



December 21, 2012

Ms. Linda Kelly, City Manager
City of Sonoma
No. 1 The Plaza
Sonoma CA, 95476

Dear Ms. Kelly:

Subject: Low and Moderate Income Housing Fund Due Diligence Review

This letter supersedes Finance's original LMIHF DDR determination letter dated December 13, 2012. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Sonoma Successor Agency (Agency) submitted an oversight board approved Low and Moderate Income Housing Fund (LMIHF) Due Diligence Review (DDR) to the California Department of Finance (Finance) on October 11, 2012. Finance issued a LMIHF DDR determination letter on November 9, 2012. Subsequently, the Agency requested a Meet and Confer session on one or more items adjusted by Finance. The Meet and Confer Session was held on November 27, 2012 and Finance's Meet and Confer Determination letter was issued on December 13, 2012. This letter further makes adjustments to the available LMIHF balance that should be remitted to the affected taxing entities.

Based on a review of additional or clarifying information provided to Finance after the Meet and Confer process by Steve Shupe, Deputy County Counsel, Finance no longer believes the previous adjustments made to the DDR's stated LMIHF balance is necessary.

- The restricted balance pertaining to the Village Green II Fund (Fund) in the amount of \$100,362 is approved for retention. We believe the United States Department of Agriculture Security Agreement (USDA) allows these balances to be restricted. Specifically, the Security Agreement says the USDA possesses a security interest in all revenues and project accounts associated with the property. Therefore, we are revising our previous adjustment made to the available LMIHF balance.

The Agency's LMIHF balance available for distribution to the affected taxing entities continues to be \$218,344 (see table below).

LMIHF Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ 218,344
Finance Adjustments	
Add	0
Total LMIHF available to be distributed:	\$ 218,344

This is Finance's final determination of the LMIHF balances available for distribution to the taxing entities. HSC section 34179.6 (f) requires successor agencies to transmit to the county auditor-controller the amount of funds identified in the above table within five working days, plus any interest those sums accumulated while in the possession of the recipient.

If funds identified for transmission are in the possession of the successor agency, and if the successor agency is operated by the city or county that created the former redevelopment agency, then failure to transmit the identified funds may result in offsets to the city's or the county's sales and use tax allocation, as well as its property tax allocation. If funds identified for transmission are in the possession of another taxing entity, that Agency's failure to recover and remit those funds may result in offsets to the other taxing entity's sales and use tax allocation or to its property tax allocation. If funds identified for transmission are in the possession of a private entity, HSC 34179.6 (h) (1) (B) states that any remittance related to unallowable transfers to a private party may also be subject to a 10 percent penalty if not remitted within 60 days.

Failure to transmit the identified funds will also prevent the Agency from being able to receive a finding of completion from Finance. Without a finding of completion, the Agency will be unable to take advantage of the provisions detailed in HSC section 34191.4. Specifically, these provisions allow certain loan agreements between the former redevelopment agency (RDA) and the city, county, or city and county that created the RDA to be considered enforceable obligations. These provisions also allow certain bond proceeds to be used for the purposes in which they were sold and allows for the transfer of real property and interests into the Community Redevelopment Property Trust Fund once Finance approves the Agency's long-range property management plan.

In addition to the consequences above, willful failure to return assets that were deemed an unallowable transfer or failure to remit the funds identified above could expose certain individuals to criminal penalties under existing law.

Pursuant to HSC section 34167.5 and 34178.8, the California State Controller's Office (Controller) has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter and Finance's Housing Assets Transfer letter dated August 31, 2012 do not in any way eliminate the Controller's authority.

Please direct inquiries to Zachary Stacy, Manager or Jenny DeAngelis, Lead Analyst at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Ms. Carol Giovanatto, Assistant City Manager, City of Sonoma
Mr. Steven S. Shupe, Deputy County Counsel
Mr. Erick Roeser, Property Tax Manager, County of Sonoma
California State Controller's Office