program level.

**E. Encumbrances**

Any encumbrances outstanding at year-end related to single year appropriations are classified as a liability to recognize amounts subject to reversion to the State General Fund. If the New Mexico State Legislature provides a new appropriation for a specific encumbrance, it is carried forward to a new appropriation period to be charged against the new budget. If the Legislature does not provide a new appropriation for an encumbrance, the encumbrance is no longer authorized.

**F. Net Position**

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

*Investment in Capital Assets, net of related debt* – is intended to reflect the portion of net position which is associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost.



*Restricted* – net position is considered restricted by enabling legislation that has been determined to be legally enforceable. Legal enforceability means that a government can be compelled by an external party—such as citizens, public interest groups, or the judiciary—to use resources created by enabling legislation only for the purposes specified by the legislation. Generally, the enforceability of an enabling legislation restriction is determined by professional judgment, which may be based on actions such as analyzing the legislation to determine if it meets the qualifying criteria for enabling legislation, reviewing determinations made for similar legislation of the government or other governments, or obtaining the opinion of legal counsel. However, enforceability cannot ultimately be proven unless tested through the judicial process, which may never occur. The determination of legal enforceability should be based on the underlying facts and circumstances surrounding each individual restriction. The determination that a particular restriction is not legally enforceable may lead a government to reevaluate the legal enforceability of similar enabling legislation restrictions, but should not necessarily lead a government to conclude that all enabling legislation restrictions are unenforceable.

*Deferred Outflows/Inflows of Resources* – In addition to assets, the statement of net position and/or the balance sheet for the governmental funds will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, Deferred Outflows of Resources, represents a consumption of net position/fund balance that applies to a future period and so will not be recognized as an expense or expenditure until then. The Office has no deferred outflows of resources during fiscal year 2017 on the government wide or fund financials.

In addition to liabilities, the statement of net position and/or the balance sheet for the governmental funds will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, Deferred Inflows of Resources, represents an acquisition of net position/fund balance that applies to a future period and so will not be recognized until then.

*Unrestricted* – This category reflects the net position of the Office, not restricted for any project or other purpose.

#### **G. Use of Estimates**

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

#### **H. Spending Policy**

When an expenditure/expense is incurred for purposes for which both restricted and unrestricted resources are available, it is the State's policy to use restricted resources first. When expenditures/expenses are incurred for purposes for which unrestricted (committed, assigned and unassigned) resources are available, and amounts in any of these unrestricted classifications could be used, it is the State's policy to spend committed resources first.

#### **I. Cash and Cash Equivalents**

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



**J. Receivables and Payables**

Receivables consist of amounts due from federal, state and local governments. No allowance for doubtful accounts is established, since all amounts are considered collectible in the subsequent fiscal year.

**K. Capital Assets**

Property, plant and equipment including software, purchased or acquired is carried at historical cost or estimated historical cost. Contributed assets are recorded at the fair market values as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. The State's capitalization policy, i.e., the dollar value above which asset acquisitions including software are added to the capital accounts, is \$5,000. Assets with historical cost under \$5,000 and with a historical cost over \$1,000 that were capitalized prior to July 1, 2005 remain on the Office's capital assets schedule. However, all capital outlay purchases may not necessarily be capitalized. Computer software which has been developed for internal use and which meets the capitalization minimum of \$5,000 is capitalized and depreciated in accordance with the Office's depreciation guidelines.

Depreciation on all exhaustible assets is provided on the straight-line basis with no salvage value. The estimated useful life for capital assets is as follows:

<u>Type</u>	<u>Life</u>
Building improvements	39 years
Furniture and fixtures	7 years
Equipment and Machinery	6 years
Vehicles	5 years
data processing	3 years

There is no debt related to capital assets as of June 30, 2017.

**L. Accrued Compensated Absences**

Qualified employees accumulate annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned Per Pay Period</u>	<u>Hours of Maximum Accrual</u>
1 pay period - 4 years	4.62	240
Over 4 years - 8 years	5.08	240
Over 8 years - 12 years	5.54	240
Over 12 Years - 16 years	6.00	240
Over 16 years and beyond	6.46	240



The maximum accrued annual leave may be carried forward into the beginning of the next calendar year and any excess is lost. When employees terminate, they are compensated for accumulated unpaid annual leave as of the date of termination, up to the aforementioned maximums, at their current hourly rate.

