



Agenda

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CITY OF SANTA FE AUDIT COMMITTEE MEETING
CITY COUNCILORS' CONFERENCE ROOM
Wednesday, October 2, 2013 - 2:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES:
 - August 7, 2013 deferred from September 4, 2013
 - September 4, 2013 (send in advance & attach) (read in only items that change meaning)
5. REPORT FROM EXTERNAL AUDITORS: Update Timeline & Benchmarks (send in advance & attach)
6. STATUS REPORT FROM CITY OF SANTA FE, AUDIT & FINANCE DEPARTMENTS:
 - Timeline and Benchmarking for Financial Audit (Finance) (send in advance & attach)
 - Status of Audits (Internal Audit) (send in advance & attach)
 - Gross Receipts Tax Report, (monthly)
 - Lodger's Tax Report, and Quarterly Investment Report (Finance) (Quarterly)
 - Annual Water Report
7. SUB-COMMITTEE REPORTS:
 - Internal Audit, and External Audit, Ordinance Revision
 - Discussion of progress of the Audit Committee and Internal Audit Ordinances;
 - Discussion of Fraud Waste and Abuse Hotline Bill;
 - Discussion of Draft Audit Plan.
8. OLD BUSINESS
 - Discussion of findings and remediation plan regarding Area Center for Aging, FMO FTA, and Financial audit.
9. NEW BUSINESS
10. OTHER MATTERS FROM THE COMMITTEE
 - Invite Mackie Romero, Finance Manager, from BDD to November meeting
 - Invite Matthew O'Reilly from the Land Use Department to the November meeting
11. ITEMS TO REPORT TO THE CITY MANAGER
12. NEXT MEETING DATE:
 - Next meeting scheduled on November 6, 2013
13. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to the meeting date.

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CITY OF SANTA FÉ AUDIT COMMITTEE
October 2, 2013

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MINUTES OF THE

CITY OF SANTA FÉ

AUDIT COMMITTEE

October 2, 2013
2:00 p.m. – 4:00 p.m.

1. CALL TO ORDER

A regular meeting of the City of Santa Fé Audit Committee was called to order by Vice Chair Randy Randall on this date at approximately 2:00 p.m. in the City Councilors' Conference Room at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

2. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present:

Randy Randall, Vice Chair
Hazeldine Romero
Clark de Schweinitz, J.D.
Marc A. Tupler

Members Absent:

Maurice A. Lierz, Chair [excused]

Others Attending:

Marcos Tapia, Finance Director
Liza Kerr, Internal Auditor
Councilor Christopher Rivera
Teresita Garcia, Finance Department
Marty Mathisen, Atkinson Accountants
Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Audit Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

Ms. Romero moved to approve the agenda as presented. Mr. Tupler seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF MINUTES

a. August 7, 2013 deferred from September 4, 2013

Mr. Tupler moved to approve the minutes of August 7, 2013 as presented. Mr. de Schweinitz seconded the motion and it passed by unanimous voice vote.

b. September 4, 2013

Ms. Romero, on page 1 noted that Ms. Brick was Mr. Mathisen's associate and it was Ms. Amer who came to the meeting, not Ms. Byers. On page 2, the first paragraph was not needed.

On page 3, second paragraph, it should read, "accounts payable," not "accounts available." On page 4, 3rd paragraph from the bottom, "proportion" should be "portion" and after "balance" insert "sheet." On page 5, paragraph 11 it wasn't an "entrance conference."

Vice Chair Randall said after the date the rest of the sentence should be deleted.

Ms. Romero said on page 7 she didn't know what the first paragraph meant.

Vice Chair Randall said it should say, "They were not there."

Ms. Romero said on page 8 add "that" to the first sentence and change "he" to "Mr. Tapia."

Ms. Kerr said Chair Lierz said that Mr. Tapia appointed the committee and in paragraph 10, Mr. De Schweinitz asked about the attachment. The last sentence should read \$84,000 instead of \$84 million.

