



MANAGEMENT LETTER of AUDIT OBSERVATIONS

August 19, 2022

Christina Ainsworth, Community Development Director

An audit of the Community Development Department was completed on August 17, 2022. The issuance of an official Audit Report is pending Management Responses. Internal audits can be carried out in all areas of County operations, with an audit focus upon improving operations by providing management with a reasonable assurance of whether or not internal controls exist and are effective, in their areas of operation. When internal control deficiencies are identified they are brought to management's attention along with recommendations for improvement within the Audit Report. As a result of this audit, the Internal Audit Function will schedule a follow-up with the Community Development Department concerning the progress made in addressing the remaining recommendations from the July 2020 Community Development Services Efficiency Review.¹

The internal audit process consists of a thorough review and understanding of applicable SOPs and policies governing operations and staff actions. Interviews with knowledgeable staff, direct observation of department activities, and the testing/reviewing of documentation that support activities, are conducted. This audit's main focus was on the deficiencies noted and the 49 recommendations made in the July 2020 Doña Ana County Community Development Services Efficiency Review. Herein, the internal auditor will discuss with management the importance of providing consistent pre-application meeting notes, even when the administrative assistant is not in attendance. This Management Letter also addresses deficiencies noted within other areas of interest.

¹ The July 2020 Community Development Services Efficiency Review was completed by Management Partners, a local government consulting firm.

The following comments, which have been or will be discussed with you, are intended to improve the Community Development Department's internal control structure. Comments are presented here and not within the official Audit Report, as these items are viewed as beyond the immediate scope of the audit. As with all Management Letters, an official written response is not required however at minimum verbal feedback to the internal auditor is encouraged. A few auxiliary items that were revealed, of which Community Development Department leadership may want to stay abreast and address, are below (*Management Input is italicized*).

1. Webpage Link Discrepancies -

While viewing the Community Development webpage, the Audit noted that the links below do not result in access to a report, plan, or study under the Community Development tab.

Colonias Infrastructure Report
Affordable Housing Plan
Joint Land Use Study
Community Master Plan

Management should check the links above to ensure that they are functioning correctly. If it is found that the links are not functional, consideration should be given to posting a message informing the public when they can expect to view data available under the links above.

Management's Response: *The broken links will be investigated and repaired to provide the reports as expected on the website.*

2. Subdivision of Plats – Process Circumvention

The internal auditor was informed that in some instances, constituents are allowed to record their subdivided plats without approval from the planning authority. A meeting with the County Clerk's Supervisor of Recording & Filing revealed that ensuring planning authority approval was not consistently practiced, as directed by New Mexico Statutes Annotated (NMSA) below:

NMSA 3-20-7. Subdivision within the platting jurisdiction of a municipality; approval of the planning authority; procedure; filing fee; notice of hearing.

Before a plat of any subdivision within the jurisdiction of a municipality is filed in the office of the county clerk, the plat shall be submitted to the planning authority of the municipality having jurisdiction for approval.

No plat of territory within the planning and platting jurisdiction of a municipality shall be filed and recorded unless it has been approved by the planning commission or the governing body of the municipality pursuant to regulations and procedures adopted by ordinance of the governing body.

NMSA 3-20-10. Filing in office of county clerk; duties of county clerk.

A county clerk shall not accept for filing any plat which is subject to the provisions of the Municipal Code and which has not been approved by the planning authority of the

municipality within whose jurisdiction the proposed subdivision lies. The plat shall contain an affidavit stating that the proposed subdivision does or does not lie within the planning or platting jurisdiction of any municipality.

The Audit recommends that the County Clerk's Office take the necessary steps to ensure that planning authority approval exists before the recording of subdivided plats.

Management's Response: *I agree that the statute referenced seems to appoint the county clerk's office as the responsible entity for ensuring that a plat is not recorded without approval from the appropriate planning authority.*

*The clerk's office does look at the subdivision plat presented for recording to ensure all signatures are on the plat however our standard operating procedures for recording documents does (sic) not specifically include ensuring the plat is signed by the planning authority. **We have updated our recording SOP.** An email notification has also been sent to R&F staff so they are aware of the update.*

Auditor Comment: The internal auditor acknowledges and greatly appreciates the County Clerk's prompt actions taken to address this matter.

3. **Multi-Departmental Policy Recommendation**

The Efficiency Review's Recommendation # 21, reads as follows – "Enact an administrative policy requiring full participation by reviewing departments in the development review process." While this is a sound recommendation, such a policy or directive would have to occur at a higher level than that of Community Development.

Thus the Audit recommends that if necessary, upper management consider the merits of implementing such a policy or directive so that reviewing departments should have staff available for Development Review Committee (DRC) meetings.

Management's Response: *A directive is not necessary at this time. Since the completion of the Efficiency Review, the reviewing departments have been engaged and participatory in the review process, including attending pre-application and DRC meetings on a consistent basis. Meetings are scheduled on a calendar that all departments agreed on and materials/agendas are sent with adequate time for reviewers to prepare. These mechanisms have resulted in more productive meetings.*

4. **Implementation Action Plan Discrepancies**

The following discrepancies were noted within the Draft Implementation Action Plan produced by Community Development, which purported that corrective actions had been completed in response to the **July 2020 Efficiency Review Report** recommendations.

Efficiency Review recommendation #8: Design a pre-application meeting notes template

Actions Taken: No template has been developed.

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Cc: County Manager
Assistant County Manager
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Internal Audit Advisory Committee

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Recommendation: Notes/comments have been written, utilizing labeled sections to delineate meeting note topics. The Audit recommends separately saving and utilizing the currently **labeled sections** as a meeting notes template.

Efficiency Review recommendation #18: Develop a weekly report of active cases that includes the number of days plans have been in the queue, sorted by reviewing department or agency.

Actions Taken: Monthly reports are developed that record this data.

Recommendation: It is recommended that the Draft Implementation Action Plan, report in its “Implementation Steps” section that **monthly**, not weekly reports are developed to address this recommendation.

Efficiency Review recommendation #41: Provide training for development technicians and other Community Development staff on the reporting capabilities of the iWorQ system.

Actions Taken: The internal auditor was told that training has been provided.

Recommendation: The Audit recommends keeping a sign-in log or signed attestations to received training, as a record of who received what type of training and when it was received.

Efficiency Review recommendation #43: Establish guidelines for when a project manager will be assigned to help coordinate the project review.

Actions Taken: Guidelines exist but are not written.

Recommendation: It is prudent to write down in an SOP, the current guidelines that are followed for assigning a project manager to help coordinate a project review. SOPs establish both guidelines and standards of performance, which serve to make personnel aware of the proper actions to be taken.

Management’s Response: *These recommendations are appropriate and will be implemented by the department. With regard to iWorQ training, we will soon begin the development and implementation of a new software. The recommendation to keep a training log will continue with the new software.*

Thank you for the attention given to the items cited above.


Ernest Harvin, CIA