DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. ▪ GOVERNOR
915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

November 7, 2013

Ms. Francesca Schuyler, City Administrator
City of Montebello
1600 West Beverly Boulevard
Montebello, CA 90640

Dear Ms. Schuyler:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Montebello Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 13-14B) to the California Department of Finance (Finance) on September 26, 2013 for the period of January through June 2014. Finance has completed its review of your ROPS 13-14B, 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 for the reasons specified:

- Item No. 29 – Reimbursement of property maintenance costs paid by the City of Montebello for City Hall, Police Station, and Acuna Park in the amount of $219,280. HSC section 34171 (d) (1) (F), states that enforceable obligations include contracts or agreements necessary for maintaining assets prior to disposition. However, it is our understanding there is not a reimbursement agreement in place. Therefore, this item is not an enforceable obligation and not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding.

- Item Nos. 30 through 32 – Funding to adjust the July through December 2012 (ROPS II) prior period adjustment for attorney fees and arbitrage calculations totaling $129,161. Funding to adjust these items were previously denied in Finance's ROPS 13-14A Meet and Confer letter dated May 17, 2013. Therefore, these items are not enforceable obligations and not eligible for RPTTF funding.

- Item 34 – ROPS II unfunded obligation for Ostrom Chevrolet Note Payable in the amount of $168,890. According to the Agency's self-reported ROPS II Actual Payments form submitted during the ROPS 13-14A period, this item was fully funded and paid with RPTTF during the ROPS II period. Therefore, this item is not an enforceable obligation and not eligible for RPTTF funding on this ROPS.

- Item No. 25 – Due Diligence and Annual Audit costs in the amount of $15,000. The Due Diligence Review preparation services were fully funded and paid during the ROPS 13-

14A period. Therefore, this item is for audit services and considered general administrative costs and has been reclassified. Although this reclassification increased administrative costs to $24,442, the administrative cost allowance has not been exceeded.

Pursuant to HSC Section 34186 (a), successor agencies were required to report on the ROPS 13-14B form the estimated obligations and actual payments (prior period adjustments) associated with the January through June 2013 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 below table includes the prior period adjustment resulting from the CAC's audit of the Agency's self-reported prior period adjustment.

Except for the items denied in whole or in part as enforceable obligations or for the items that have been reclassified, Finance is not objecting to the remaining items listed on your ROPS 13-14B. If you disagree with the determination with respect to any items on your ROPS 13-14B, 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 RPTTF distribution for the reporting period is $4,794,247 as summarized below:

Approved RPTTF Distribution Amount For the period of January through June 2014		
Total RPTTF requested for non-administrative obligations		5,702,137
Total RPTTF requested for administrative obligations		9,442
Total RPTTF requested for obligations	**$**	**5,711,579**
Total RPTTF requested for non-administrative obligations		**5,702,137**
Denied Items		
Item No. 29		(219,280)
Item No. 30		(78,061)
Item No. 31		(50,000)
Item No. 32		(1,100)
Item No. 34		(168,890)
		(517,331)
Reclassified Items		
Item No. 25		(15,000)
		(15,000)
Total RPTTF approved for non-administrative obligations		**5,169,806**
Total RPTTF requested for administrative obligations		**9,442**
Reclassified Items		
Item No. 25		15,000
		15,000
Total RPTTF for administrative obligations		**24,442**
Total RPTTF approved for obligations		**5,194,248**
ROPS III prior period adjustment		(400,001)
Total RPTTF approved for distribution	**$**	**4,794,247**

Pursuant to HSC section 34177 (l) (1) (E), agencies are required to use all available funding sources prior to RPTTF for payment of enforceable obligations. Beginning with the ROPS 13-14B period, Finance required successor agencies to identify fund balances for various types of funds in its possession. During our ROPS 13-14B review, Finance requested financial records to support the fund balances reported by the Agency; however, Finance was unable to reconcile the financial records to the amounts reported. As a result, Finance will continue to work with the Agency after the ROPS 13-14B review period to properly identify the Agency's fund balances. If it is determined the Agency possesses fund balances that are available to pay approved obligations, the Agency should request the use of these fund balances prior to requesting RPTTF in ROPS 14-15A.

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

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

Absent a Meet and Confer, this is Finance's final determination related to the enforceable obligations reported on your ROPS for January 1 through June 30, 2014. This determination applies only to items where funding was requested for the six month period. 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 HSC section 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 Kylie Le, Supervisor or Brian Dunham, Lead Analyst at (916) 445-1546.

Sincerely,

JUSTYN HOWARD
Assistant Program Budget Manager

cc: Mr. Michael Huntley, Dir. of Planning and Comm. Dev., City of Montebello
Ms. Kristina Burns, Manager, Los Angeles County Department of Auditor-Controller
California State Controller's Office