**M. Accrued Sick Leave**

Chapter 150 Laws of 1983, provides for the payment to employees for accumulated sick leave under certain conditions. Employees who have over 600 hours of accumulated sick leave can receive payment for the hours over 600 up to 120 hours on July 1st and January 1st of each year. However, the sick leave will be paid at fifty percent of the employee’s regular hourly wage. At retirement, employees can receive fifty percent payment for up to 400 hours for the hours over 600 hours of accumulated sick leave. Employees who terminate receive no payment for accumulated sick leave; therefore, the only sick leave which has been accrued represents the hours earned at June 30, 2017 over 600 hours. In accordance with GASB 16, accrued compensated absences consisted of accumulated annual leave and related salary payments (employers’ matching FICA and Medicare payroll taxes). Expenditures for accumulated sick pay for hours under 600 hours will be recognized as employees take such absences. Accrued vested sick pay is recorded as a liability in the Governmental Activities Funds.

**N. Interfund Activity**

Interfund transactions are treated as transfers. Transfers between governmental funds are netted as part of the reconciliation to the government-wide financial statements.

**O. Program Revenues**

Program revenues include federal and state grants.

**2. INTEREST IN STATE GENERAL FUND INVESTMENT POOL**

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

At June 30, 2017 the Department had the following invested in the General Fund Investment Pool:

	<u>Bank Balance</u>	<u>Book Balance</u>
Governmental Funds:		
Investment in the State General Fund Investment Pool, fund 16000	\$ 331,342	\$ 331,342
Investment in the State General Fund Investment Pool, fund 26500	(10,660)	(10,660)
Investment in the State General Fund Investment Pool, fund 26600	<u>(4,003)</u>	<u>(4,003)</u>
	<u>\$ 316,679</u>	<u>\$ 316,679</u>



Interest Rate Risk - The New Mexico State Treasurer’s Office has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is 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.

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

For additional GASB 40 disclosure information regarding cash held by the New Mexico State Treasurer, the reader should see the separate audit report for the New Mexico State Treasurer's Office for the fiscal year ended June 30, 2017.

**3. DUE FROM OTHER STATE AGENCIES**

Due from other state agencies consists primarily of grant cost-reimbursements, including \$5,026 due from the New Mexico Crime Victim Reparation Commission (Fund 91602).

**5. CAPITAL ASSETS**

Capital asset activity for the year ended June 30, 2017 was as follows:

	Balance 2016	Additions	Deletions	Balance 2017
Capital assets depreciated:				
Building and improvements	\$ 15,605	-	-	\$ 15,605
Furniture and fixtures	54,249	-	-	54,249
Information Tech Equipment	54,307	-	-	54,307
Vehicles	427,201	27,798	33,244	421,755
Total Capital assets depreciated	<u>551,362</u>	<u>27,798</u>	<u>33,244</u>	<u>545,916</u>
Less accumulated depreciation for:				
Building and improvements	2,801	400	-	3,201
Furniture and fixtures	33,009	3,346	-	36,355
Information tech equipment	18,683	6,287	-	24,970
Vehicles	158,589	78,791	33,244	204,136
Total accumulated Depreciation	<u>213,082</u>	<u>88,824</u>	<u>33,244</u>	<u>268,662</u>
Total capital assets, net	<u>\$ 338,280</u>	<u>(61,026)</u>	<u>-</u>	<u>\$ 277,254</u>

The Office recorded depreciation expense of \$88,824 for the year ended June 30, 2017. The depreciation expense is a direct expense of the public safety function.



**6. COMPENSATED ABSENCES**

The amount recorded as a long-term liability in the government-wide statements for compensated absences consist of accrued annual leave and accrued sick leave as follows:

Balance 2016	Additions	Deletions	Balance 2017	Due in one year
\$111,821	120,806	131,453	\$101,174	\$81,722

**7. DUE TO/FROM THE STATE GENERAL FUND AND OTHER STATE AGENCIES**

The Due from other state agencies in the Statement of Net Position includes \$5,026 that is due from the Crime Victim Reparation Commission (Fund 91602) for VOCA and VAWA federal grants.

The Due to State General Fund in the Statement of Net Position includes \$20,512 in fiscal year 2017 reversions that will be remitted to the State General Fund (Fund 85300).

The Due to other state agencies in the Statement of Net Position includes \$106 that is due to the Crime Victim Reparation Commission (Fund 91602) for VOCA and VAWA federal grants.

**8. INTERAGENCY TRANSFERS**

Transfers in or out of the Agency (Fund #16000) are as follows:

Share Fund	Title	Transfer In	Transfer Out
(1) 85300	Department of Finance and Administration	\$ 2,741,100	\$ -
(1) 14900	FY 2017 Reversion	-	20,512
		<u>\$ 2,741,100</u>	<u>\$ 20,512</u>

(1) Laws of 2016, 52nd Legislature, Second Session, Chapter 11

**9. OPERATING LEASES**

The Agency has operating leases for office equipment, and recorded rental expense of \$20,586 for the year ended June 30, 2017. The leases are accounted for as operating leases and future minimum payments are as follows:

2018	\$ 15,781
2019	15,781
2020	15,781
2021	4,226
2022	-
Total	<u>\$ 51,569</u>

All leases may be terminated at any time with sixty-day notice if the New Mexico Legislature does not grant sufficient appropriation for the lease or if the Office decides that termination is necessary to protect the best interests of the State of New Mexico.



