

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

DATE: ¹² March 26, 2019
TO: Board of County Commissioners
FROM: Yvonne Herrera, Accounting and Financial Reporting Manager
VIA: Katherine Miller, County Manager
RE: Resolution 2019-____, a Resolution Repealing and Replacing Various Policies Regarding Fringe Benefits (Finance / Yvonne Herrera)

BACKGROUND:

In 2007 and 2008, the Board of County Commissioners passed Resolutions 2007-100, 2007-155 and 2008-121 to establish policies and procedures for the County's provision of fringe benefits to its employees. Those resolutions restated then-current IRS regulations. An update of our policies and procedures is needed to comply with current IRS regulations and guidance.

DISCUSSION:

The Fringe Benefit Policies and Procedures attached to this resolution would become effective upon approval. Those policies and procedures list out the responsibilities of a newly designated Fringe Benefit Coordinator in the Finance Division. This Coordinator will work with staff in the County departments, division and offices to determine the taxable / non-taxable nature of any proposed fringe benefit, train the departments in the reporting required and obtain acknowledgement from affected staff that the value of any taxable fringe benefit is to be added to the employee's taxable income and may be subject to withholding for taxes, Social Security, and Medicare.

The policy references but does not restate IRS regulations. It will not need to be formally updated if the IRS regulations change in the future.

ACTION REQUESTED:

Request approval of this resolution repealing and replacing various policies regarding fringe benefits.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Resolution No. 2019 - _____

A RESOLUTION REPEALING AND REPLACING VARIOUS POLICIES REGARDING FRINGE BENEFITS

WHEREAS, on June 26, 2007, the Board of County Commissioners adopted Resolution No. 2007-100, A Resolution for Establishing and Implementing a Taxable Fringe Benefits Policy; and

WHEREAS, on September 25, 2007, the Board of County Commissioners adopted Resolution No. 2007-155, A Resolution to Expand the Existing Taxable Fringe Benefits Policy; and

WHEREAS, on July 29, 2008, the Board of County Commissioners adopted Resolution No. 2008-121, A Resolution to Establish and Implement Procedures for the Purchase of Uniforms; and

WHEREAS, these resolutions established procedures for the County's provision of fringe benefits to its employees which are not consistent with current federal regulations and County practices; and

WHEREAS, these resolutions established substantive requirements for determining whether fringe benefits are taxable, and the valuation of such taxable benefits, that are not consistent with current federal regulations; and

WHEREAS, the Finance Division requires procedures that allow for the efficient review and approval of fringe benefits, and consistent reporting and documentation, so that the County can comply with federal regulation and the collective bargaining agreements and the County's employees can ensure that their wages are accurately calculated.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Santa Fe County hereby repeals and replaces the resolutions referenced above and adopts the Fringe Benefit Procedures attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2019.

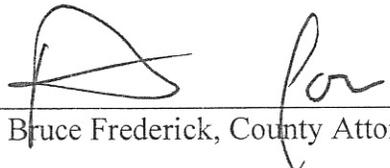
**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANTA FE**

Anna Hamilton, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



R. Bruce Frederick, County Attorney

FINANCE DIVISION

AUTHORITY: RESOLUTION No. 2019-_____

TITLE: FRINGE BENEFITS POLICY AND PROCEDURES

APPLICABILITY: COUNTYWIDE

EFFECTIVE DATE: _____

APPROVED BY: _____
Finance Division

I. PURPOSE

The purpose of this Policy is to provide procedures for the County to identify, evaluate, document, and report taxable fringe benefits in a manner that ensures the County's compliance with the most current regulations and policy of the Internal Revenue Service.

II. SCOPE

This Policy applies to all County employees and elected officials who receive a fringe benefit from the County or manage employees who receive a fringe benefit, and who are designated to implement the procedures described herein.

III. APPLICABILITY

This Policy establishes procedures for the administration of fringe benefits. It is not intended to specify the substantive requirements for determining the taxability of fringe benefits. This Policy should be construed in a manner consistent with collective bargaining agreements and is not intended to express an opinion regarding the taxability of any fringe benefit under the Internal Revenue Code.

IV. DEFINITIONS

Internal Revenue Code: The federal tax law, 26 C.F.R. Chapter 1.

Employee: An employee of the County, including an elected official.

Taxable Income: The portion of an employee's income which is subject to taxation under federal or state law.

Fringe Benefit: A form of pay, in addition to wages, for the performance of services by an employee.

Taxable Fringe Benefit: A fringe benefit that is not excluded from taxation by the Internal Revenue Code.

Fringe Benefit Coordinator: The employee in the Finance Division who is designated by the Finance Director to manage the taxable fringe benefit process for the County.

V. TAXATION AND ACCOUNTING OF FRINGE BENEFITS

1. All fringe benefits shall be included in taxable income unless specifically excluded by the Internal Revenue Code.
2. The County shall add the value of a taxable fringe benefit to the employee's taxable income and reported on the annual W-2 form, and the value of the taxable fringe benefit may be subject to withholding for federal and state taxes, Medicare and Social Security (FICA).