Ms. Romero said on page 10 in the 5th paragraph, the last sentence should say, "it has." On page 12- Ms. Amer was speaking and said "prior to termination of the Financial Director" should say "Internal Auditor" instead of "Financial Director." On page 13, 10th paragraph, Ms. Amer said it was.

On page 15, 5th paragraph from the bottom, "him" was the City Manager, not Mr. Randall. On page 16, three paragraphs above Old Business it should say "Mr. Randall said he was not available."

Ms. Romero moved to amend the minutes of September 4 2013 as amended. Mr. de Schweinitz seconded the motion and it passed by unanimous voice vote.

5. REPORT FROM EXTERNAL AUDITORS: Update Timeline & Benchmarks

Mr. Mathisen referred to his report in the packet and said it was not very different from last month's. They resumed on Monday again and would be here until Thanksgiving. The City check list was in the packet and might show more items completed but he didn't synchronize them.

They set up a secure portal and everything was loaded in the portal. So the City could upload to the

portal which would be best for him.

Mr. Tupler asked if he would send a way to transmit the data.

Mr. Mathisen said he explained that with Ms. Garcia.

Vice Chair Randall asked if the City was on schedule to submit for the City on time.

Mr. Mathisen agreed. They had finished the single audit. Many things were done in August. He said they were ahead of schedule and would get it done by the statutory date but he had wanted to be further along.

Vice Chair Randall cautioned that if it was not done by the next meeting it would be too late.

Mr. Mathisen went to the schedule and he asked that no AJEs be entered after October 15.

Vice Chair Randall - because we were not going to meet between now and then so if it looks like there was a barrier, would you please let Ms. Kerr know right away. If she was aware of it, she could notify the City Manager and Mr. Tapia. If we wait until November it would be too late to get it done so Ms. Kerr should notify the appropriate people.

Mr. Mathisen agreed to that. He said it like they were all closed by now.

Ms. Kerr asked what the date was on AJE's last year.

Mr. Mathisen said the computer was down then and they were still posting in January. This year, once they tied in the schedules they wouldn't change.

Vice Chair Randall said they just had to pick a reasonable date and anything after that would become part of next year.

Mr. Mathisen agreed. Otherwise you could keep doing AJEs forever.

Mr. Tupler agreed and said there had to be a way to handle material things after that date.

Mr. Mathisen said they wanted to minimize that time. Lack of reconciliation was rolled into his findings last year and they reported it as an exception.

He said all questions were welcome. He reported they would have an entrance conference at SWMA on October 8th. The next five weeks were critical. SWMA should be back Oct 9th and Andrea would help with that.

For Buckman, Ms. Garcia sent him the final trial balances. He came in August with what he thought was final and had to make one more change and he asked that they change the title to identify it as the construction audit.

Ms. Kerr said the meeting date for Buckman was October 4.

Mr. Mathisen said the BDD Board indicated they didn't need an exit conference. So these would be out in a week. The City won't release the IT report to him yet so they had to proceed without that.

Regarding leases, he recalled they discussed those last time. The leases included \$907,000 of expense with one at \$70,000. They researched what to do with them. In this year there were three or four significant properties leased for \$1 per year including Civic Housing and La Familia. They could re-look at that and had sent an email for disclosures. To his knowledge that was all from last month.

Ms. Garcia came in with copies of the contracts Mr. Mathisen had just signed.

Vice Chair Randall mentioned uploading to the portal to Ms. Garcia.

Ms. Garcia said staff was doing that for SWMA and most of the information was too big to put in there. Like all the AJEs. She didn't know what else they needed.

Vice Chair Randall asked if Sarah could communicate what he needed to her.

Vice Chair Randall asked Ms. Garcia if she could meet a cutoff date for AJEs by October 15.

Ms. Garcia agreed. They were already preparing the financial statements. Certification of payroll was in the portal. Risk management actuarial was in there too but she was not sure what else was needed.

Mr. Mathisen agreed to come up with a short list.

