

STATE OF NEW MEXICO

Apple Orchard Mutual Domestic
Water Consumers Association

INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES

DECEMBER 31, 2017



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INTRODUCTORY SECTION

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
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YEAR ENDED DECEMBER 31, 2017

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STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
OFFICIAL ROSTER
YEAR ENDED DECEMBER 31, 2017

<u>Name</u>	<u>Association Board</u>	<u>Title</u>
Ammon Burton		President
Sam Gonzales		Vice President
Doug Bryan		Secretary
Peggy Hogan		Treasurer
Steve Muniz		Member

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FINANCIAL SECTION



Manning Accounting and Consulting Services, LLC

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Mr. Brian Colón
New Mexico State Auditor
and
Members of the Board and Management
Apple Orchard Mutual Domestic Water Consumers Association
Bloomfield, New Mexico

We have performed the procedures enumerated below, which were agreed to by the State of New Mexico and Apple Orchard Mutual Domestic Water Consumers Association (Association), solely to assist you with respect to the Association's compliance for a Tier 4 engagement of the Audit Act (Section 12-6-1 NMSA 1978 et seq.) with respect to the Association's cash and capital assets as of December 31, 2017 and the Association's revenues, expenditures, and budget for the year ended December 31, 2017. The Association's management is responsible for the company's accounting records and financial information. The agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. The procedures were agreed to by the Association through the NM Office of the State Auditor. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

We were engaged to perform the following agreed-upon procedures for the period January 01, 2017 to December 31, 2017 and our procedures and results are as follow:

1. **Tiered System Reporting**

Procedures:

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

Results:

We reviewed the public body's revenue calculations and tier determination and determined that the Association is subject to a Tier 4 engagement.

2. **Cash**

Procedures:

- a. Determine whether bank reconciliations are being performed in a timely manner and whether all bank and investment statements for the fiscal year are complete and on-hand.
- b. Test at least 30% of bank reconciliations for accuracy. Also, trace ending balances to the general ledger, supporting documentation and the financial reports submitted to DFA-Local Government Division.

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

Results:

- a. We obtained copies of all bank reconciliations from October 2017 through December 2017. Bank balances tied to the hand generated general ledger detail but there was no indication on the bank statements that indicated the bank reconciliations were done or by whom. October 2017 was the first month of operations for the Association so there were only three bank reconciliations to review. See finding FS 2017-001 Bank Reconciliation Procedures.
- b. We selected all three months for review – October, November, and December. We traced reconciled items for those months to determine that they were properly cleared. We inspected all cancelled check images and deposit slips returned with the bank statements to compare actual names and amounts with the general ledger. We traced ending balances to the hand generated general ledger. No final report sent to the DFA-Local Government Division to which we could compare. See finding NM 2017-002 Submission of Required Budgets and Reports to the Department of Finance and Administration.
- c. We reviewed balances at each month end to determine if sufficient pledged collateral had been provided on all uninsured funds. No balances exceeded the FDIC coverage limit of \$250,000 during the year, so no exceptions were noted in these procedures.

3. Capital Assets

Procedures:

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

Results:

The Association did not complete a yearly inventory of its capital assets and have those assets certified by its board. All capital assets of the Association are infrastructure related to the water system which are buried. The Association was unaware that it needed to do an annual inventory and have that inventory certified by its board. See finding NM 2017-003 Annual Physical Inventory.

4. Revenue

Procedures:

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

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

Select a sample of revenues equal to at least 30% of the total dollar amount and test using the following attributes:

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

Results:

- a. We identified the nature and sources of revenue but did not perform an analytical review of those revenue sources. We could not compare them to the budgeted amounts for each classification of revenue as no formal budget had been created. Total receipts were \$81,035.62 of which \$15,737.95 related to a transfer of funds from Animas Valley with the start-up of Apple Orchard

Mutual Domestic Water Consumers Association. We had determined to obtain explanations on revenue categories which varied from budget by 5% and by \$2,500 or more.