VI. DESIGNATION OF FRINGE BENEFIT COORDINATOR

The Finance Division shall designate an employee to serve as the Fringe Benefit Coordinator ("Coordinator"). The Coordinator shall be responsible to:

1. Work with the County's departments and divisions to identify, evaluate, document, and report fringe benefits provided to employees;
2. Review and process requests for fringe benefits;
3. Address questions and resolve issues regarding fringe benefits;
4. Ensure that the appropriate departments and divisions are apprised of decisions regarding fringe benefits;
5. Ensure that the County pays the employer's contribution to Medicare and Social Security (FICA) taxes for taxable fringe benefits;
6. Ensure that employees are notified of decisions regarding fringe benefits, including any withholding of taxes for fringe benefits; and
7. Provide periodic training to the staff of departments, divisions and elected official's offices.

VII. DETERMINATION OF TAXABLE FRINGE BENEFITS

1. The Coordinator will make the determination whether a fringe benefit, in whole or part, is excluded from taxation, the value of a taxable fringe benefit, and the records and reporting required for a taxable fringe benefit.

2. In making the determinations described above, the Coordinator will comply with the most recent applicable provisions of the Internal Revenue Code and policies of the Internal Revenue Service.
3. No employee shall receive a fringe benefit until the Coordinator determines whether the fringe benefit, in whole or part, is taxable, and the employee acknowledges and authorizes the County to withhold taxes for the fringe benefit, if any.
4. The following procedures apply to a request for approval of a fringe benefit.
 - a. The department, division, or elected official's office shall obtain the County Manager's approval for any fringe benefit offered after the effective date of this Policy unless such fringe benefit was previously approved by the County Manager or incorporated into a final collective bargaining agreement.
 - b. The department, division, or elected official's office shall submit a request to the Coordinator, on a form provided by the Finance Director, to analyze and determine the tax status of a fringe benefit for an employee (other than the group term life insurance provided by the County).
 - c. The Coordinator shall confirm in writing the receipt of a request.
 - d. If the request does not contain sufficient information, the Coordinator shall return the request to the department, division, or elected official's office.
 - e. If the request contains sufficient information, the Coordinator shall make an initial determination whether the fringe benefit, in whole or part, is specifically excluded from taxation, the value of the taxable portion of the fringe benefit, the estimated effect of withholding on the employee's biweekly wages, if any, and the records and reporting required for the fringe benefit.
 - f. The Coordinator shall provide the preliminary determination to the department, division, or elected official's office, and the employee.
 - g. The employee shall certify that he/she acknowledges and authorizes the County to withhold taxes for the fringe benefit, if any, from his/her biweekly wages.
 - h. Upon receipt of the employee's acknowledgement and authorization for the County to withhold taxes for the fringe benefit, if any, from his/her biweekly wages, the Coordinator shall issue a final determination on the

tax status of the fringe benefit, and provide copies of that determination to the department, division, or elected official's office, and the employee.

- i. Confirmation of Purchase.
 1. If a department, division, or elected official's office purchases a fringe benefit (e.g., uniform), it shall submit a record of such purchase and the employee's acknowledgement of receipt of the fringe benefit to the Coordinator.
 2. Upon receipt of such notification, the Coordinator shall ensure that the applicable taxes, if any, are withheld from the employee's biweekly wages.
- j. Each department, division, and elected official's office shall conduct an annual review of take-home vehicles provided as a fringe benefit to determine if the requirements for a fringe benefit are applicable and the tax status and amount of applicable taxes, if any, being withheld from the employee's biweekly wages has changed.

VIII. DOCUMENTATION

1. The County shall record and report taxable fringe benefits to the Internal Revenue Service and Social Security Administration as specified in their respective regulations and policies.
2. The Finance Division shall maintain records of all fringe benefit requests and determinations in accordance with the approved retention schedule.
3. Each department, division, or elected official's office shall maintain a record of each fringe benefit requested on behalf of its employees.

IX. NOTIFICATION OF CHANGES TO FRINGE BENEFITS

The Coordinator shall ensure that employees are given prompt notification of changes affecting their fringe benefits, including changes by the Internal Revenue Service to the valuation methods, rates, and documentation for fringe benefits, and the estimated effect of such changes on the federal and state taxes withheld from biweekly wages.

X. REFERENCES

26 C.F.R. Chapter 1 – Internal Revenue Service, Department of the Treasury

IRS, Employer’s Tax Guide, Publication 15

IRS, Employer’s Tax Guide to Fringe Benefits, Publication 15-B

IRS, Fringe Benefit Guide, Publication 5137 (1-2014)

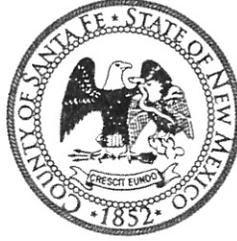
IRS, Quick Reference Guide for Public Employers, Publication 5138 (2-2014)

Santa Fe County Resolution No. 1998-122, A Resolution Establishing a Vehicle Take-Home Policy for Santa Fe County Employees

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



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Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

DATE: *March 12, 2019*

TO: *Board of County Commissioners*

FROM: *Yvonne Herrera, Accounting and Financial Reporting Manager* 

VIA: *Katherine Miller, County Manager*

RE: **Resolution 2019-____, a Resolution Authorizing Acceptance of the FY2018 Audit (Finance / Yvonne Herrera)**

BACKGROUND:

In conformance with 2.2.2 NMAC, Santa Fe County is required to contract with an independent public accountant to perform an annual audit of the County's financial accounts and transactions. On January 29, 2019, the Finance Division and REDW, LLC presented the results of the County's FY2018 Audit to the Board of County Commissioners.