Ms. Garcia said all the trial balances and reports were in but not the payroll yet.

Ms. Kerr asked if Ms. Garcia needed to talk about anything else.

Ms. Garcia said no. Everybody was in a good place. They were starting to do the roll ups, putting stuff in the master schedule.

Vice Chair Randall said the Committee appreciated the extra effort and it might be the first time they hit the target.

Mr. Mathisen said he had nothing else and excused himself from the meeting.

Vice Chair Randall acknowledged Councilor Rivera and Ms. Bette Booth who were present.

Councilor Rivera confirmed he was here for the Hot Line item

Vice Chair Randall went to that agenda item at this time.

- **Discussion of Fraud Waste and Abuse Hotline Bill**

Councilor Rivera gave a statement about the parking division problem. There was some hesitancy to report it because of possible retaliation. So everyone liked having a hotline. The State had such a hotline. He met with them and found it wasn't feasible to partner with them. But the State hotline staff helped the City figure out how to do it. He thought they would receive a lot of calls right away.

They found the costs were minimal and it would give employees a way to report abuse or fraud without retaliation. Ms. Kerr could review them to decide what to do with the reports from there. This hotline was internal - not part of constituent services. After a year we would see if it was working or not and either continue as is, terminate it, or expand it. So right now it was an internal process only and we would try to catch what was wrong quickly.

Mr. de Schweinitz noticed something in the ordinance about contracting. But Ms. Kerr was not an independent contractor.

Councilor Rivera agreed but she could access the reports from an independent contractor. They would remain anonymous. They had protections under the federal whistle-blowing act.

Mr. Tupler pointed out there was a difference between anonymous and confidential.

Ms. Kerr said the reporters would have the option of being anonymous but everything would be confidential.

Councilor Rivera said the third party would generate reports based on a number system so Ms. Kerr wouldn't know who made the report. They didn't have a time frame for activation. They have been working on it for 8 months and just wanted to make sure it was done right. And after a year they would see if it was working as it should. After the review here it would go to Public Works and Finance and then to Council.

Mr. de Schweinitz was just a little worried about it tying up Ms. Kerr's time with this.

Councilor Rivera said they had discussed that.

Ms. Kerr said they would issue an RFP to get bids and that would take several months. Then it would be incorporated into next year's audit plan. The Audit Committee needed to decide here if more resources were needed or not.

Councilor Rivera agreed that was part of review plan. They might need additional personnel.

Vice Chair Randall explained they were trying to protect her time because half of it was going into administrative services right now. He saw this as terribly important though. He was hoping it would lead to better ways to administer rather than taking it away. He would caution it might need some funding in the second year. The follow up to properly respond to the call was the issue. He liked the confidentiality better

than anonymity to eliminate crank calls from disgruntled employees.

Councilor Rivera said in the system, Ms. Kerr would be the filter and it might have to be referred to HR or the PD to do follow up.

Ms. Kerr said she had to do an FIR and find out if they need a server for it from the bidders.

Vice Chair Randall said the next point was to have a procedure which the ordinance didn't address. That would answer some of these questions.

Mr. Tupler thought the provider would have best practices.

Councilor Rivera said they were now just setting up the RFP and that would come back here first before it continued on.

Vice Chair Randall noted it didn't seem to be assigned to a department. Businesses usually assign it to HR. Of course businesses don't usually have an internal auditor.

Councilor Rivera said they discussed that and it could be in HR. He said an endorsement from Audit would be helpful and specify if you want to eliminate anonymous and just have confidential.

Vice Chair Randall and Mr. Tupler thought it was okay as written. Their concern was timing but if the Audit Department remained as one person he would recommend putting it in HR.

Mr. de Schweinitz moved to endorse the Hot Line resolution with the caveat of possible effects on the Internal Auditor. Mr. Tupler seconded the motion.

Councilor Rivera said that could be put into an addendum sheet.

Vice Chair Randall thought the Committee's endorsement with that concern was sufficient.

Mr. de Schweinitz added that their initial order did address the whistle blower issue.

