DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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

April 1, 2013

Ms. Kymberly Horner, Interim Redevelopment Services Manager
City of Oxnard
Community Development Department
214 South "C" Street
Oxnard, CA 93030

Dear Ms. Horner:

Subject: Other Funds and Accounts Due Diligence Review

Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Oxnard Community Development 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 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. 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:

- Unsupported asset transfers in the amount of $1,790,784. The Agency provided Finance with journal entries to support the transfers returned to the Agency; however, $1,790,784 of the transfers was unsupported. Therefore, the balance was adjusted by this amount.

- Unsupported capital asset transfers in the amount of $6,196,265. The Agency provided capital asset account balances for the capital assets to support the transfers returned to the Agency; however, records provided do not support the full amount claimed to be returned to the Agency. Finance made no adjustments to the balance since these are non-liquid assets; however, the Agency should reverse the improper transfers and include these properties in its Long Range Property Management Plan which is to be submitted to Finance pursuant to HSC section 34191.5.

- Balances retained for fiscal year 2012-13 obligations in the amount of $2,939,072. The Agency requested to retain $10,478,777 million for the July through December 2012 Recognized Obligation Payment Schedule (ROPS II) and January through June 2013 ROPS (ROPS III) obligations. The Agency is allowed to retain $4,331,478 for the ROPS II obligations and $3,208,227 for the prior period adjustment to the ROPS III RPPTF distribution. For the remainder of the ROPS III obligations, the Agency should use the

RPTTF distribution received in January 2013 which is not part of the OFA balance. Therefore, the balance was adjusted by $2,939,072.

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 $17,515,762 (see table below).

OFA Balances Available For Distribution To Taxing Entities		
Available Balance per DDR:	$	12,785,906
Finance Adjustments		
Unsupported asset transfers	$	1,790,784
Disallowed balances retained for ROPS obligations		2,939,072
Total OFA available to be distributed:	$	17,515,762

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, please 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 Beliz Chappuie, Supervisor or Mindy Patterson, Lead Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Mr. Curtis Cannon, Community Development Director, City of Oxnard
Ms. Sandra Bickford, Chief Deputy, Ventura County Auditor-Controller
California State Controller's Office