DISCUSSION:

The Local Government Division of the New Mexico Department of Finance and Administration now requires the governing body of each local public body to formally accept the audit findings and management's responses for correcting the findings. This requirement was conveyed to the County in Memorandum BFB-19-01 dated October 3, 2018. Subsequent communication with staff of the Local Government Division clarified that a Resolution formally accepting the presentation from January 29, 2019 would suffice to satisfy this requirement.

ACTION REQUESTED:

Request approval of this resolution authorizing acceptance of the County's FY2018 Audit.

Attached: BCC Memo Presenting the FY2018 Audit Results

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

Resolution No. 2019 - _____

**A RESOLUTION AUTHORIZING ACCEPTANCE
AND APPROVAL OF THE FY2018 AUDIT**

WHEREAS, Santa Fe County is required by statute to contract with an independent auditor to perform a financial audit for Fiscal Year 2018 ("FY2018 Audit"); and

WHEREAS, on December 24, 2018, the State Auditor officially released the FY2018 Audit; and

WHEREAS, on December 29, 2018, the waiting period of five (5) calendar days under NMAC 2.2.2.10(M)(4) expired; and

WHEREAS, on January 29, 2019, the FY2018 Audit was presented to the full Board of County Commissioners at a meeting held in accordance with the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County accepts and approves the FY2018 Audit.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2019.

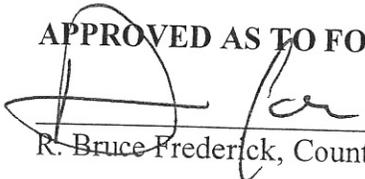
**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANTA FE**

Anna Hamilton, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



R. Bruce Frederick, County Attorney

Henry P. Roybal
Commissioner, District 1

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Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: January 29, 2019
TO: Board of County Commissioners
FROM: Stephanie Schardin Clarke, Finance Division Director
VIA: Katherine Miller, County Manager
SUBJECT: Presentation of Independent Auditor's Presentation of Audited Comprehensive Annual Financial Report for FY 2018

ISSUE:

Pursuant to New Mexico Administrative Code 2.2.2.10.M.(4), *Requirements for Contracting and Conducting Audits of Agencies*, once an audit report is released by the State Auditor, the audit report shall be presented by the auditor to the applicable governing authority in a public meeting.

BACKGROUND AND SUMMARY:

Santa Fe County completed its Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR). Following a November 28, 2018 exit conference with the Audit Committee of the Board of County Commissioners, the CAFR was submitted to the State Auditor on December 3, 2018, in compliance with the deadline established by the State Auditor. The State Auditor released the CAFR on December 24, 2018. Included in this report are the results of the annual CAFR audit, which was conducted by the independent auditor REDW, LLC. As part of the required annual audit, REDW issued three reports as listed below:

1. Independent Auditor's Report (pages 13 – 15)

The independent auditor's report expressed an unmodified or "clean" opinion on the financial statements and on compliance requirements for the major federal award programs of the County.

2. Independent Auditor's 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 (pages 264-265)

During its audit, REDW did not identify any deficiencies in internal control that might be material weaknesses. REDW did report two findings and questioned cost items (Findings

2018-001 and 2018-002) that are considered to be significant deficiencies as part of its financial statement audit.

3. Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by the Uniform Guidance (pages 266-268)

This federal single audit is required because the County expended \$750,000 or more in federal awards during Fiscal Year 2018. As part of the single audit, the Section 8 Housing Choice Voucher program was tested as a major program. In the opinion of REDW, the County complied in all material respects with the types of compliance requirements audited that could have a material effect on the Section 8 Housing Choice Voucher program.

The Schedule of Findings and Questioned Costs is found on pages 272 – 281. To summarize, there were nine findings as follows:

2018-001 – Accounts Payable Cutoff Procedures (Significant Deficiency)

Two liabilities were found to be unrecorded as of June 30, 2018. Although the County has cutoff procedures in place to detect unrecorded liabilities, there was an oversight in regards to two invoices. As a result, journal entries were posted during the year-end audit to properly state liabilities and expenditures at year-end. Although the County made significant progress in its accounts payable cutoff process during fiscal year 2018, these invoices were not properly recorded. The Finance Division will continue to train department staff, ensure year-end closing instructions are delivered to departments timely, and communicate regularly with departments on year-end deadlines as they approach.