**10. CONTINGENCIES**

The Office is a party to various claims and other legal matters coming about in their normal course of business. The Office does not believe that the results of all claims and other legal matters, individually or in the aggregate will have a material adverse effect on its operations or financial positions.

**Risk of loss** – The Office is insured through the Risk Management Division of the General Services Department, which is accounted for as an internal service fund of the State of New Mexico. In general, Risk Management Division responds to suits against the State and state agencies, manages funds to provide unemployment compensation, tort liability insurance, workers’ compensation and general and property insurance, and attempts to reduce the number of suits against the State and state agencies through the risk management process. The actuarial gains and losses of Risk Management Division were not available and were not included in this report. However, the Office is not liable for more than the premiums paid.

**11. FUND BALANCE**

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

**Nonspendable:** Consists of amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

**Restricted:** Consists of amounts that are restricted to specific purposes as a result of a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.

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

**Assigned:** Consist of amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by (a) the governing body itself or (b) a body (a budget or finance committee, for example) or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes.

**Unassigned:** Represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund.

The Office would typically use restricted fund balances first, followed by committed resources, and then assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend unassigned resources first to defer the use of these other classified funds.



**12. PERA PENSION PLAN**

Compliant with the requirements of Government Accounting Standards Board Statement No. 68, Accounting and Financial Reporting for Pensions, the State of New Mexico has implemented the standard for the fiscal year ending June 30, 2017.

The Office, 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 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 Comprehensive Annual Financial Report (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, New Mexico, 87501.

**13. POST-EMPLOYMENT BENEFITS—STATE RETIREE HEALTH CARE PLAN**

*Plan Description.* The Office 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.

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). 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, 2017, 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, 2017, the statute required each participating employer to contribute 2.0% of each participating employee's annual salary; each participating employee was required to contribute 1.0% of their salary. In addition, pursuant to Section 10-7C-15(G) NMSA 1978, at the first session of the Legislature following July 1, 2013, the legislature shall review and adjust the distributions pursuant to Section 7-1-6.1 NMSA 1978 and the employer and employee contributions to the authority in order to ensure the actuarial soundness of the benefits provided under the Retiree Health Care Act.

The Office's contributions to the RHCA for the years ended June 30, 2017, 2016 and 2015 were \$38,259, \$36,504 and \$36,547, respectively, which equal the required contributions for each year.

#### **14. EVALUATION OF SUBSEQUENT EVENTS**

The Office has evaluated subsequent events through September 22, 2017, which is the date the financial statements were available to be issued.

**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**

**Independent Auditor's Report**

Ms. Francesca M. Estevez, District Attorney  
Sixth Judicial District Attorney  
Silver City, New Mexico  
and  
Mr. Timothy Keller, New Mexico State Auditor  
Office of the State Auditor  
Santa Fe, New Mexico

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, the aggregate remaining fund information, the budgetary comparisons of the general fund and major special revenue funds, of the Office as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise the Office's basic financial statements, and have issued our report thereon dated September 22, 2017.

**Internal Control over Financial Reporting**

In planning and performing our audit, of the financial statements, we considered the Office'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 Office's internal control. Accordingly, we do not express an opinion on the effectiveness of the Office'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 a 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 and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did not identify any deficiencies in internal control that we consider to be significant deficiencies.

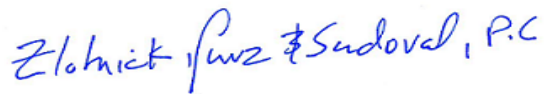
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### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Office'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 did not disclose any instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the 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.



Zlotnick, Laws & Sandoval, P.C.

Santa Fe, NM

September 22, 2017



**Schedule of Findings and Responses  
For The Year Ended June 30, 2017**

**Prior Year – None**

**Current Year – None**



**Exit Conference**

An exit conference was held in a closed session on September 13, 2017. In attendance were the following:

Representing the Sixth Judicial District Attorney:

Francesca M. Estevez, District Attorney

Andrea P. Montoya, Chief Financial Officer

Ashley Ogilvie, Program Administrator

Representing Zlotnick, Laws & Sandoval, P.C.:

Asa Laws, CPA

Brian Laws, CPA

**FINANCIAL STATEMENTS**

The accompanying financial statements of the Office have been prepared by Zlotnick, Laws & Sandoval, P.C., the Office's independent public auditors; however, the financial statements are the responsibility of management.