DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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

March 19, 2013

Ms. Anne Haraksin, Deputy City Manager
City of La Mirada
13700 La Mirada Boulevard
La Mirada, CA 90638

Dear Ms. Haraksin:

Subject: Other Funds and Accounts Due Diligence Review

Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of La Mirada 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 January 11, 2013. 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 adjustment was made:

- Cash transfers totaling $7.4 million to the City are disallowed. Included in this amount are $5 million of principal and interest payments on City loans. The loans were not issued within the first two years of the RDA's creation; therefore, the loan payments are not permitted. Further, Finance's letters dated May 3, 2012 and November 15, 2012 also denied payments related to this agreement. HSC section 34171 (d) (2) states that agreements, contracts, or arrangements between the City and the former RDA are not enforceable unless the loan agreements were entered within the first two years of the date of the creation of the RDA. As such, the OFA balance available for distribution to the taxing entities will be adjusted by $5 million.

  In addition, the cash transfers include a $2.5 million reimbursement payment to the City for the Foster Park project. According to Finance's letter dated November 15, 2012, the Foster Park contract is between the City of La Mirada and Sialic Contractors Corporation and the Agency is not a party to the agreement. Therefore, it is not an enforceable obligation. As such, the OFA balance available for distribution to the taxing entities will be adjusted by and additional $2.5 million, totaling $7.4 million.

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 is $4,761,775.

OFA Balances Available For Distribution To Taxing Entities		
Available Balance per DDR:	$	(2,672,140)
Finance Adjustments		
Add:		
Disallowed transfers:	$	7,433,915
Total OFA available to be distributed:	$	4,761,775

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.

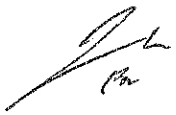
Failure to transmit the identified funds will also prevent the Agency from being able to receive a finding of completion from Finance. Without a finding of completion, the Agency will be unable to take advantage of the provisions detailed in HSC section 34191.4. Specifically, these provisions allow certain 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 Kylie Le, Supervisor or Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Ms. Alison Moore, Community Development Manager, City of La Mirada
Ms. Kristina Burns, Manager, Los Angeles County Department of Auditor-Controller
California State Controller's Office