2018-002 – Account Reconciliations (Significant Deficiency)

To provide timely and accurate financial reports, general ledger accounts for cash, investments, and property tax receivables should be reconciled on a monthly basis. Account reconciliations should then be reviewed and approved by supervisory personnel independent of the reconciliation process. Auditors noted certain instances in which the subsidiary ledgers did not reconcile to the amounts reported in the year-end financial statements. Management reviewed the reconciliation issues and made appropriate corrections to the financial statements and to the subsidiary ledgers. Although the Finance Division experienced some vacancies in accounting positions during fiscal year 2018 and the period afterwards when financial statements were being prepared, all accounting positions are currently filled. The Finance Division improved its timeliness of closing monthly periods during fiscal year 2018, and will continue to improve in this regard. Finance Division management will set aside additional time to review reconciliations completed by staff, and ensure feedback is given to continually improve work product.

2018-003 – Payroll Transactions

The County is required to process payroll in accordance with the Santa Fe Accounting Manual. Payroll disbursements require review over timesheets before payments are made to employees. In one time card tested, the County's payroll office did not properly calculate the hours in an employee's time card. As such, the employee was underpaid by \$22.36 for that pay period. Payroll office staff will ensure compliance with the Santa Fe County Accounting Manual's required review of timesheets prior to making payments to employees.

2018-004 – Reporting

The Uniform Financial Reporting Standards require public housing agencies to submit timely GAAP-based unaudited and audited financial information electronically to HUD. According to reporting guidance, annual unaudited Financial Assessment of Public Housing Agencies reports are due by August 31st for entities with a fiscal year-end of June 30th. The County did not submit its annual unaudited FASS-PH report to HUD for the fiscal year-ended June 30, 2018 by the August 31, 2018 due date. The Housing Division will ensure all relevant employees receive sufficient training and supervision to ensure compliance with HUD and other requirements in the future, and will enhance its deadline tracking process. The Housing Division will submit a draft FASS-PH to the Finance Division for review no later than August 15 in future years to ensure rigorous review within the County occurs prior to timely submission to HUD.

2018-005 – Cash Receipts (Other Non-Compliance)

With certain exceptions, Section 6-10-3 NMSA 1978 requires all public money in the custody or under the control of any state official or agency obtained or received by any official or agency from any source to be paid into the state treasury. Money is to be deposited before the close of the next succeeding business day after the receipt of the money to deliver or remit it to the state treasurer. This section of law has traditionally been interpreted to include local public bodies. While this interpretation has been questioned, following the 24-hour deposit rule is best practice. For two of twenty-five cash receipts tested, the County Treasurer did not deposit the money into its bank before the close of the next succeeding business day. The Treasurer's Office will review its business processes to ensure compliance in the future. The Finance Division will also conduct outreach to other departments that receive money on behalf of the County to increase awareness of depository deadlines.

2018-006 – Services under Contracts (Other Non-Compliance)

Purchasing procedures and contract managers should ensure that goods are not received, services are not rendered, and payments are not made to vendors operating outside of the approved contract period. The County's Public Works Department did not effectively monitor contracts to ensure services were not rendered on expired contracts. As a result, the County received services and subsequently made payments to two vendors for services outside of the approved contract period. The Public Works Department is aware of these issues and will closely monitor contract expiration dates. The Public Works Department implemented a new system that provides reminders to project managers prior to contract expiration dates during fiscal year 2018. During fiscal year 2019, Finance Division staff has provided extensive training opportunities to staff from all County departments focused on procurement and accounts payable requirements and processes. The Finance Division will continue its emphasis on trainings related to procurement and accounts payable in the future.

2018-007 – OSA Notification of Fixed Asset Dispositions (Other Non-Compliance)

Pursuant to section 13-6-1 NMSA 1978, the County is required to notify the state auditor for all dispositions of tangible personal property that are worn out, obsolete, or unusable to the extent that the item is no longer economical or safe for continued use. One of twelve dispositions tested related to the disposal of a firetruck that was deemed to be a total loss. This disposition was neither reported to the state auditor nor approved by members from a governing authority. Although the County follows a rigorous process to identify surplus property each year for disposal through donation and public auction,

obtain Board of County Commission approval, and submit notice to the State Auditor, that process did not include totaled assets in all cases. In the future, the process for disposing of tangible personal property will be clarified to include fixed assets deemed to be a total loss, and the Finance Division will work closely with the Risk Management Director to obtain notification from Risk Management each time a fixed asset is totaled. The Finance Division will communicate this clarification to all departments.

2018-008 – Collateralization (Other Non-Compliance)

Section 6-10-17 NMSA 1978 and the County investment policy require the County to collateralize an amount equal to one-half of the balance not covered by the Federal Deposit Insurance Corporation (FDIC) for depository accounts. The County had a \$250,000 certificate of deposit that earned interest of \$20, which brought the balance associated with the certificate of deposit to \$250,020 as of June 30, 2018. FDIC insurance is limited to \$250,000 and \$10 of additional collateral was not pledged to cover one-half of the \$20 of interest earned; therefore, the \$20 was uncollateralized as of June 30, 2018. The Treasurer's Office will improve its monitoring of collateral held for all deposits by training staff and obtaining regular reporting from all depositories. The Treasurer's Office will also begin to report on collateralization monthly to the County Investment Committee and quarterly to the County Board of Finance.

