

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT

AUDITED FINANCIAL STATEMENTS

JUNE 30, 2009

(With Independent Auditor's Report Thereon)

FIDEL A. BERNAL, PC
CERTIFIED PUBLIC ACCOUNTANT
ALBUQUERQUE, NEW MEXICO

**STATE OF NEW MEXICO
THOREAU WATER & SANITATION DISTRICT**

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STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT

Board of Directors

President	James Herman
Vice-President	Bob Marsh
Member	Rex Eby
Member	John Gail
Member	Robert Brochey

Independent Auditor's Report

Mr. Hector H Balderas
New Mexico State Auditor
and
Members of the Board
Thoreau Water and Sanitation District
Thoreau, New Mexico 87323

We have audited the accompanying financial statements of the business-type activities of the State of New Mexico, Thoreau Water and Sanitation District (the District), as of and for the year ended June 30, 2009, which collectively comprise the District's basic financial statements as listed in the table of contents. We also have audited the budgetary comparison presented as supplementary information in the accompanying financial statements as of and for the year ended June 30, 2009. These financial statements are the responsibility of the State of New Mexico, Thoreau Water and Sanitation District's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Except as discussed in the following paragraph, we conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

We were unable to obtain sufficiently detailed property records to adequately extend our auditing procedures to utility plant in service and related depreciation expense, which represents 64% of the District's assets.

In our opinion, except for the effects of such adjustments, if any, as might have been determined to be necessary had we been able to adequately extend our auditing procedures to utility plant in service and related depreciation expense, or had we been able to satisfy ourselves as to those financial activities by other auditing procedures, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the District as of June 30, 2009, and the respective changes in financial position and cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America. In addition, in our opinion, the financial statements referred to above presents fairly, the budgetary comparison for the proprietary fund of the District for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 30, 2009 on our consideration of the District'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* and should be considered in assessing the results of our audit.

The District has not presented the Management's Discussion and Analysis required by GAAP that accounting principles generally accepted in the United States has determined is necessary to supplement, although not required to be part of, the basic financial statements.

A handwritten signature in dark ink, appearing to read "F. J. ...", is written over a horizontal line.

October 30, 2009

Thoreau Water and Sanitation District
Proprietary Fund
Balance Sheet
June 30, 2009

Exhibit-1

ASSETS

Current assets:

Cash and cash equivalents	\$	78,994
Accounts Receivable net of allowance of \$ 677		33,709
Unbilled receivable		10,712
Inventory		5,786
Other Assets		23
Prepaid assets		2,232
		131,456
Total current assets		131,456

Noncurrent assets:

Cash restricted for customer deposits		68,946
Cash restricted for retirement		27,221
Capital assets:		
Property, Plant & Equip		1,376,996
Less accumulated depreciation		(972,243)
		500,920
Total noncurrent assets		500,920

Total assets	\$	632,376
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LIABILITIES

Current liabilities:

Due within one year		
Accounts Payable	\$	3,258
Compensated absences		2,832
Customer deposit payable		16,370
Accrued Payroll & Liab		2,373
		24,833
Total current liabilities		24,833

Noncurrent liabilities:

Compensated absences		2,362
Retirement payable		26,921
		29,283
Total noncurrent liabilities		29,283

Total liabilities		54,116
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NET ASSETS

Invested in capital assets		404,753
Unrestricted		173,507
		578,260
Total net assets		578,260

Total liabilities and net assets	\$	632,376
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The notes to the financial statements are an integral part of this statement.

Thoreau Water and Sanitation District
Proprietary Fund
Statement of Revenues, Expenses, and Changes in Net Assets
For The Year Ended June 30, 2009

Exhibit-2

Operating revenues:	
Charges for services	\$ 209,154
Miscellaneous Income	3,573
	<hr/>
Total operating revenues	212,727
	<hr/>
Operating expenses:	
Salaries	57,482
Contract labor	2,332
Depreciation	43,548
Materials, supplies and maintenance	73,763
Legal & accounting	6,074
Postage	1,792
Retirement fund contributions	2,052
Taxes	12,956
Utilities	30,397
Insurance	9,252
Lab fees	240
Dues and filing fees	458
Telephone	1,985
Other expenses	2,148
	<hr/>
Total operating expenses	244,479
	<hr/>
Operating income (loss)	(31,752)
	<hr/>
Nonoperating revenues (expenses):	
Grant income	9,281
Interest income	1,012
	<hr/>
Total nonoperating revenues (expenses)	10,293
	<hr/>
Change in net assets	(21,459)
	<hr/>
Total net assets - beginning	599,719
	<hr/>
Total net assets - ending	578,260
	<hr/> <hr/>

The notes to the financial statements are an integral part of this statement.

