



April 2, 2013

Ms. Mary Swink, Director of Development Services
City of Alhambra
111 South First Street
Alhambra, CA 91801

Dear Ms. Swink:

Subject: Other Funds and Accounts Due Diligence Review

This letter supersedes the California Department of Finance's (Finance) original Other Funds and Accounts (OFA) Due Diligence Review (DDR) determination letter dated March 8, 2013. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Alhambra Successor Agency (Agency) submitted an oversight board approved OFA DDR to the Finance on January 15, 2013. The purpose of the review was to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities. Finance issued an OFA DDR determination letter on March 8, 2013. 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 March 18, 2013.

Based on a review of additional information and documentation provided to Finance during the Meet and Confer process, Finance has completed its review of those specific items being disputed. Specifically, the following adjustments were made:

- Based on Finance's previous review of the Agency's DDR, Finance decreased the \$4,752,204 the Agency requested to retain for future obligations by \$626,478. The Agency requested it be permitted to retain \$71,594 of the amount for debt service payments made during the ROPS II period. The Agency provided documentation establishing it did not receive all funds approved by Finance for the ROPS II period. The Agency claims the RPTTF distribution was not sufficient to cover bond indebtedness payments. During the meet and confer review process, Finance requested proof of the expended amount. Through its own review, the Agency determined the debt service payment listed and due during the ROPS II period only required an additional amount of \$2,497 out of reserves, not \$71,594. Per HSC section 34179.5 (c), an Agency is permitted to retain balances that are needed to satisfy those items on the ROPS schedule for the current fiscal year (2012-13). Therefore, the Agency is permitted to retain the \$2,497, which adjusts Finance's initial increase of the amount available for distribution to \$623,981.
- Balances needed to satisfy 2012-2013 fiscal year obligations in the amount \$202,953. Based on our review, the county auditor-controller adjusted the ROPS III January 2, 2013 distribution by \$202,953 pursuant to HSC section 34186 (a). Therefore, Finance is

allowing the retention of these funds in order to adequately fund approved ROPS III expenditures.

The Agency's OFA balance available for distribution to the affected taxing entities is \$3,912,525 (see table below).

OFA Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ 3,491,497
Finance Adjustments	
Add:	
Requested retained balance not supported:	623,981
HSC section 34186 (a) retention:	(202,953)
Total OFA available to be distributed:	\$ 3,912,525

This is Finance's final determination of the OFA 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. Upon submission of payment, it is requested you provide proof of payment to Finance within five business days.

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, the successor agency is required to take diligent efforts to recover such funds. A 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 sections 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 do not in any way eliminate the Controller's authority.

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Please direct inquiries to Evelyn Suess, Supervisor or Danielle Brandon, Analyst at (916) 445-1546.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Szalay', with a stylized flourish extending from the end.

STEVE SZALAY
Local Government Consultant

cc: Ms. Silvia Smith, Project Manager, City of Alhambra
Ms. Kristina Burns, Manager, Los Angeles County Auditor-Controller
California State Controller's Office