2018-009 – Expenditures in Excess of Budget (Other Non-Compliance)

According to NMAC 2.2.2.10(R)(1), if actual expenditures exceed budgeted expenditures at the legal level of budgetary control, that fact shall be reported in a finding and disclosed in the notes to the financial statements. Expenditures in the following funds exceeded budgeted amounts for the year-ended June 30, 2018: Self-Insurance Fund by \$371,827; GOB Debt Service Fund by \$4,583,955; and GRT Revenue Bond Debt Service Fund by \$2,531,468. While the Finance Division's budget office does compare quarterly budget and expenditures reports, accounting corrections to the three funds occurred subsequent to fiscal year end. A final review by the Budget Office was not completed for the fiscal year. The Finance Division will continue to improve its month end, account reconciliation review, and budget review processes to ensure all expenditures are recorded in the appropriate month and any budget deficiencies addressed prior to fiscal year end.

During Fiscal Year 2018, the County resolved four of four findings contained in the Fiscal Year 2017 CAFR audit. The resolved findings related to Single Audit Reporting Submission, Housing Assistance Payments, Travel and Per Diem, and Approval of Contracts.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *March 12, 2019*

TO: *Santa Fe County Board of County Commissioners*

FROM: *Erika Thomas, Budget Administrator* 

VIA: *Katherine Miller, County Manager*

RE: *Resolution No. 2019-_____, A Resolution Requesting a Budget Increase to the Law Enforcement Protection Fund (211) in the amount of \$21,282, for the Law Enforcement Protection Fund Grant (Finance Department/Erika Thomas)*

SUMMARY:

The Finance Division requests approval of this resolution to budget an increase to the Law Enforcement Protection Fund (211) in the amounts of \$17,082 of carry over funds and \$4,200 in the current year awarded for a total of \$21,282.

BACKGROUND:

As per the Law Enforcement Protection Fund Act, (LEPF) Act, 29-13 NMSA 1978 and LEPF Rule, 2 NMAC 110.3, this funding is made to provide equitable distribution of money to the Santa Fe County Sheriff's Department to enhance the efficiency and effectiveness of law enforcement services.

On October 29, 2018, the Department of Finance and Administration/Local Government Division (DFA/LGD), approved the Sheriff's Department to budget a carryover amount of \$17,082 in order for the Sheriff's Office to expend the remaining amount of funds available. On May 4, 2018, DFA/LGD issued the FY 2019 award distribution of LEPF Funds to Santa Fe County for \$85,800. During the FY 2019 budget planning session, \$81,600 was budgeted, an additional \$4,200 needs to be budgeted to match the amount awarded to Santa Fe County Sheriff's Department.

ACTION REQUESTED:

The Finance Department requests approval of this resolution to the Law Enforcement Protection Fund (211) in the amount of \$21,282.

SANTA FE COUNTY

RESOLUTION 2019 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on _____, did request the following budget adjustment:

Department / Division: Sheriff's Office

Fund Name: Law Enforcement Protection Fund (LEPF)

Budget Adjustment Type: Budget Increase

Fiscal Year: 2019 (July 1, 2018 - June 30, 2019)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
211	1210	371	08-00	LEPF Fund/Sheriff/ Law Enforcement	\$4,200	
211	0000	385	02-00	LEPF Fund/Budgeted Cash	\$17,082	
TOTAL (if SUBTOTAL, check here)					\$21,282	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY /LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
211	1210	425	60-03	LEPF Fund/Sheriff/Supplies	\$21,282	
TOTAL (if SUBTOTAL, check here)					\$21,282	

Requesting Department Approval: Ken Johnson Title: Undersheriff Date: 2.28.19

Finance Department Approval: [Signature] Date: 2.28.19

County Manager Approval: [Signature] Date: 3.1.19

Entered by: _____ Date: _____

Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2019 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Fran Dunaway Dept/Div: Sheriff's Office/Administration Phone No.: (505) 986-2458

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- As per the Law Enforcement Protection Fund Act, (LEPF) Act, 29-13 NMSA 1978 and LEPF Rule, 2 NMAC 110.3, this funding is made to provide equitable distribution of money to the Santa Fe County Sheriff's Department to enhance the efficiency and effectiveness of law enforcement services.
- On October 29, 2018, the Department of Finance and Administration/Local Government Division (DFA/LGD), approved the Sheriff's Department to budget a carryover amount of \$17,082 in order for the Sheriff's Office to expend the remaining amount of funds available. On May 4, 2018, DFA/LGD issued the FY 2019 award distribution of LEPF Funds to Santa Fe County for \$85,800. During the FY 2019 budget planning session, \$81,600 was budgeted, an additional \$4,200 needs to be budgeted to match the amount awarded to Santa Fe County Sheriff's Department.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense or for NON-RECURRING (one-time only) expense _____

SANTA FE COUNTY

RESOLUTION 2019 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Eran Dunaway

Dept/Div: Sheriff's Office/Administration

Phone No.: (505) 986-2458

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES NO
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES NO
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of an award letter and proposed budget.
Pursuant to the Law Enforcement Protection Fund (LEPF) Act, Section 29-13-5 NMSA 1978 and NMAC 2.110.3, LEPF Distribution
 - c) Is this request is a result of Commission action? YES NO
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.)
 - d) Please identify other funding sources used to match this request.
N/A

SANTA FE COUNTY
RESOLUTION 2019 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This _____ Day of _____, 2019.

