



March 21, 2013

Mr. Barry Tippin, Assistant City Manager
City of Redding
777 Cypress Avenue
Redding, CA 96001

Dear Mr. Tippin:

Subject: Other Funds and Accounts Due Diligence Review

Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Redding 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 14, 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:

- Assets transferred to the City of Redding in the amount of \$650,000 were not supported by an enforceable obligation. The former redevelopment agency (RDA) transferred a total of \$650,000 to the City of Redding on August 15, 2011 under a reimbursement agreement dated September 21, 2009. The reimbursement agreement is between the former RDA and the City of Redding. HSC 34171 (d) (2) states that agreements, contracts or arrangements between the city that created the RDA and the former RDA are not enforceable obligations, unless entered into within two years of the date of creation of the redevelopment agency. Therefore, the OFA balances available for distribution to the taxing entities will be adjusted by \$650,000.
- Current unencumbered OFA balances requested to be retained in the amount of \$5,921,283 to cover future obligations are not allowed. Since Finance has only approved funding through the January through June 2013 Recognized Obligation Payment Schedule (ROPS III) period, the Agency's fund balances are only encumbered to the extent they have been approved on a ROPS through the June 30, 2013 period. The cash flow analysis provided by the Agency does not demonstrate an immediate need to retain these unencumbered OFA balances, nor does it suggest available funding will be insufficient to service the Agency's bond debt.

Should a deficit occur in the future, HSC provides successor agencies with various methods to address short term cash flow issues. These may include requesting a loan from the city pursuant to HSC section 34173 (h), requesting the accumulation of reserves on the ROPS when a future balloon or uneven payment is expected, or subordinating pass-through payments pursuant to HSC section 34183 (b). The Agency should seek counsel from their oversight board to determine the solution most appropriate for their situation if a deficiency were to occur.

Since the Agency has not demonstrated an immediate need to retain unencumbered OFA balances and possesses alternatives to address short term cash flow shortages, Finance deems it is not necessary for the Agency to retain \$5,921,283 in OFA unencumbered balances. Therefore, the OFA balances available for distribution to the taxing entities will be adjusted by \$5,921,283

- Balances requested to be retained for the July through December 2012 ROPS II obligations in the amount of \$3,746,648 are partially denied. Although the Agency wishes to retain \$3,746,648, the County Auditor Controller only distributed \$3,513,704 on June 1, 2012. Therefore, the Agency is limited to retaining \$3,513,704 for ROPS II enforceable obligations. As such, the OFA balance available for distribution to the taxing entities will be adjusted by \$232,944.

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

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 \$14,078,747 (see table below).

OFA Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ 7,274,520
Finance Adjustments	
Add:	
Disallowed transfers:	\$ 650,000
Requested retained balance not supported:	\$ 5,921,283
ROPS II balances not distributed by CAC:	\$ 232,944
Total OFA available to be distributed:	\$ 14,078,747

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 Derk Symons, Lead Analyst at (916) 445-1546.

Sincerely,



For

STEVE SZALAY
Local Government Consultant

cc: Ms. Sarah Haddox, Sr. Redevelopment Project Coordinator, City of Redding
Ms. Sherri Jenkins, Managing Accountant Auditor, Shasta County
California State Controller's Office