



March 22, 2013

Ms. Carol E. Giovanatto, City Manager
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476
3232 Main Street

Dear Ms. Giovanatto:

Subject: Other Funds and Accounts Due Diligence Review

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

- Assets transferred to the City of Sonoma in the period between January 2011 and January 2012 should be adjusted by \$1,985,807. HSC section 34179.5 (c) (2) only allows asset transfers within this period that are required by an enforceable obligation. In addition, HSC section 34171 (d) (2) states that agreements or contracts between the former redevelopment agency and the City that created the redevelopment agency are not enforceable. No documents were received to support that the following transfers were required by an enforceable obligation:
 - Reimbursement of purchases of goods and services in the amount of \$1,802,660. No support was provided to substantiate these expenses, or whether the expenses belonged to the former redevelopment agency.
 - Lease payments in the amount of \$38,647 in which the RDA covers 37 percent of the total lease payments. The lease agreement is with the City, and the former redevelopment agency is not a party to the agreement.
 - Cooperation agreement between the City and the former RDA in the amount of \$144,500. No third party contracts received to determine if these payments were for an enforceable obligation.

- Balances to be retained for assets legally restricted in the amount of \$7,662,353 should be adjusted by \$2,522,442. The balance considered restricted was limited to the \$5,139,911 reserved and supported by the fiscal agent bank statements. No additional support was provided to indicate the \$2,522,422 is legally restricted.

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 \$12,998,329 (see table below).

OFA Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	
Finance Adjustments	\$ 8,490,080
Add/Deduct:	
Disallowed transfers:	\$ 1,985,807
Requested retained balance not supported:	2,522,442
Total OFA available to be distributed:	\$ 12,998,329

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: Mr. Scott Williams, Accountant, City of Sonoma
Mr. Erick Roeser, Property Tax Manager, County of Sonoma
California State Controller's Office