Santa Fe Board of County Commissioners

Anna Hamilton, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

Exhibit A

Department of Finance & Administration / Local Government Division Law Enforcement Protection Fund Carryover Request Form

****(this form must accompany the final budget submission for counties & municipalities)****

Entity Name: Santa Fe CO
 Contact Name: Ron E. Madrid
 Contact Title: Undersheriff
 Contact Phone Number: (505) 986-2456
 Contact E-mail Address: rmadrid@santafecountynm.gov

<i>I hereby certify that the information presented on this form is true and correct to the best of my knowledge.</i>	
	<u>10-26-18</u>
Signature	Date

We hereby request approval from the Director of the Department of Finance & Administration / Local Government Division (DFA/LGD) to carryover the following balance from the Law Enforcement Protection Fund (LEPF) distribution:

Current Fiscal Year:	<u>FY 2017/2018</u>
Total Distribution for Current FY:	<u>\$81,600.00</u>
Balance on June 30th:	<u>\$17,082.00</u>

If the carryover is approved, we will be expending the balance in the succeeding fiscal year for the following allowable uses:

Succeeding Fiscal Year: FY 2018/2019
(This is the fiscal year that balance will be carried over to)

Please state the unusual circumstances requiring an unexpended amount to be carried over and also note the allowable uses (pursuant to LEPF Rule, 2.110.3.8 NMAC) for the carryover balance. - please detail below:

The requested additional unexpended amount \$4,754 was discovered by the SF County Finance Department, Grants Division October 15, 2018. The unexpended amount had been encumbered and discovered once all 2018 encumbered funds were released. The additional requested carryover LEP Funds will be utilized for the purchase of the sheriff's SWAT team armored vests. On 9/26/18 a LEP Fund request for carryover form for \$9,718 for the purchase of the SWAT team armored vests was approved from DFA/LGD 10/1/18 so the \$4,754 will also be applied to the purchase of the SWAT vests. The total cost for these vest is \$ 22,481. total allowable use of LEP Funds for these vests is \$ 12,328. In May 2018 a carryover request was submitted for \$2,610 and approved, so the total amount requested to carryover is \$17,082 UNUSUAL CIRCUMSTANCES: Due to the Account Senior position at the sheriff's office being vacated mid-April 2018 the direction and communications pertinent to the utilization of FY 2018 LEP funds were not relayed to essential sheriff's office staff timely or accurately in order to generate and submit the LEP funds carryover request form to DFA

*The June 30th balance should only be from the LEPF distribution and not include any other revenue sources. If the June 30th balance is greater than the total distribution amount for the current fiscal year, then the entity has a balance left over from a prior fiscal year's carryover. Balances can only be carried over for one subsequent year. Therefore, the balance calculated below that is from a prior fiscal year's carryover must be reverted to the State of New Mexico:

Calculated Reversion Amount

Balance on June 30th:	<u>\$17,082.00</u>
LESS Total Distribution for Current FY:	<u>\$81,600.00</u>
Reversion Due to State:	<u>None</u>

Reversion Instructions

A check made payable to the "State of New Mexico, Department of Finance & Administration" for the Reversion Due to State amount above should be mailed to the following address:

*Jolene Gonzales, Special Projects Analyst
 DFA / Local Government Division
 Bataan Memorial Building, Suite 201
 Santa Fe, NM 87501*

If you have questions on this form, please call (505) 827-4933.

Pursuant to the LEPF Rule, 2.110.3.10C, New Mexico Administrative Code, "The distributions from the fund are to be expended, not accumulated, except as provided for the peace officers' survivors fund. Any unexpended award amount remaining at the end of a fiscal year may be carried over to a succeeding fiscal year only with prior written approval from the division. An applicant wishing to request such a carryover must submit a request in writing to the division by July 31 explaining the unusual circumstances requiring an unexpended amount to be carried over to the succeeding fiscal year. The division director will review the unusual circumstances associated with the unexpended amount and determine whether the amount may be carried over."

FOR DFA/LGD USE ONLY:	Carryover Amount*: <u>\$17,082.00</u> ✓
APPROVED BY LGD DIRECTOR:	DISAPPROVED BY LGD DIRECTOR: <input type="checkbox"/>
SIGNATURE: _____	DATE: <u>10/29/18</u>

*If LGD Director has disapproved carryover, then this carryover amount must be reverted back to the State (refer to "reversion instructions" above).