State of New Mexico
 Thoreau Water and Sanitation District
 Proprietary Fund
 Statement of Cash Flows
 For the Year ended June 30, 2009

Exhibit 3

Cash flows from operating activities:	
Received from customer services and fees	\$ 207,701
Cash payments to employees	(55,431)
Paid to suppliers for goods and services	(142,205)
Net cash provided (used) by operating activities	<u>10,065</u>
Cash flows from investing activities:	
Investment income	1,012
Net cash provided (used) by investing activities	<u>1,012</u>
Cash flows from capital and related financing activities:	
Grant revenue	9,281
Deferred revenue	(9,281)
Acquisition of capital assets	(5,383)
Payment of interest	-
Net cash provided (used) by capital and related financing activities	<u>(5,383)</u>
NET INCREASE (DECREASE)	5,694
CASH AND CASH EQUIVALENTS	5,694
Cash and cash equivalents at July 1, 2008	169,467
Cash and cash equivalents at June 30, 2009	<u>\$ 175,161</u>
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES	
Operating Income (Loss)	\$ (31,752)
Adjustment to reconcile operating income (loss) to net cash provided by operating activities:	
Depreciation	43,548
Changes in assets and liabilities:	
(increase) decrease in:	
Accounts receivable	(5,026)
Prepaid insurance	564
Unbilled receivable	(2,750)
Inventory	282
Other assets	33
(decrease) increase in:	
Accounts payable	2,612
Payroll & liabilities payable	0
Retirement payable	2,051
Compensated absences	826
Customer deposits	(323)
Net cash provided (used) by operating activities	<u>\$ 10,065</u>

The notes to the financial statements are an integral part of this statement.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2009

1. Organization and Background

Thoreau Water and Sanitation District (the District) was established under the Laws of 1919, under the provisions of the act now referred to as Chapter 75, Article 1, NMSA 1978. The District operates under the direction of an elected Board of Directors. The Board is required to consist of five members each of which is elected for a period of four years.

The predecessor, Thoreau Mutual Domestic Water Consumers and Sewage Works Association, owned and operated the water and sewage system in the Village of Thoreau from its creation on October 3, 1962. On May 27, 1977, a petition to organize a Thoreau Sanitation District was begun and in 1978 the transfer of the Association to a district was finalized. It is estimated that cash and plant assets of approximately \$240,000 were contributed to the District by McKinley County. These contributions are included in the invested in capital assets.

At the time of the transfer, the District did not and has not refunded memberships paid to the Association.

2. Summary of Significant Accounting Policies

The summary of significant accounting policies of the District is presented to assist in the understanding of the District's financial statements. The financial statements and notes are the representation of Thoreau Water and Sanitation District's management who is responsible for their integrity and objectivity. The financial statements of the District conform to generally accepted accounting principles (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The District's financial statements include all financial information over which the Board of Directors exercises oversight responsibility. Oversight responsibility includes such aspects as appointment of governing body members, designation of management, the ability to significantly influence operations, and accountability for fiscal matters. Based upon the application of these criteria, no component units were included in the financial statements.

a. Measurement focus, basis of accounting and financial statement presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements, neither fiduciary funds or component units that are fiduciary in nature are included. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

The proprietary fund financial statements are reported using 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. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The government uses a proprietary fund to record all of its financial transactions.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009

2 Summary of Significant Accounting Policies (cont.)

a. Measurement focus, basis of accounting and financial statement presentation (continued)

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in the proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private-sector guidance.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the District enterprise fund are charges to customers for sales and services. Operating expense for the enterprise fund include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

b. Reporting Entity

The District includes the accounts of all District operations. The criteria for including organizations within the director's reporting entity primarily include the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of this ability include, but are not limited to, the selection of governing authority, the designation of management, and the ability to significantly influence operations and accountability for fiscal matters. The other criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing arrangements, regardless of whether the District is able to exercise oversight responsibilities. The District is not included in any other governmental reporting entity as defined in Section 2100, *Codification of Governmental Accounting and Financial Reporting Standards*.