The motion passed by unanimous voice vote.

Councilor Rivera thanked the Committee for all they were doing. He appreciated how well they were doing this tough job.

**6. STATUS REPORT FROM CITY OF SANTA FÉ, AUDIT & FINANCE DEPARTMENTS:
a. Timeline and Benchmarking for Financial Audit (Finance)**

Ms. Kerr said Ms. Garcia had no changes.

b. Status of Audits (Internal Audit)

Ms. Kerr said there were three and were labeled on the bottom left.

BDD was underway and Mr. Mathisen would meet with BDD Board on October 4 so that should wrap up BDD and get it off her report.

For Lodger's Tax, the committee met and selected a vendor for the audit. Barraclough and Associates was selected and now the contract was being worked out. She was following up on it. That would help with the hot line RFP.

Vice Chair Randall understood it was for FY11, 12 and 13 audit.

Ms. Kerr agreed. The delivery date was June 30th but the City wanted January 30 or December 30.

Vice Chair Randall thought that might be bumping up on their other audits for end of year.

Ms. Kerr said the rest were moving forward. FTA was included today in the packet with findings and responses and also the Area Agency on Aging. That was on page 1 of contractor audits. She was still trying to get the Presidio report.

Vice Chair Randall indicated he sought a copy also but it hadn't been released yet.

Mr. Tupler asked when it was expected.

Ms. Kerr said any time now. Mr. Mathisen needed it as a resource to move forward. She added that a consultant was coming in to work on the IT audit.

Ms. Kerr said that was all she had for status of audits.

Ms. Amer joined the meeting at this time.

Mr. Tupler asked how they allowed things to fall off the report.

Ms. Kerr said as long as it was open it stayed on there. If it went past the due date in the previous year, it gives something to reference.

Vice Chair Randall said for one time audits that were completed they should drop them.

Ms. Romero cautioned that they might want an annual report.

Mr. de Schweinitz proposed that by motion of the Committee they could drop it off for their own purposes.

Ms. Kerr liked that and said she could keep them on a spreadsheet.

Ms. Romero said responses to findings needed to be tracked also.

Ms. Kerr said she would have a separate sheet on findings.

Ms. Amer said she needed to leave by 3:30.

Vice Chair Randall agreed to adjust the agenda and asked which one should be considered now.

Ms. Amer asked about the abuse and fraud hot line.

Vice Chair Randall said they dealt with it and their only concern was how much time would be required of Ms. Kerr and where it would be placed.

Ms. Amer said it was now in the Audit Section.

Mr. de Schweinitz explained the endorsement.

Ms. Amer said that was why they had an independent contractor doing it.

Ms. Kerr said they needed a contact within the City and access to the portal for that person to be able to filter and refer to the appropriate department.

Ms. Amer thought the lion's share of the hot line would be by the contractor and then transmit to the appropriate person.

Vice Chair Randall said someone needed to monitor what was going to the different places. That could take half to a full FTE. And it needed someone to make sure it got referred to the right place.

Ms. Amer felt that was a good point and they didn't have a person in HR who could handle that but needed a point person to interface with the contractor.

Ms. Kerr included that in the FIR.

Vice Chair Randall said it would be unrealistic to assume it could be done properly without addition of a person to work with the contractor.

Audit ordinance.

Ms. Amer reported this went through Public Works and Finance and she got permission to publish.

The amendment on Internal Audit Department Ordinance was in the packet and it also needs to go through both committees.

Mr. de Schweinitz said if that was going to public hearing I could not be changed now.

Ms. Amer said it could still be changed after the public hearing but not substantially nor the title.

Mr. de Schweinitz asked if she was comfortable with Council Bushee's amendment to put it into the structural Internal Auditor thing. Ms. Amer agreed. She changed four weeks to 30 days. The hearing would be October 30 in the evening. The one issue that could be discussed at the public hearing was that the Internal Auditor had the final authority. Councilor Calvert pointed out the final authority was both the internal auditor and Council. It was changed to internal auditor and she hadn't heard from Councilor Calvert if that was okay with him.