BW

Exhibit B

SUSANA MARTINEZ
GOVERNOR



DUFFY RODRIGUEZ
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

JOLENE SLOWEN
DEPUTY DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

TO: Chief Law Enforcement Officers

FROM: Rick Lopez, Director, Local Government Division 

DATE: May 4, 2018

RE: Law Enforcement Protection Fund FY2018-2019 Initial Determination

Pursuant to the Law Enforcement Protection Fund Act, Section 29-13-5 NMSA 1978, and NMAC 2.110.3, Law Enforcement Protection Fund Distribution, the Local Government Division (Division) hereby notifies all applicants of the proposed Law Enforcement Protection Fund distribution for Fiscal Year 2019.

Section 29-13-5 NMSA 1978 states, "No later than May 1 of each year, the Division shall notify in writing each affected municipal police, university police, tribal police and county sheriff's department of its determination of money to be distributed pursuant to the provisions of Section 29-13-4 NMSA 1978. Any affected department may appeal that determination by filing a notice of appeal with the secretary of finance and administration no later than May 15. If an appeal is filed, the secretary of finance and administration shall review the determination of the Division in an informal and summary proceeding and shall certify the result of the appeal to the Division no later than June 30, and the Division shall adjust its determination accordingly. If no appeal is filed, the original determination of the Division shall be final and binding and not subject to further review."

Attached is your entity's distribution for Fiscal Year 2019 as determined by the Division. If you wish to appeal the Division's determination, you may send a written appeal, including your entity's requested action and information supporting the basis for the appeal, to: Duffy Rodriguez, Secretary of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Suite 180, Santa Fe, NM 87501. Any appeal must be postmarked no later than May 15, 2018.

Please be reminded that the proceeds of Law Enforcement Protection Fund distributions are legally restricted to expenditure for specific purposes and must be budgeted and accounted for in a special revenue fund.

The attached determination of the Division does not include verified intercept agreements with the New Mexico Finance Authority (NMFA). If your agency has entered into an agreement with the NMFA for Fiscal Year 2019, a final distribution worksheet will be disseminated on May 31, 2018.

If you have any questions, please call Jolene Gonzales, Budget and Finance Bureau, Special Projects Analyst, at (505) 827-4933.

Exhibit B

DEPARTMENT OF FINANCE AND ADMINISTRATION - LOCAL GOVERNMENT DIVISION

Law Enforcement Protection Fund Distribution (LEPF) - NM Counties

Fiscal Year: July 1, 2018 To June 30, 2019

MAY 1, 2018 - INITIAL DISTRIBUTION

COUNTY	Population 2010 Census Counties	Population 2010 Census Muni's (1)	Net County Population	Class [1, 2, or 3]	LEPF Base Amount	No. of Certified Officers (5)	Total @ \$600 Per Officer	Prorated Amount @ 100%	Total LEPF Distribution	LEPF Pledges (NMFA)	Total County Distribution
Bernalillo (5)	662,564	(551,876)	110,688	2	\$30,000	313	\$187,800	\$187,800	\$217,800		\$217,800
Catron	3,725	289	4,014	1	\$20,000	8	4,800	4,800	24,800		\$24,800
Chaves	65,645	(51,325)	14,320	1	\$20,000	36	21,600	21,600	41,600		\$41,600
Cibola (5)	27,213	(12,427)	14,786	1	\$20,000	9	5,400	5,400	25,400		\$25,400
Colfax	13,750	(10,713)	3,037	1	\$20,000	10	6,000	6,000	26,000	\$17,285.47	\$8,715
Curry	48,376	(39,663)	8,713	1	\$20,000	19	11,400	11,400	31,400		\$31,400
De Baca	2,022	(1,031)	991	1	\$20,000	1	600	600	20,600		\$20,600
Dona Ana (3)	209,233	(125,038)	84,195	2	\$30,000	125	75,000	75,000	105,000		\$105,000
Eddy (5)	53,829	(38,957)	14,872	1	\$20,000	50	30,000	30,000	50,000		\$50,000
Grant	29,514	(15,626)	13,888	1	\$20,000	33	19,800	19,800	39,800		\$39,800
Guadalupe	4,687	(3,294)	1,393	1	\$20,000	6	3,600	3,600	23,600	\$16,219.56	\$7,380
Harding	695	(93)	602	1	\$20,000	3	1,800	1,800	21,800	\$7,400.00	\$14,400

Law Enforcement Protection Fund Distribution (LEPF) - NM Counties
 Fiscal Year: July 1, 2018 To June 30, 2019