There were no component units for the District during the fiscal year ended June 30, 2009, and is not a component unit of any other entity.

c. Basis of accounting

Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements.

The proprietary fund is accounted for using the accrual basis of accounting. Its revenues are recognized when earned and expenses are recognized when a liability is incurred, regardless of the timing of related cash flows.

Revenue from grants, entitlements, and donations are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009**

2. Summary of Significant Accounting Policies (cont.)

d. Capital assets (Utility Plant in Service)

Depreciation of all exhaustible capital assets is charged as an expense against operations. Accumulated depreciation is reported on the balance sheet. The capital assets are stated at cost less accumulated depreciation. Depreciation has been provided over the estimated useful lives using the straight-line method. The District's Policy is to capitalize all disbursements for equipment in excess of \$5,000.

The estimated useful lives assigned to these assets are as follows:

<u>Estimated lives</u>	<u>Years</u>
Buildings	15-35
Water and sewer lines	25
Fences	15
Office equipment	5
Computer Software	3

It is the policy of the District to capitalize the cost of Infrastructure assets (water and sewer lines). Interest incurred during the construction period of major projects is capitalized and depreciated over the estimated lives of the respective assets.

e. Budgets and budgetary accounting

A budget for the Proprietary Fund is prepared by management and approved by the Board of Directors and the State Department of Finance and Administration.

This budget is prepared on the Non-GAAP cash basis, excluding encumbrances, and secures appropriation of funds for only one year. Carryover funds must be re-appropriated in the budget of the subsequent fiscal year. The budget process in the State of New Mexico requires that the beginning cash balance be appropriated in the budget of the subsequent fiscal year.

Actual expenditures may not exceed the budget on a line item basis, i.e., each budgeted expenditure must be within budgeted amounts. Budgets may be amended in two ways. If a budget transfer is necessary within a major category called a 'series', this may be accomplished with only local Board of Directors approval. If a transfer between 'series' or a budget increase is required, approval must also be obtained from the State Department of Finance and Administration.

The budgetary information presented in these financial statements has been amended in accordance with the above procedures.

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

1. In April or May, the management submits to the Board of Directors a proposed operating budget of the fiscal year commencing the following July. The operating budget includes proposed expenditures and the means of financing them, and has approval by the State Department of Finance and Administration.
2. In May or June, the budget is approved by the Board of Directors.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009

2. Summary of Significant Accounting Policies (cont.)

e. Budgets and budgetary accounting (continued)

3. The board meeting, while not intended for the general public, is open for the general public unless a closed meeting has been called for.
4. The management is authorized to transfer budgeted amounts between departments within any fund; however, the Board of Directors and the State Department of Finance and Administration must approve revisions that alter the total expenditure of the Proprietary Fund.
5. Formal budgetary integration is employed as a management control device during the year.
6. The budget for the Proprietary Fund is adopted on a basis not consistent with generally accepted accounting principles (GAAP). Encumbrances are treated the same way for GAAP purposes and for budget purposes.

The Board of Directors may approve amendments to the appropriated budget, which are required when a change is made affecting budgeted ending balances. The appropriated budget for the year ended June 30, 2009 was properly amended by the Board through the year. These amendments resulted in the following changes:

	<u>Original Budget</u>	<u>Final Budget</u>
Proprietary Fund	\$ <u>264,192</u>	\$ <u>264,192</u>

f. Inventory

Inventories of materials and supplies are valued at cost (first in, first out). The expense is recognized at the time the individual items are used.

g. Cash

Cash Equivalents

Interest bearing deposits with maturities of 90 days or less are considered cash equivalents in the statement of cash flows. Restricted cash and cash equivalents are included with unrestricted cash and cash equivalents for cash flow reporting purposes.

Deposits and investments

The District's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

State statutes authorize the investment of the District's funds in a wide variety of instruments including certificates of deposit and other similar obligations, state investment pool, and money market accounts. The District is also allowed to invest in United States Government obligations. All funds for the District must follow the above investment policies.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009

2. Summary of Significant Accounting Policies (cont.)

g. Cash (continued)

Deposits of funds may be made in interest or non-interest bearing checking accounts in one or more banks or savings and loan associations within time geographical boundaries of the District. Deposits may be made to the extent that they are insured by an agency of the United States or by collateral deposited as security or by bond given by time financial institution.

