



April 19, 2013

Mr. Daniel Buffalo, Finance Director
City of Lakeport
225 Park Street
Lakeport, CA 95453

Dear Mr. Buffalo:

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 15, 2013. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Lakeport Successor Agency (Agency) submitted an oversight board approved OFA DDR to Finance on January 8, 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 15, 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 28, 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:

- Balances requested to be retained for fiscal year 2012-13 in the amount of \$444,305. Per HSC section 34177(a) (3), only those payments listed in the Recognized Payment Obligation Schedule (ROPS) may be expensed by the Agency. Two items in the amounts of \$2,283 and \$165,000 were listed in the DDR, but were not specifically identified or approved on ROPS II (July through December 2012) or ROPS III (January through June 2013) as enforceable obligations; therefore, retention of \$167,283 for the two items is not permitted.

However, based on further review during the Meet and Confer process, Finance notes the county auditor-controller adjusted the January 2, 2013 ROPS III distribution by \$209,467 pursuant to HSC section 34186 (a). Therefore, the Agency may retain \$209,467 in order to adequately fund Finance approved ROPS III expenditures.

Based on the items discussed above, the OFA balances available will be decreased by \$42,184 (\$209,467 - \$167,283).

The Agency's OFA balance available for distribution to the affected taxing entities is \$242,398 (see table on the next page).

OFA Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ 284,582
Finance Adjustments	
Add:	
Retained balances needed	(42,184)
Total OFA available to be distributed:	\$ 242,398

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 at the end.

STEVE SZALAY
Local Government Consultant

cc: Ms. Margaret Silveira, City Manager, City of Lakeport
Ms. Cathy Saderlund, Auditor Controller, County of Lake
California State Controller's Office