Vice Chair Randall thought either one would be okay.

Ms. Amer knew that Ms. Kerr wanted to have the final authority. Councilor Calvert pointed out the inconsistency but didn't know what he wanted.

Ms. Kerr said he didn't get back with her either.

Ms. Kerr noted on the last page it said within 60 days after close of the fiscal year. Councilor Calvert wanted it 60 days before the end of the fiscal year.

Ms. Amer agreed to change that to "before" end of FY.

Vice Chair Randall asked who would like to go to the public meeting.

Ms. Amer reminded them and only two could go to avoid having a quorum.

Ms. Amer acknowledged there was some controversy over what they were doing. The AG opinion said nothing could be confidential but she felt a court might disagree with AG and they were doing this under local powers. We did get the first 15 days of IPRA free. That's why Mr. Zamora wanted it to be 30 days. They were pushing the envelope here but she thought they had done the research and believed a municipality could be exempt from the IPRA regulation on this. They had an ordinance that modeled what the State Auditor did.

Mr. Tupler asked if there was any litigation to test that.

Ms. Amer said no but Albuquerque asked for an AG advisory letter and got a letter that said they could not. There would be a new AG and the current State Auditor so they might see what the City wanted in a different light.

Ms. Romero noted on page 5 that it was missing "or" on line 9. It was to be gender-free so on line 23 "he" should be replaced.

Ms. Amer said line 9 should say "and" but not "or."

Vice Chair Randall thanked Ms. Amer for her help.

Ms. Amer excused herself from the meeting at 3:35.

c. Gross Receipts Tax Report (monthly)

No further discussion.

d. Lodger's Tax Report and Quarterly Investment Report

No further discussion.

e. Annual Water Report

Ms. Kerr had to report to share.

Mr. Tupler asked who was responsible for the report.

Ms. Kerr said Nick Schiavo was the new director and she did contact him to get it.

7. SUB-COMMITTEE REPORTS

a. Internal Audit, and External Audit, Ordinance Revision

- **Discussion of progress of the Audit Committee and Internal Audit Ordinances**

These reports were discussed earlier in the meeting.

- **Discussion of Fraud Waste and Abuse Hotline Bill**

This was discussed earlier in the meeting.

Mr. de Schweinitz was still concerned about overuse of Internal Auditor.

Vice Chair Randall agreed and it was the Committee's responsibility to go to Council and inform them they had an audit plan and Council was diverting Ms. Kerr from the plan.

Ms. Kerr thought if the Committee was able to resolve it and save the city \$100,000 then they could show they needed another employee.

Mr. Tupler agreed - it might substantiate itself.

Vice Chair Randall agreed. The benefit of a good internal audit would pay for itself. We need to be the major advocate of expanding the department. Every time we go outside it costs us \$40,000 more. And before long that would pay for another staff person.

- **Discussion of Draft Audit Plan**

Ms. Kerr said her time was spent in developing the content. This was a draft for the Committee to consider. She thought they did a good job on it. Vice Chair Randall and Ms. Romero and she did the Risk Assessment and attached as Attachment 1. Attachment 3 showed the available audit hours. Attachment 4 broke it down by quarter. She had to go to the meetings and that was part of the job. If she took shortcuts it would derail the whole process. Vacation and holidays might not be taken but they had to be included in the plan as well as the training that had to be attended. And as a one-person operation, 50/50 was the best she could come up with. We will see what it looks like at the end of the year.

Vice Chair Randall thought it was a reasonable plan. He asked her, on the first one, to put the dates in. Ms. Kerr agreed.

Ms. Kerr said now that she had all the audits on there, she could make sense of it and make it more efficient. This gave her an agenda for next year and a starting point.

Vice Chair Randall thought it would take less time for risk assessment next year and asked her to talk about time for risk assessment in the audit plan.