The rate of interest in non-demand interest-bearing accounts shall be set by the State Board of Finance, but in no case shall the rate of interest be less than one hundred percent of the asked price on United States Treasury bills of the same maturity on time day of deposit.

Excess of funds may be temporarily invested in securities which are issued by the State or by the United States government, or by their departments or agencies, and which are either direct obligations of the State or the United States or are backed by the full faith and credit of those governments.

Investments for the District are reported at fair value.

h. Estimation

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

i. Operating Revenues and Expenses

Operating revenues and expenses are those that result from providing services and producing and delivering goods and/or services. It also includes all revenue and expenses not related to capital and related financing, noncapital financing, or investing activities. The District reports expenses related to the use of economic resources.

j. Grants

On September 5, 2006, the District entered into an agreement between the New Mexico, Department of Agriculture, and the Thoreau Water and Sanitation District. The agreement is to provide a reimbursement grant for the amount of \$50,000. The grant was appropriated to the District during the 2006 New Mexico Legislative session, House Bill 622. The grant is to plan, design and construct improvements for the District's water and sanitation system. The grant agreement will terminate on June 30, 2009. As of June 30, 2009 the District expended the entire \$50,000 for wastewater projects and this amount was reimbursed to the District. As of June 30, 2009 the District received \$9,281 which was deferred from the prior year. To date the District has expended \$7,695 in fiscal year 2007, \$33,024 in fiscal year 2008 and \$9,281 in fiscal year 2009 for a total of \$50,000 which has been capitalized.

k. Restricted and Unrestricted Resources

Restricted resources are used for expenses only after unrestricted resources are depleted.

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009**

3. Compensated Absences

Accumulated unpaid vacation time is accrued in the fiscal year when earned. Compensation for absences due to illness is paid at the discretion of the Board of Directors. This amount paid for compensated absence was \$1,312. A summary of changes in compensated absences follows.

	Balance	Increases	Decreases	Balance	Amount
	<u>06-30-08</u>	<u>Increases</u>	<u>Decreases</u>	<u>06-30-09</u>	<u>Due within One Year</u>
Compensated Absences	<u>\$ 4,368</u>	<u>\$ 2,832</u>	<u>\$ (2,006)</u>	<u>\$ 5,194</u>	<u>\$ 2,832</u>

Reduction of debt includes decreases in compensated absences which are not included as expenditures in the operating budget.

4. Changes in Long Term Debt

As of June 30, 2009 the District did not currently have any long-term debt.

5. Changes in Utility Plant in Service

A summary of changes in the utility plant in service for the year ended June 30, 2009 are as follows:

	Balance	Additions	Deletions	Balance
	<u>06-30-08</u>	<u>Additions</u>	<u>Deletions</u>	<u>06-30-09</u>
Business type activities:				
Capital assets, not being depreciated:				
Land	\$ 153,500	\$ 0	\$ 0	\$ 153,500
Capital assets, being depreciated:				
Building	514,543	0		514,543
Water and sewer lines	422,249	0		422,249
Machinery and equipment	145,804	5,383		151,187
Land improvements	126,924	0		126,924
Furniture & equipment	8,593	0		8,593
	1,218,113	5,383	0	1,223,496
Less accumulated depreciation	<u>(928,695)</u>	<u>(43,548)</u>	<u>0</u>	<u>(972,243)</u>
Total capital assets,				
being depreciated, net	<u>289,418</u>	<u>(38,165)</u>	<u>0</u>	<u>251,253</u>
Business type activities				
capital assets, net	<u>\$ 442,918</u>	<u>\$(38,165)</u>	<u>\$ 0</u>	<u>\$ 404,753</u>

Depreciation expense for the year ended June 30, 2009 totaled \$ 43,548.

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009**

6. Summary of cash accounts

Cash is restricted by the amount of \$96,167, representing restrictions for customer deposits and retirements.

At June 30, 2009, the carrying amount of the District's deposits was \$175,161 and the bank balance was \$173,555. Of this balance \$173,555 was covered by federal depository insurance and therefore, the District was not subject to custodial credit risk.