- b. We tested the following revenue sources on a cash basis which is how the Association maintains its records:
 - i. Membership fees – The Associations receipts during 2017 relates almost exclusively to membership fees. A total of 23 deposits were made over the three-month period. We selected the two largest deposits plus seven additional deposits for review totaling \$59,881.95, or 74% of total receipts. No exceptions were noted and all revenues were properly categorized and recorded.
- c. All revenue classifications were proper, the amounts agreed to supporting documentation and bank statements, and amounts agreed to general ledger amounts and were recorded in the proper periods. No exceptions were noted.

5. **Expenditures**

Procedures:

Select a sample of cash disbursements equal to at least 30% of the total dollar amount and test using the following attributes:

- a. Determine that amount recorded as disbursed agrees to adequate supporting documentation. Verify that amount, payee, date and description agree to the vendor's invoice, purchase order, contract and cancelled check, as appropriate.
- b. Determine that disbursements were properly authorized and approved in compliance with the budget, legal requirements and established policies and procedures.
- c. Determine that the bid process (or request for proposal process if applicable), purchase orders, contracts and agreements were processed in accordance with the New Mexico Procurement Code (Section 13-1-28 through 13-1-199 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC) and Regulations Governing the Per Diem and Mileage Act (2.42.2 NMAC).

Results:

We selected the three largest disbursements for the period plus five randomly selected disbursements for a total of eight disbursements tested of the 16 total disbursements over the period. Total disbursements were \$38,327.31, and the eight items selected accounted for \$31,577.01, or 82.4% of total disbursements.

- a. We tested each disbursement to ascertain the following:
 - Vendor invoice is clerically accurate
 - Purchase order (P.O.) is clerically accurate and initiated by purchasing agent prior to commitment of funds
 - Amount and payee per check agree to P.O. and invoice
 - P.O. is supported by proper quote or bid documentation as required by State Purchasing Requirements
 - Traced to general ledger
 - Does not violate Anti-Donation Laws
 - Receiving documents identify items received and when and who received them and that items are OK to pay

We tested all disbursement according to the above criteria. The items had proper documentation, except that the Association does not create purchase orders. One payment was a partial payment for legal services as \$10,000 was paid towards an invoice in the amount of \$16,887.66. See finding NM 2017-001 Purchase Orders and Payment Authorization regarding this issue.

- b. The Association didn't have indication of receiving on four of the eight items tested. However, all disbursements included checks which were signed by two directors of the board. There is no

established budget, so expenditures are not within limits as there is no budget. See findings NM 2017-001 Purchase Orders and Payment Authorization and NM 2017-002 Submission of Required Budgets and Reports to the Department of Finance and Administration.

- c. During our review of procedures related to the Procurement Code, we noted no exceptions to the bidding process as no products or services requiring quotes or bids were purchased during this year.

6. **Journal Entries**

Procedures:

Test all non-routine journal entries, adjustments, and reclassifications posted to the general ledger for the following attributes:

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

Results:

- a. The Association had no journal entries in 2017.
- b. No procedures established as the Association had no journal entries.

7. **Budget**

Procedures:

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

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

Results:

- a. The Association did not establish a budget which was submitted to the DFA-LGD. See finding NM 2017-002 Submission of Required Budgets and Reports to the Department of Finance and Administration.
- b. As the Association did not establish a budget, they exceeded their final budget authority. See finding NM 2017-002 Submission of Required Budgets and Reports to the Department of Finance and Administration.
- c. As the Association did not establish a budget there is no Schedule of Revenues and Expenditures – Budget and Actual (Non-GAAP Budgetary Basis).

8. **Other**

Procedures:

If information comes to the IPA's attention (regardless of materiality) indicating any fraud, illegal acts, noncompliance, or any internal control deficiencies, such instances must be disclosed in the report as required by Section 12-6-6 NMSA 1978. The findings must include the required content detailed in Section 2.2.2.10(L) NMAC.