MAY 1, 2018 - INITIAL DISTRIBUTION

COUNTY	Population 2010 Census Counties	Population 2010 Census Muni's (1)	Net County Population	Class [1, 2, or 3]	LEPF Base Amount	No. of Certified Officers (5)	Total @ \$600 Per Officer	Prorated Amount @ 100%	Total LEPF Distribution	LEPF Pledges (NMFA)	Total County Distribution
Hidalgo	4,894	(2,797)	2,097	1	\$20,000	7	4,200	4,200	24,200		\$24,200
Lea	64,727	(50,898)	13,829	1	\$20,000	61	36,600	36,600	56,600		\$56,600
Lincoln	20,497	(13,329)	7,168	1	\$20,000	22	13,200	13,200	33,200		\$33,200
Los Alamos (2)	17,950	0	17,950	1	\$20,000	32	19,200	19,200	39,200		\$39,200
Luna	25,095	(16,519)	8,576	1	\$20,000	29	17,400	17,400	37,400		\$37,400
McKinley (5)	71,492	(21,678)	49,814	2	\$30,000	30	18,000	18,000	48,000		\$48,000
Mora (5)	4,881	(314)	4,567	1	\$20,000	4	2,400	2,400	22,400	\$15,562.00	\$6,838
Otero (5)	63,797	(33,919)	29,878	2	\$30,000	38	22,800	22,800	52,800		\$52,800
Quay	9,041	(6,689)	2,352	1	\$20,000	6	3,600	3,600	23,600		\$23,600
Rio Arriba	40,246	(7,996)	32,250	2	\$30,000	23	13,800	13,800	43,800		\$43,800
Roosevelt	19,846	(12,477)	7,369	1	\$20,000	13	7,800	7,800	27,800		\$27,800
Sandoval	131,561	(104,809)	26,752	2	\$30,000	51	30,600	30,600	60,600		\$60,600
San Juan	130,044	(60,752)	69,292	2	\$30,000	98	58,800	58,800	88,800		\$88,800

Law Enforcement Protection Fund Distribution (LEPF) - NM Counties
 Fiscal Year: July 1, 2018 To June 30, 2019

MAY 1, 2018 - INITIAL DISTRIBUTION

COUNTY	Population 2010 Census Counties	Population 2010 Census Mun's (1)	Net County Population	Class [1,2, or 3]	LEPF Base Amount	No. of Certified Officers (5)	Total @ \$600 Per Officer	Prorated Amount @ 100%	Total LEPF Distribution	LEPF Pledges (NMFA)	Total County Distribution
San Miguel	29,393	(15,145)	14,248	1	\$20,000	7	4,200	4,200	24,200	\$24,200.00	\$0
Santa Fe (4)	144,170	(71,197)	72,973	2	\$30,000	93	55,800	55,800	85,800		\$85,800
Sierra	11,988	(8,355)	3,633	1	\$20,000	11	6,600	6,600	26,600		\$26,600
Socorro	17,866	(9,989)	7,877	1	\$20,000	12	7,200	7,200	27,200	\$20,563.76	\$6,636
Taos	32,937	(8,032)	24,905	2	\$30,000	21	12,600	12,600	42,600		\$42,600
Torrance	16,383	(4,493)	11,890	1	\$20,000	13	7,800	7,800	27,800		\$27,800
Union	4,549	(3,179)	1,370	1	\$20,000	4	2,400	2,400	22,400		\$22,400
Valencia (3)	76,569	(29,668)	46,901	2	\$30,000	48	28,800	28,800	58,800		\$58,800
TOTALS	2,059,179	(1,331,989)	727,190		\$760,000		\$741,600	\$741,600	\$1,501,600	\$101,231	\$1,400,369

Notes:

- 1 The populations of municipalities not served by a municipal police department are assigned to the county and; therefore, not entered in this column.
- 2 Los Alamos has a combined county and municipal government and will receive only one LEPF distribution.
- 3 3,660 of Peralta's population is subtracted from Valencia County due to the entity's incorporation which is reflected in the 2010 Census.
 9,470 of Anthony's population is subtracted from Dona Ana County due to the entity's incorporation which is reflected in the 2010 Census.
- 4 3,250 of Espanola's 10,224 population reside in Santa Fe Co. and are subtracted from Santa Fe's total population
 in computing the county's net population for LEPF purposes.

Law Enforcement Protection Fund Distribution (LEPF) - NM Counties
 Fiscal Year: July 1, 2018 To June 30, 2019

MAY 1 2018 - INITIAL DISTRIBUTION

COUNTY	Population 2010 Census Counties	Population 2010 Census Muni's (1)	Net County Population	Class [1, 2, or 3]	LEPF Base Amount	No. of Certified Officers (5)	Total @ \$600 Per Officer	Prorated Amount @ 100%	Total LEPF Distribution	LEPF Pledges (NMLFA)	Total County Distribution
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5 Adjustments may have been made to the number of certified officers you reported. All applications were compared to the "New Mexico Officer Registry" maintained by the Training and Recruiting Division at the New Mexico Department of Public Safety. Generally, adjustments resulted for officers who have changed departments within the past year. Newly hired officers must be reported by their current employers to the Training and Recruiting Div. to validate the certifications with that department. If newly hired officers are not reported, the officer is listed as "unemployed" by the Training and Recruiting Div. until the officer has been reported. If an officer is listed as "unemployed" for two years, the officer must be recertified. To prevent any problems in the future, please make sure the official registry at DPS has been updated and is current as of March 31st each year. For more information, you may contact the Training and Recruiting Division at 4491 Cerrillos Road, Santa Fe, NM 87505 or by telephone at (505) 827-9276

In some instances, officers were claimed who are no longer certified or no longer employed. Only certified officers employed full-time and those who will be certified by July 1 are eligible for a \$600 distribution.

NOTE: The 2010 Census population data did not change the classification for any county.

