DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

March 22, 2013

Mr. Bryan Briggs, Manager
City of Ceres
2720 Second Street
Ceres, CA 95307-3292

Dear Mr. Briggs:

Subject: Other Funds and Accounts Due Diligence Review

Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Ceres Successor Agency (Agency) submitted an Oversight Board approved Other Funds and Accounts (OFA) Due Diligence Review (DDR) to the California Department of Finance (Finance) on December 17, 2012. The purpose of the review was to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities. Pursuant to HSC section 34179.6 (d), Finance has completed its review of your DDR, which may have included obtaining clarification for various items.

HSC section 34179.6 (d) authorizes Finance to adjust the DDR's stated balance of OFA available for distribution to the taxing entities. Based on our review of your DDR, the following adjustments were made:

- Balances requested to be retained in the amount of $3,188,835 for Recognized Obligation Payment Schedule (ROPS II) enforceable obligations are partially denied. Although the Agency wishes to retain $3,188,835, the County Auditor Controller only distributed $1,626,856 on June 1, 2012. The Agency is only allowed to retain up to the amount of Redevelopment Property Tax Trust Funds distribution received. In addition, the Agency requested $125,000 using other funding sources in ROPS II and $97,477 for enforceable obligations in ROPS I, but paid in the ROPS II time period due to timing differences. These amounts are allowed to be retained. As such, the OFA balance available for distribution to the taxing entities will be adjusted by $1,338,835.

  To the extent these constitute enforceable obligations, the Agency should request funding for these in a future ROPS.

- Our review indicates that the true-up payment in the amount of $310,235 was miscalculated. The amount of $310,235 reported on the DDR included payments for both the Agency and City of Stanislaus-Ceres Successor Agency in the amount of $300,034 and $10,201, respectively. The Agency is only able to make payment for itself and not for City of Stanislaus-Ceres Successor Agency. In addition, the City of Stanislaus-Ceres Successor Agency has submitted its own OFA DDR, which has also

included the $10,201 true-up payment. The OFA balances available for distribution to the taxing entities will be adjusted by $10,201.

If you disagree with Finance's adjusted amount of OFA balances available for distribution to the taxing entities, you may request a Meet and Confer within five business days of the date of this letter. The Meet and Confer process and guidelines are available at Finance's website below:

http://www.dof.ca.gov/redevelopment/meet_and_confer/

The Agency's OFA balance available for distribution to the affected taxing entities remains $503,212 (see table below).

OFA Balances Available For Distribution To Taxing Entities		
Available Balance per DDR:	$	(845,824)
Finance Adjustments		
Add:		
Request to retain balance not supported	$	1,338,835
Adjustment to true-up payment	$	10,201
Total OFA available to be distributed:	$	503,212

Absent a Meet and Confer request, 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 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 do not in any way eliminate the Controller's authority.

Please direct inquiries to Wendy Griffe, Supervisor or Jenny DeAngelis, Lead Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Ms. Lauren Klein, County of Stanislaus, Auditor-Controller
California State Controller's Office