Results:

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

We were not engaged to, and did not, conduct an examination or review, the objective of which would be the expression of an opinion or conclusion on the Association's cash and capital assets as of December 31, 2017 and the Association's revenue, expenditures, and budget for the year ended December 31, 2017. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of management, others within the Association, the State Auditor, the New Mexico Department of Finance and Administration – Local Government Division, and the New Mexico Legislature and is not intended to be and should not be used by anyone other than these specified parties.

Manning Accounting and Consulting Services, LLC

Manning Accounting and Consulting Services, LLC
Kirtland, New Mexico
November 26, 2019

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SUPPLEMENTARY INFORMATION

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section I – Financial Statement Findings

FS 2017-001 – Bank Reconciliation Procedures (Significant Deficiency)

Criteria: In accordance with proper accounting procedures, we were not able to verify that Apple Orchard Mutual Domestic Water Consumers (Association) was completing their reconciliations in a timely manner. A timely reconciliation of bank accounts is normally considered to be completed within 30 days of month end. Also, bank reconciliations should be reviewed and signed and dated by someone other than the individual completing the bank reconciliations.

Condition: The Association did not have copies of any bank reconciliations for review. Additionally, discussion with personnel revealed that formal bank reconciliations were not done in 2017. When reviewing the manual general ledger to the bank statements all transactions were recorded and bank balance and ledger balance were in agreement.

Cause: The Association did not think about the need to complete bank reconciliations and have them signed off by two individuals.

Effect: The Association is unable to document that reconciliations are done timely and are reviewed by a member of the Board.

Auditor's Recommendation: We recommend that all cash reconciliations be signed and dated by the individual performing the reconciliations and that they also be signed and dated by a member of the board to verify secondary review of the bank reconciliations. We recommend that these reconciliations and review of reconciliations occur within 30 days of month-end.

Responsible Official's Plan:

- Specific corrective action plan for finding:
The Secretary of the Board assumed the responsibilities of the Treasurer in January of 2018 and will complete.
- Timeline for completion of corrective action plan:
All monthly bank statements have been reconciled since January of 2018.
- Employee position(s) responsible for meeting the timeline:
Secretary/Treasurer of the Board

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-001 – Purchase Orders and Payment Authorization (Other Non-compliance)

***Criteria:* [13-1-157 NMSA 1978](#) Receipt; inspection; acceptance or rejection of deliveries.**

The using agency is responsible for inspecting and accepting or rejecting deliveries. **The using agency shall determine whether the quantity is as specified in the purchase order or contract and whether the quality conforms to the specifications referred to or included in the purchase order or contract.** If inspection reveals that the delivery does not conform to the quantity or quality specified in the purchase order or contract, the using agency shall immediately notify the central purchasing office. The central purchasing office shall notify the vendor that the delivery has been rejected and shall order the vendor to promptly make a satisfactory replacement or supplementary delivery. In case the vendor fails to comply, the central purchasing office shall have no obligation to pay for the nonconforming items of tangible personal property. If the delivery does conform to the quantity and quality specified in the purchase order or contract, the using agency shall certify to the central purchasing office that delivery has been completed and is satisfactory.

Additionally, [13-1-158 NMSA 1978](#) states:

“No warrant, check or other negotiable instrument shall be issued in payment for any purchase of services, construction or items of tangible personal property unless the central purchasing office or the using agency certifies that the services, construction or items of tangible personal property have been received and meet specifications or unless prepayment is permitted under [Section 13-1-98](#) NMSA 1978 by exclusion of the purchase from the Procurement Code [[13-1-28](#) NMSA 1978].”

Condition: During our review of disbursements we noted the following instances in which proper procedures were not followed:

- The Association does not create purchase orders for purchases
- There is no form of receiving to verify goods and or services were received in 4 of 8 items reviewed. These purchases ranged from \$1,050.82 to \$10,949.64

Cause: Association personnel have not followed state guidelines for the payment of services. Policy clearly states that the Association must have a signed purchase order in place prior to receiving goods and or services and that there is a receiving document to verify goods and services are received.

