DEPARTMENT OF FINANCE

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April 13, 2013

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

Dear Mr. Buffalo:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Lakeport Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 13-14A) to the California Department of Finance (Finance) on February 28, 2013 for the period of July through December 2013. Finance has completed its review of your ROPS 13-14A, which may have included obtaining clarification for various items.

HSC section 34171 (d) defines enforceable obligations. Based on a sample of line items reviewed and application of the law, the following do not qualify as enforceable obligations:

- Item No. 8 – Contracted Services funded with reserves in the amount of $20,000. Finance was unable to determine whether the contracted services meet the definition of an enforceable obligation. The Agency estimated costs are based off of a Memorandum of Understanding (MOU) that neither the former redevelopment agency nor the Agency is a party to the MOU. The Agency was unable to provide an enforceable contract, beyond the MOU, to support the amounts claimed. Therefore, this item is not an enforceable obligation at this time.

- Item No. 10 – Service Agreement in the amount of $131,386 in bond proceeds is not an enforceable obligation at this time. HSC 34163(b) prohibits a redevelopment agency from entering into a contract with any entity after June 27, 2011. Pursuant to HSC section 34191.4 (c), the Agency's request to use bond funds for this item may be allowable once the Agency receives a Finding of Completion from Finance. The Agency has yet to receive a Finding of Completion from Finance. Therefore, this item is not an enforceable obligation at this time.

Except for items denied in whole or in part as enforceable obligations, Finance is not objecting to the remaining items listed on your ROPS 13-14A. This determination applies only to items where funding was requested for the six month period. If you disagree with the determination with respect to any items on your ROPS 13-14A, 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 maximum approved Redevelopment Property Tax Trust Fund (RPTTF) distribution for the reporting period is $248,744 as summarized below:

Approved RPTTF Distribution Amount		
For the period of July through December 2013		
Total RPTTF funding requested for obligations	$	194,240
Minus: Six-month total for items denied or reclassified as administrative cost	$	-
Total approved RPTTF for enforceable obligations	$	194,240
Plus: Allowable RPTTF distribution for ROPS 13-14A administrative cost		125,000
Minus: ROPS II prior period adjustment		(70,496)
Total RPTTF approved for distribution:	**$**	**248,744**

Pursuant to HSC Section 34186 (a), successor agencies were required to report on the ROPS 13-14A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 2012 period. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by successor agencies are subject to audit by the county auditor-controller (CAC) and the State Controller. The amount of RPTTF approved in the above table includes the prior period adjustment resulting from the CAC's audit of the Agency's self-reported prior period adjustment.

Please refer to the ROPS 13-14A schedule that was used to calculate the approved RPTTF amount:

http://www.dof.ca.gov/redevelopment/ROPS/ROPS 13-14A Forms by Successor Agency/.

This is Finance's final determination related to the enforceable obligations reported on your ROPS for July 1 through December 31, 2013. Finance's determination is effective for this time period only and should not be conclusively relied upon for future periods. All items listed on a future ROPS are subject to a subsequent review and may be denied even if it was or was not denied on this ROPS or a preceding ROPS. The only exception is for those items that have received a Final and Conclusive determination from Finance pursuant to HSC 34177.5 (i). Finance's review of items that have received a Final and Conclusive determination is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment that was available prior to enactment of ABx1 26 and AB 1484. This amount is not and never was an unlimited funding source. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax is limited to the amount of funding available to the successor agency in the RPTTF.

To the extent proceeds from bonds issued after December 31, 2010 exist and are not encumbered by an enforceable obligation pursuant to 34171 (d), HSC section 34191.4 (c)(2)(B) requires these proceeds be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation.

Please direct inquiries to Wendy Griffe, Supervisor or Derk Symons, Lead Analyst at (916) 445-1546.

Sincerely,

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