

SANTA FE COUNTY
RESOLUTION 2020-13

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
Budget Adjustment Type (drop down) _____ Budget Decrease

Fiscal Year: 2020 (July 1, 2019 - June 30, 2020)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
211	0000	385	02-00	LEPF Fund/Subsidies/Budgeted Cash		\$ 4,831.00
TOTAL					\$ -	\$ 4,831.00

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
211	1210	425	80-99	LEPF Fund/Sheriff/Capital Inv Exempt		\$ 4,831.00
TOTAL					\$ -	\$ 4,831.00

Requesting Department Approval: Ms. S. P. /

Title: UNASSIGNED Date: 2.5.2020

Log # 0974

Budget Administrator _____

Finance Department Approval: [Signature] Entered by: _____ Date: _____

County Manager Approval: [Signature] Date: 2/11/2020

Updated by: _____ Date: _____

**SANTA FE COUNTY
RESOLUTION 2020- 13**

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT

(If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.)

Please summarize the request and its purpose in the area below.
 The Santa Fe County Sheriff's Office receives revenues each year from the State based on population and the number of officers. These funds can be expended on equipment, training and conferences for law enforcement officers as well as equipment and training for K-9 units.

This year's allocation in the fund is \$79,800. Cash balances that are less than \$100,000 from the previous year's distribution can be carried over with the approval of the Local Government Division. The Sheriff's Office submitted a request at the end of FY19 to carry forward unspent cash in the amount of \$22,248 into the current fiscal year. Due to FY19 encumbrances being paid after the report was submitted and approved in July, the actual amount of carry forward request should have been \$17,417; a reduction in the amount of \$4,831.

Also, due to a budgeting error in the Local Government Budget Management System, the expenditure budget was overstated by \$158,674. While the original budget in the County's system was correctly stated at \$79,800, it was budgeted at \$238,474 on the State's side. This reduction does not affect the County's corrected FY20 budget amount of \$97,217 (\$79,800 plus adjusted carry forward of \$17,417).

1

Is this Budget Action for a Recurring or Non Recurring Expense(one-time)	Recurring <input type="checkbox"/>	Non-Recurring <input checked="" type="checkbox"/>
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2

Does this request impact a revenue source?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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3

A. Is this a State Special Appropriation? If Yes, cite Statute and attach a copy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Does this include state or federal funds? 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 a award letter and proposed budget.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C. Is this request a result of Commission action? If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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D. Is a match required? If Yes, please identify funding source in the line below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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PLEASE PROVIDE THE LINE ITEM OF THE MATCH BELOW

SANTA FE COUNTY
 RESOLUTION 2020-13

FUND	DEPARTMENT	ACTIVITY	ELEMENT	CATEGORY / LINE ITEM	AMOUNT	BUDGETED (Drop Down)

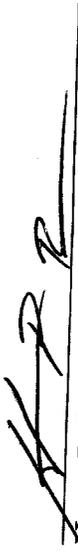
SFC CLERK RECORDED 02/12/2020

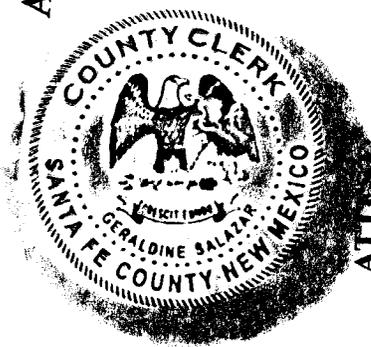
SANTA FE COUNTY
RESOLUTION 2020-13

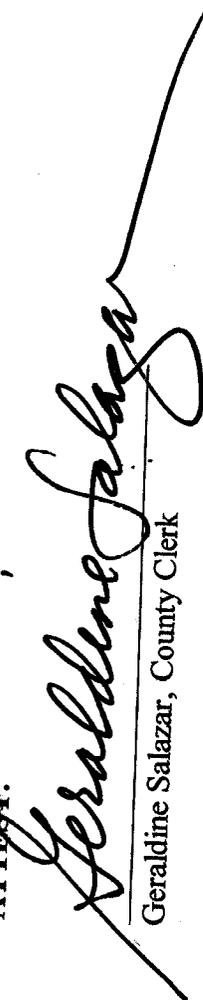
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 11th Day of February, 2020.

Santa Fe Board of County Commissioners


Henry P. Roybal, Chairperson




Geraldine Salazar, County Clerk

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC RESOLUTIONS
PAGES: 10

I Hereby Certify That This Instrument Was Filed for Record On The 12TH Day Of February, 2020 at 09:07:05 AM And Was Duly Recorded as Instrument # 1909031 Of The Records Of Santa Fe County



0202/21/2020

CLERK RECORDED

Deputy County Clerk, Santa Fe, NM
Witness My Hand And Seal Of Office
Geraldine Salazar



COPY

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: Ken Johnson
Contact Title: Undersheriff
Contact Phone Number: (505) 986-2457
Contact E-mail Address: kjohnson@santafecountynm.gov

I hereby certify that the information presented on this form is true and correct to the best of my knowledge:
M. Johnson 7.30.19
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: FY2018/2019
Total Distribution for Current FY: \$85,800.00
Balance on June 30th:* \$22,248.00