Custodial credit risk is the risk that in the event of a bank failure, the District's deposits may not be returned to it. NM State Statutes require collateral pledged for deposits in excess of the federal deposit insurance to be delivered, or a joint safekeeping receipt be issued, to the District for at least one half of the amount on deposit with the institution. The schedule listed below will meet the State of New Mexico Office of the State Auditor's requirements in reporting the insured and uninsured portion of deposits:

Depository	Account Name	Type of Account	Bank Balance
First Community Bank			
	Interest Business Checking	Checking	\$ 13,017
	Total First Bank		13,017
	Less: FDIC coverage		13,017
	Total not federally insured		\$ 0
Wells Fargo			
	Retirement Fund I	Savings	\$ 27,221
	Total Savings Wells Fargo		27,221
	Less: FDIC coverage		27,221
	Total not federally insured		\$ 0
Wells Fargo	Deposit Account	Checking	16,370
Wells Fargo	Deposit Account	Checking	48,001
	Total Wells Fargo Bank		64,371
	Less: FDIC coverage		64,371
	Total not federally insured		0
Pinnacle Bank			
	Business MMA Account	Savings	\$ 68,946
	Total Pinnacle Bank		68,946
	Less: FDIC coverage		68,946
	Total not federally insured		\$ 0
	Total cash in bank		\$ 173,555
	Add cash on hand		50
	Add outstanding deposits		4,233
	Less outstanding checks		(2,677)
	Reconciled cash balance		\$ 175,161

The types of collateral allowed are limited to direct obligations of the United States Government and all bonds issued by any agency, district or political subdivision of the State of New Mexico. According to the Federal Deposit Insurance Authority, public unit deposits are funds owned by the District. Time deposits, savings deposits and interest bearing now accounts of a public unit in an institution in the same state will be insured up to \$250,000 in aggregate and separate from the \$250,000 coverage for public unit demand deposits at the same institution.

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
NOTES TO BASIC FINANCIAL STATEMENTS-CONTINUED
June 30, 2009**

7. Accounts Receivable

The accounts receivable (customer receivables) reported on the Statement of Net Assets are as follows:

Accounts receivable	\$ 34,386
Estimated uncollectible	<u>677</u>
Total receivables	<u>\$ 33,709</u>

8. Pension Plan

The District established a defined contribution pension (retirement) plan during the fiscal year ended June 30, 1985. The plan does not appear to have been properly established or funded. All of the District employees are covered under the plan. Accordingly, all salaries are covered by the plan.

The plan is merely a savings account setup to record the District's contribution for the employees. Currently the amount in this account is \$27,221 earning interest of .20% (see Comments and Recommendations 07-2).

Retirement eligibility

After one year of employment, all permanent employees of the District are eligible to participate in the plan. Vesting is on a graduated basis: 10% the first year, 20% the second, 50% the third, 75% the fourth and 100% the fifth year. The Board has resolved to contribute 6% of an employee's salary in a segregated savings account for each participating employee. The pension plan is funded monthly. Upon retirement, termination (except for cause), or 50% disability, the employee is entitled to receive the amount in his or her savings account including the interest earned.

9. Risk and Related insurance data

The District is exposed to various risks of loss related to: general and automobile liabilities, including civil rights (torts); theft of, damage to, and destruction of district property assets; errors; injuries to employees; and natural disasters, all of which are covered by commercial insurance. There has been no significant reduction in insurance coverage.

10. Commitments and Contingent Liabilities

In the event that waste water in the lagoons contaminates the local ground water, the District has 24 hours to notify the New Mexico Environmental Department (NMED). If the District fails to provide the proper information and submit a corrective action plan within 15 days, the NMED may assess civil penalties up to \$15,000 per day.

State of New Mexico
Thoreau Water and Sanitation District
Proprietary Fund

Exhibit 4

Schedule of Revenues, Expenses Budget and Actual (non-GAAP Budgetary Basis)
Year ended June 30, 2009