Effect: Internal control over expenditures and the ability of responsible parties to appropriately monitor budgets for which they bear responsibility may be compromised. Not being in compliance with these requirements places the Association and the Board at risk for fraud or misuse of public funds

Auditor’s Recommendation: We recommend that all personnel be reminded of, or trained in, state policy in regards to payment of goods, services, or construction. All Association personnel need to be aware that a purchase order must be approved prior to expenditure of monies for goods and services and that all goods and services should be signed for indicating when items were received and by whom.

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SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-001 – Purchase Orders and Payment Authorization (Other Non-compliance) (Continued)

Responsible official's view:

- Specific corrective action plan for finding:
The Association was first made aware of the requirement for a purchase order system in July 2019.

- Timeline for completion of corrective action plan:
The Board of Apple Orchard will begin research for an acceptable system of purchase orders during the Dec. 10, 2019 Board meeting.

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

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-002 – Submission of Required Budgets and Reports to the Department of Finance and Administration (DFA) (Other Non-compliance)

Criteria: Section 6-6-3; 6-6-5 and 6-6-6 NMSA 1978 establishes that local public bodies submit a budget and periodic financial report, at least quarterly. State guidelines also require that expenditures not exceed the final budget at the legal level of budgetary control.

6-6-3. Local public bodies; duties.

Every local public body shall:

- A. Keep all the books, records and accounts in their respective offices in the form prescribed by the local government division;
- B. **Make all reports as may be required by the local government division; and**
- C. Conform to the rules and regulations adopted by the local government division.

6-6-5. Record of approved budget.

Upon receipt of any budget approved by the local government division, the local public body shall cause such budget to be made a part of the minutes of such body.

6-6-6. Approved budgets; claims or warrants in excess of budget; liability.

When any budget for a local public body has been approved and received by a local public body, it is binding upon all officials and governing authorities, and no governing authority or official shall allow or approve claims in excess thereof, and no official shall pay any check or warrant in excess thereof, and the allowances or claims or checks or warrants so allowed or paid shall be a liability against the officials so allowing or paying those claims or checks or warrants, and recovery for the excess amounts so allowed or paid may be had against the bondsmen of those officials.

Condition: Apple Orchard Mutual Domestic Water Consumers (Association) did not create an annual budget nor file the budget or quarterly and year-end financial reports with the DFA – Local Government Division. As such, all expenditures for the year were in excess of their legal budgetary authority.

Cause: The Association was unaware that they were required to establish a budget and file quarterly and year-end reports with DFA – Local Government Division.

Effect: The Association is not in compliance with 6-6-3 NMSA 1978

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

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-002 – Submission of Required Budgets and Reports to the Department of Finance and Administration (DFA) (Other Non-compliance) (Continued)

Responsible Official's Plan:

- Specific corrective action plan for finding:
Training and assistance from the RCAC has made the Association aware of the deadline.

- Timeline for completion of corrective action plan:
The Association is aware and has scheduled reports to meet the deadline.

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

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED DECEMBER 31, 2017

Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-003 – Annual Physical Inventory (Other Non-compliance)

Criteria: 12-6-10. Annual inventory.

A. The governing authority of each agency shall, at the end of each fiscal year, conduct a physical inventory of movable chattels and equipment costing more than five thousand dollars (\$5,000) and under the control of the governing authority. This inventory shall include all movable chattels and equipment procured through the capital program fund under Section 15-3B-16 NMSA 1978, which are assigned to the agency designated by the director of the facilities management division of the general services department as the user agency. The inventory shall list the chattels and equipment and the date and cost of acquisition. No agency shall be required to list any item costing five thousand dollars (\$5,000) or less. Upon completion, the inventory shall be certified by the governing authority as to correctness. Each agency shall maintain one copy in its files. At the time of the annual audit, the state auditor shall ascertain the correctness of the inventory by generally accepted auditing procedures.