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

Succeeding Fiscal Year: FY2019/2020
(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:

On 3/7/19 PO #194387 to vendor GT Distributors for \$23,768 (attached) to purchase all new firearms (replace existing firearms) and as of July 22, 2019. The SO has received a majority of the firearms, but some are on back order the balance to be paid is \$12,523. On 5/3/19 PO #195077 to vendor GALLS for \$7,464 (attached) to purchase five (5) custom honor guard uniforms for the SO's Honor Guard Unit. These custom honor guard uniforms have not been completed by 6/30/19 due to the unique customizations required. The SO anticipates the uniforms completed no later than 10/31/19. On 6/5/19 PO #195667 to vendor Applied Concepts for \$2,261 to purchase a new radar/lidar for a traffic unit. The radar/lidar was put on back order due to a shortage in manufacturing but has been received 7/24/19. The SFC SO requests to carryover LEPF FY 2019 balance \$22,248 in order to liquidate these funds for the above pending law enforcement purchases. Pursuant to Title 2, Chapter 10, Part 3 LEPF 2.110.3.8 NMAC B. Eligible expenditures included but are not limited to: (6) Uniforms, belts, badges, holsters and related apparatus;

*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: \$22,248.00
LESS Total Distribution for Current FY: \$85,800.00
Reversion Due to State: None

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) 827-4900.

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*: \$22,248.00 ✓

APPROVED BY LGD DIRECTOR:

DISSAPPROVED BY LGD DIRECTOR:

SIGNATURE: [Signature]

DATE: 7 Aug 19

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

SFC CLERK RECORDED 02/12/2020

57130 Rent of Equipment/Machinery	25,244.00
57150 Subscriptions & Dues	250.00
57160 Telecommunications	61,345.00
57170 Utilities - Electricity	63,485.00
57171 Utilities - Natural Gas	44,320.00
57173 Utilities - Water	9,484.00
57999 Other Operating Costs	87,241.00

57000 Totals 477,592.00

58000 Capital Purchases Original Budget

58010 Buildings & Structures	852,793.00
58020 Equipment & Machinery	119,048.00
58080 Vehicles	194,477.00
58999 Other Capital Purchases	206,904.00

58000 Totals 1,373,222.00

3002 Totals 3,161,121.00

50000 Expenditures Totals 3,161,121.00

21100 Law Enforcement Protection

10000 Assets

0001 No Department

10100 Cash Assets Original Budget

10101 Unrestricted Cash	158,674.00
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10100 Totals 158,674.00

0001 Totals 158,674.00

10000 Assets Totals 158,674.00

40000 Revenues

0001 No Department

46000 Miscellaneous Revenues Original Budget

46900 Miscellaneous - Other	0.00
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46000 Totals 0.00

47000 Intergovernmental Grants (Distributions) Original Budget

47110 State - Law Enforcement Protection (DFA)	79,800.00
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47000 Totals 79,800.00

0001 Totals 79,800.00

40000 Revenues Totals 79,800.00

50000 Expenditures

1005 County Sheriff

53000 Travel Costs Original Budget

53030 Travel - Employees	13,500.00
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53000 Totals 13,500.00

56000 Supplies Original Budget

56030 Supplies - Field Supplies	51,800.00
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56000 Totals 51,800.00

57000 Operating Costs Original Budget

57050 Employee Training	4,500.00
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57000 Totals 4,500.00

58000 Capital Purchases Original Budget

58999 Other Capital Purchases	168,674.00
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58000 Totals 168,674.00

1005 Totals 238,474.00

50000 Expenditures Totals 238,474.00

21400 Lodgers' Tax

10000 Assets

0001 No Department

SFC CLERK RECORDED 02/12/2020

Fund	Department	Object Code	Original Budget	Adjusted Budget
21100 Law Enforcement Protection	1005 County Sheriff	57050 Employee Training	4,500.00	4,500.00
21100 Law Enforcement Protection	0001 No Department	47110 State - Law Enforcement Protection (DFA)	79,800.00	74,664
21100 Law Enforcement Protection	0001 No Department	10101 Unrestricted Cash	158,674.00	158,674.00
21100 Law Enforcement Protection	1005 County Sheriff	53030 Travel - Employees	13,500.00	13,500.00
21100 Law Enforcement Protection	1005 County Sheriff	58999 Other Capital Purchases	168,674.00	1,328,157,346.00
21100 Law Enforcement Protection	1005 County Sheriff	56030 Supplies - Field Supplies	51,800.00	74,664
21100 Law Enforcement Protection	0001 No Department	46900 Miscellaneous - Other	0	0

LG BMS Cash Balance Original Budget

Law Enforcement Protection Fund

Statutory Reference:

Law Enforcement Protection Fund (LEPF) Act, 29-13 NMSA 1978 and LEPF Rule, 2 NMAC 110.3

Purpose:

To provide equitable distribution of money to municipal police, university police, tribal police and county sheriff departments to enhance the efficiency and effectiveness of law enforcement services and to sustain at a reasonable level the payments available from the Peace Officer Survivors' Fund to surviving eligible family members of a peace officer killed in the line of duty.