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
Water and Sewer Income	\$ 264,192	\$ 264,192	\$ 208,700	\$ (55,492)
Total revenues	<u>264,192</u>	<u>264,192</u>	<u>208,700</u>	<u>(55,492)</u>
Expenses:				
Salaries and wages	67,000	67,000	56,657	10,343
Contract labor	6,000	6,000	2,332	3,668
Materials, supplies, & maintenance	77,952	77,952	57,793	20,159
Legal & accounting	8,500	8,500	6,074	2,426
Retirement plan	3,500	3,500	2,052	1,448
Taxes & Insurance	36,000	36,000	22,224	13,776
Utilities	35,000	35,000	29,493	5,507
Other - Misc	30,000	30,000	25,424	4,576
Total operating expenses	<u>263,952</u>	<u>263,952</u>	<u>202,049</u>	<u>61,903</u>
Non-operating revenues and expenses:				
Investment income			1,012	1,012
Grant			9,281	9,281
Grant expenses			(9,281)	(9,281)
Reserve Account	(240)	(240)		240
Total non-operating revenue & expenses	<u>(240)</u>	<u>(240)</u>	<u>1,012</u>	<u>1,252</u>
Excess (deficiency) of revenues and other sources over expenses and other uses	-	-	7,663	<u>\$ 7,663</u>
Prior year cash balance required to balance the budget	<u>\$ -</u>	<u>\$ -</u>		
 <u>RECONCILIATION TO GAAP:</u>				
Depreciation			(43,548)	
Accounts receivable			7,776	
Inventory			(282)	
Prepaid Insurance			(598)	
Capital Outlay			5,383	
Accounts payable and accrued expenses			2,147	
Change in Net Assets (Exhibit 2)			<u>\$ (21,459)</u>	

The notes to the financial statements are an integral part of this statement.

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*
(Significant Deficiencies, Reportable Instances of Noncompliance, and Other Matters Identified)

Hector H. Balderas,
New Mexico State Auditor
And
Members of the Board of Directors
Thoreau Water and Sanitation District
Thoreau, New Mexico

We have audited the financial statements of the business-type activities and the budget comparison presented as supplemental information of Thoreau Water and Sanitation District (the District), as of and for the year ended June 30, 2009, and have issued our report thereon dated October 30, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

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

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the District's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the District's financial statements that is more than inconsequential will not be prevented or detected by the agency's internal control. We consider the deficiencies described in the accompanying schedule of findings and responses to be significant deficiencies in internal control over financial reporting, listed as items 07-1, 07-3 and 08-1.

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

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and accordingly would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, of the significant deficiencies described above, we consider items 07-1 and 07-3 to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and responses as items 07-2 and 07-3.

The District's responses to the finding identified in our audit are described in the accompanying schedule of findings and responses. We did not audit the District's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the Board of Directors, management, and the New Mexico State Auditor, the New Mexico Legislature, the New Mexico Department of Finance and Administration and is not intended to be and should not be used by anyone other than these specified parties.



October 30, 2009

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
SUMMARY OF PRIOR YEAR AUDIT FINDINGS
June 30, 2009**

Prior Year Audit Findings

Current Status

07-1	Capital Assets	Repeated in current year
07-2	Defined Contribution Pension Plan	Repeated in current year
07-3	Internal control structure does not allow for adequate segregation of duties	Repeated in current year
08-1	Auditor Preparation of Financial Statements	Repeated in current year

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
SCHEDULE OF FINDINGS AND RESPONSES
June 30, 2009

CURRENT YEAR FINDINGS

08-1 Auditor Preparation of Financial Statements

Condition

The District does not have controls over the preparation of the financial statements which would prevent or detect a misstatement in the financial statements. The District's employees and management lack the training and qualifications to apply generally accepted accounting principles in recording the District's financial transactions and preparation of the financial statements.

Criteria

A system of internal control over financial reporting includes controls over financial statement preparation (including footnote disclosures). Employees and management need to have training and qualifications to apply generally accepted accounting principles in recording the District's financial transactions and preparation of the financial statements. (SAO Rule 2.2.2.8.J.(4) and SAS 112)

Cause

The auditor prepared the audited financial statements (including footnote disclosures) because the District's employees and management lack the proper training and qualifications to apply generally accepted accounting principles in recording the District's financial transactions and preparation of the financial statements.

Effect

The financial statements (including footnotes) could have misstatements that are not discovered on a timely basis.

Recommendation

The District should adopt policies and procedures for controls over financial statement preparation (including footnotes). Also the District should invest in its employees and management so they may receive the proper training and qualifications to apply generally accepted accounting principles in recording the District's financial transactions and preparation of the financial statements.

Agency Response:

The District will consider adopting policies and procedures for controls over financial statement preparation (including footnotes).

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
SCHEDULE OF FINDINGS AND RESPONSES CONTINUED
June 30, 2009

07-1 Capital Assets

Condition

The District does not maintain a historical listing of capital assets by type and location, i.e., buildings, vehicles, furniture and fixtures.