Condition: The Association did not do a physical inventory which was detailed and certified by the Board for the year ended December 31, 2017.

Cause: The Association was unaware of the requirement to perform an annual physical inventory that is certified by its Board.

Effect: The Association is not in compliance with state statutes with regards to completing an annual physical inventory that is certified by the Board.

Auditor's Recommendation: We recommend that the Association record its assets in a detail register and complete an annual physical inventory which will be certified by the Board at its annual meeting to be in compliance with state statutes.

Responsible Official's Plan:

- Specific corrective action plan for finding:
The Association was made aware that annual inventories are required during this audit.
- Timeline for completion of corrective action plan:
The Association will make the annual inventory an agenda item for the annual Board meetings held each January.
- Employee position(s) responsible for meeting the timeline:
Secretary/Treasurer

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
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Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-004 – Late Submission of IPA Recommendation Form and Agreed-Upon Procedures Contract (Other Non-compliance)

Criteria: 2.2.2.8 F(8)(f) NMAC requires local public bodies that qualify for the tiered system pursuant to Subsections A and B of 2.2.2.16 NMAC and have fiscal year-end other than June 30th to follow the procedures at Subsection D of 2.2.2.16 NMAC and submit the required recommendation for tiered system local public bodies and the completed signed agreed upon procedures contract to the state auditor by December 1st of the year under review.

Condition: Apple Orchard Mutual Domestic Water Consumers Association (Association) did not complete this process in a timely manner.

Cause: The Association was unaware that they were required to select an IPA and complete an agreed-upon procedures contract. As such, they did not meet the December 1, 2017 deadline.

Effect: The submission of the form and the contract to the State Auditor was late.

Auditor's Recommendation: We recommend that the Association complete the IPA recommendation form and agreed-upon procedures contract by the statutory deadline.

Responsible Official's Plan:

- Specific corrective action plan for finding:
Training and assistance from the RCAC has made the Association aware of the deadline.

- Timeline for completion of corrective action plan:
The Association is aware and has scheduled reports to meet the deadline.

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

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
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Section II 12-6-5 NMSA 1978 Findings (Continued)

NM 2017-005 – Late Submission of Agreed-Upon Procedures Report (Other Non-compliance)

Criteria: 2.2.2.9 A(1)(j) NMAC requires local public bodies that qualify for the tiered system pursuant to Subsections A and B of 2.2.2.16 NMAC and have a fiscal year-end other than June 30th to file their agreed-upon procedures report according to Subsection I of 2.2.2.16 NMAC which is no more than five months after the fiscal year-end (June 1st).

Condition: Apple Orchard Mutual Domestic Water Consumers Association (Association) did not complete the agreed-upon procedures report in a timely manner.

Cause: The Association was unaware that they were subject to the Audit Rule and required to submit an agreed-upon procedures report. As such, they did not meet the June 1, 2018 deadline.

Effect: The submission of the agreed-upon procedures report to the State Auditor was late.

Auditor's Recommendation: We recommend that the Association complete the agreed-upon procedures report by the June 1st deadline.

Responsible Official's Plan:

- Specific corrective action plan for finding:
Training and assistance from the RCAC has made the Association aware of the deadline.

- Timeline for completion of corrective action plan:
The Association is aware and has scheduled reports to meet the deadline.

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

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SCHEDULE OF FINDINGS AND RESPONSES
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Section III Prior Year Findings

Apple Orchard Mutual Domestic Water Consumers Association did not have an agreed upon procedures report in the prior year as this is their first year in operation.

STATE OF NEW MEXICO
APPLE ORCHARD MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
OTHER DISCLOSURES
FOR THE YEAR ENDED DECEMBER 31, 2017

Exit Conference

The contents of this report were discussed on November 26, 2019. The following individuals were in attendance.

Apple Orchard Mutual Domestic Water Consumers Association
Doug Bryan, Board Secretary/Treasurer

Manning Accounting and Consulting Services, LLC
Byron R. Manning, CPA, Managing Partner