Where the Money Comes From:

Ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty and title insurance business (except for money received from health insurance) collected by the New Mexico Public Regulation Commission is deposited into the LEPF.

Peace Officers' Survivors Fund:

In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid \$250,000 as supplemental death benefits whenever a peace officer is killed in the line of duty. This Fund is administered by the New Mexico Department of Public Safety.

LEPF is a Reverting Fund:

At the end of the fiscal year, uncommitted LEPF cash balances over \$100,000 revert to the state General Fund.

Annual Distributions:

LEPF distributions are made annually by the Department of Finance and Administration (DFA), Local Government Division (LGD), based on an application process. DFA/LGD mails out application packets to past applicants by mid February and applications are due back to LGD by March 31st. LGD will mail out an initial distribution spreadsheet to applicants by May 1st and applicants may file an appeal with the DFA Cabinet Secretary by May 15th if they do not agree with LGD's funding determination. The final distribution spreadsheet, which includes appeal determinations and the most current information on intercept payments made directly to the New Mexico Finance Authority, is disseminated on or before May 31st. Actual distributions are made after July 1st.

Rates of Distribution:

Counties and municipalities:

Class 1 departments (population of 0 to 20,000) are entitled to a base amount of \$20,000

Class 2 departments (population of 20,001 to 160,000) are entitled to a base amount of \$30,000

Class 3 departments (population of 160,001 to 1,280,000) are entitled to a base amount of \$40,000

Additional \$600 per certified officer (LGD verifies employment status and certification with the Department of Public Safety (DPS) based on the March 31st DPS Registry. It is critical that the local law enforcement agency keep the DPS Registry updated).

Universities:

Entitled to a base amount of \$17,000 plus an additional \$600 per certified officer (LGD verifies employment status and certification with the Department of Public Safety).

Tribal police departments:

Entitled to \$600 per commissioned peace officer (LGD verifies employment status and certification with the Department of Public Safety). To be counted for funding, a commissioned peace officer must have been assigned to duty and worked in New Mexico no fewer than 200 days in the calendar year immediately prior to the date of payment.

Eligible Uses of Funds:

Pursuant to 2.110.3.8A NMAC:

- 1) The repair and purchase of law enforcement apparatus and equipment, including financing and refinancing thereof, which meet minimum nationally recognized standards;
- 2) Expenses associated with advanced law enforcement planning and training;
- 3) Complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;
- 4) No more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities and counties rated as Class 1 in Paragraph (1) of Subsection B of Section 29-13-4 NMSA 1978 participating in basic law enforcement training.

Refer to 2.110.3.8B for examples of eligible expenditures and 2.110.3.8C for examples of ineligible expenditures.

New Mexico Finance Authority (NMFA) Intercepts:

A local entity may pledge LEPF distributions to make payments on a vehicle loan. Typically, the loan payments will be intercepted by the NMFA through the distribution process. Around May 1st, LGD receives a spreadsheet from NMFA with intercept amounts to be paid directly to NMFA by LGD. If an entity has an NMFA loan, they will then receive the LEPF distribution amount that remains after the NMFA intercept.

Adjustments to LEPF Budget:

LGD must be notified in writing (letter or e-mail) of any adjustments needed to the budget that was presented on the LEPF application. For example, money may need to be moved from equipment” to “law enforcement training”. Adjustment request should state amount and what it will be used for.

Carryover of Prior Year Distributions:

Pursuant to 2.110.3.10C, “The distributions from the fund are to be used, not accumulated. Fund balances may be carried over to a succeeding fiscal year only with prior written approval from the local government division.” As part of the operating budget approval process, LGD requires a carryover request letter by July 31st stating the LEPF cash balance amount to be carried over and an explanation of what the carryover balance will be used for. Any carryovers approved by LGD should be included in the local entity’s operating budget under the LEPF (DFA Fund 211).

Disposition of Property Purchased with LEPF Distributions:

Pursuant to 2.110.3.10E, “Any item purchased with monies from the fund that is disposed of and monies are received shall revert to the fund and be budgeted for the succeeding fiscal year.” A governing body approved resolution authorizing the disposition of the property must be sent to LGD for approval. Furthermore, a governing body approved resolution increasing the entity’s LEPF budget by the amount of the proceeds from the sale of property must be sent to LGD for approval.

Wrongful Expenditure of Funds:

Pursuant to 29-13-9B, NMSA 1978, “Any person who expends or directs or permits the expenditure of any money distributed from the fund for purposes other than those expressly authorized by the Law Enforcement Protection Fund Act [29-13-1 NMSA 1978] shall be personally liable to the state for the amount of money wrongfully expended and interest and costs.”

LEPF Contact Information:

Jolene Gonzales, Special Projects Analyst, DFA/LGD, (505) 827-4900, Jolene.Gonzales1@state.nm.us

Brenda Suazo-Giles, Budget & Finance Bureau Chief, DFA/LGD, (505) 827-4977, BrendaLSuazo-Giles@state.nm.us

SFC CLERK RECORDED 02/12/2020