Ms. Kerr said she sent out a risk assessment to all the directors and had them send it also to the supervisors. And then they sent the answers back to her. She then took their numerical responses and plugged those into the risk assessment to give her a point of comparison to get a handle on the things out there. The City Attorney showed 408 but she was not auditing the City Attorney and that was one of the highest scores. This used interviews and who would get audited. Schedule 5 was the last page and showed all the auditable areas within the City. There were no special projects were on there. She hoped this would give a good synopsis for Council.

Vice Chair Randall thought in her spare time, if a second person was approved, how it would help this schedule. They needed to do it proactively.

Ms. Kerr thought this audit plans lent itself to that. If she had a second person she would be spending more time on the audit programs and help the committee more. Then she could do more administrative.

Councilor Rivera asked if her FIR included administrative time for the hot line. Ms. Kerr said it didn't.

Councilor Rivera thought that should be included in additional duties.

Vice Chair Randall said it depended on the complaint. Audit work would be the fall back if they were not busy. He asked for it to be brought back next month for endorsement.

Ms. Kerr said Council would have a 14-day review to get it back to her.

Vice Chair Randall suggested then that they approve it today with a description of the audits to allow it to move forward.

Ms. Romero moved to approve the draft audit plan with the audits described. Mr. Tupler seconded the motion and it passed by unanimous voice vote.

Vice Chair Randall asked her to bring back comments or changes from Council.

8. OLD BUSINESS

a. Discussion of findings and remediation plan regarding Area Center on Aging, FMO-FTA, and Financial audit.

Area Agency on Aging

Ms. Kerr said the Aging Agency report included City responses. She suggested people look at it and bring it back next time. She agreed to bring back responses as they took place.

Ms. Romero excused herself from the meeting at 4:01.

FTA

Ms. Kerr directed the Committee to Exhibit 2 at the very back of the packet. The last 18 pages showed the official responses. She would insert them into a spreadsheet to show which ones were closed because of the response.

Financial

She shared the schedule of findings and costs. She just got the responses yesterday from Mr. Tapia. Hopefully they have been dealt with.

Vice Chair Randall suggested she review those on her own and bring it back next month.

Mr. de Schweinitz added, "with special emphasis on CAFR."

Vice Chair Randall agreed. The auditor would review all of them.

Ms. Kerr asked if she needed to have staff print them again.

Vice Chair Randall said no - they could bring them back next time.

Vice Chair Randall asked if the CAFR findings represented all findings.

Ms. Kerr didn't know for sure but would check on it.

9. NEW BUSINESS

There was no new business.

10. OTHER MATTERS FROM THE COMMITTEE

- a. Invite Mackie Romero, Finance Manager from BDD to November meeting.
- b. Invite Matthew O'Reilly from the Land Use Department to the November meeting.

Vice Chair Randall suggested inviting only one of the to the November meeting. He suggested Mackie Romero for November and if he couldn't to invite Matt O'Reilly. So they would do the two of them over the two months of November and December.

11. ITEMS TO REPORT TO THE CITY MANAGER

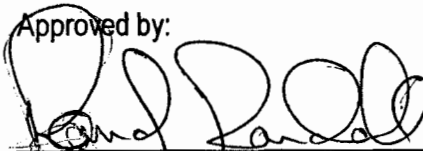
Ms. Kerr said she would talk to Mr. Snyder about Presidio.

Vice Chair Randall suggested she also talk to him about the fragile time line for getting notifications done to keep it on time as required. Let him know Mr. Mathisen had grave concerns.

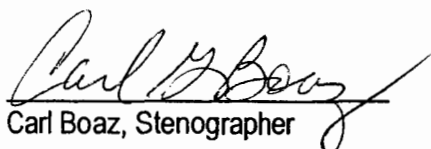
12. NEXT MEETING DATE: November 6, 2013

13. ADJOURNMENT

The meeting was adjourned at 4:10 p.m.

Approved by:

Maurice Lierz, Chair
Vice Chair

Submitted by:


Carl Boaz, Stenographer