Criteria

Sound accounting and control procedures require that detailed listings of assets be maintained to properly account for and safeguard all the assets of the District (12-6-10 NMSA 1978).

Cause

The current administration inherited the financial records in the state they are now in. The predecessor, Thoreau Mutual Domestic Water Consumers and Sewage Works Association, owned and operated the water and sewage system in the Village of Thoreau from its creation on October 3, 1962. On May 27, 1977, a petition to organize a Thoreau Sanitation District was begun and in 1978 the transfer of the Association to a district was finalized. It is estimated that cash and plant assets of approximately \$240,000 were contributed to the District by McKinley County.

Effect

Without the accounting and control procedures over the assets acquired there is the possibility that assets are not being accounted for properly on the financial records and there is the possibility that assets could be misplaced, lost or stolen.

Recommendation

All assets should be properly accounted for and should be documented on a schedule of property, plant and equipment. The detailed property, plant and equipment listing should be reconciled to the general ledger on a periodic basis.

Response

Concur: The Board concurs with the Auditor's recommendation and will take steps to correct the above finding. Since the organization inherited the financial records in the condition that they are in, it will seek alternatives to establish beginning balances in the capital asset accounts.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
SCHEDULE OF FINDINGS AND RESPONSES CONTINUED
June 30, 2009

07-2 Defined Contribution Pension Plan

Condition

The District established a defined contribution pension (retirement) plan during the fiscal year ended June 30, 1985. The plan does not appear to have been properly established or funded.

Criteria

Although advance IRS approval isn't required, it's desirable and customary to seek it by requesting a determination letter on special forms issued by IRS. Instead of establishing a plan on its own, an employer can adopt a qualified plan using an IRS-approved master or prototype plan prepared and sponsored by trade or professional associations, banks, insurance companies or regulated investment companies. There are strict rules for funding and control over the funds contributed to the plan.

Cause

The current administration inherited the plan as it is now established, which they thought was properly established and was being funded correctly.

Effect

Without a proper defined benefit plan in place the district could face substantial penalties imposed by the IRS.

Recommendation

We recommend that the District take steps to correct the plan.

Response

Concur: The Board concurs with the Auditor's recommendation and will take steps to correct the above finding. Since the current administration inherited the plan as it is now established, it will take steps to correct plan.

STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
SCHEDULE OF FINDINGS AND RESPONSES CONTINUED
June 30, 2009

07-3 Internal control structure does not allow for adequate segregation of duties

Condition:

District internal control related to financial reporting lacks segregation of duties between person receiving money and person recording the daily transactions.

Criteria

Segregation of duties is part sound internal control structure.

Cause

The district lacks the personnel to segregate duties. So the District's management has accepted the degree of risk associated with a known condition because of cost.

Effect

Lack of segregation of duties may allow overrides of internal control to the detriment of the overall objectives of the system.

Recommendation

We recommend that the District re-evaluate their internal control environment and/or appoint an audit committee to redesign internal control operations, in order to safeguard the District's assets.

Response

After a review and discussion in relation to the segregation of duties between receiving money and recording the daily transactions, the Board agreed that at this time with limited funds available for employing extra employees is beyond the District's means. We will continue to review and look at options so the District may in the future be able to improve in the financial internal control.

**STATE OF NEW MEXICO
THOREAU WATER AND SANITATION DISTRICT
OTHER DISCLOSURES
June 30, 2009**

Exit Conference

An exit conference was held at Thoreau Water and Sanitation District on October 30, 2009:

Representing Thoreau Water and Sanitation District were:

James Herman	President
Sherry Botkin	Office Manager

Representing the firm of Fidel A. Bernal, P.C. was:

Fidel A. Bernal, CPA

Report Drafting

The financial statements, accompanying notes, and independent auditor's reports were drafted by Fidel A. Bernal, P.C.; however, maintaining the audited books and records is the responsibility of management. Accordingly, management is responsible for ensuring that these books and records adequately support the preparation of financial statements in accordance with generally accepted accounting principles and that records are current and in balance.

November 30, 2009

State of New Mexico
Office of the State Auditor
2540 Camino Edward Ortiz, Suite A
Santa Fe, NM 87507

Re: Thoreau Water and Sanitation District
Year ended June 30, 2009

For the year ended June 30, 2009 there are no passed adjustments for Thoreau Water and Sanitation District.
