

November 6, 2013

Mr. Andrew White, Finance Manager
City of Poway
13325 Civic Center Drive
Poway, CA 92064

Dear Mr. White:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Poway Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 13-14B) to the California Department of Finance (Finance) on September 25, 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 does not qualify as an enforceable obligation for the reasons specified:

- Item No. 252 – Contingency Costs totaling \$60,000. This request includes \$10,000 from bond proceeds, \$10,000 from reserves, \$20,000 from other funds and \$20,000 from Redevelopment Property Tax Trust Funds (RPTTF) totaling \$60,000. The Agency received advice from the San Diego County Audit-Controller (CAC) that they could include an amount for contingencies in case the Agency ran over budget. HSC 34171 (d) does not define contingencies as enforceable obligations. Therefore, this item is not eligible for funding.

During our review, which may have included obtaining financial records, Finance determined the Agency possesses funds that are required to be used prior to requesting RPTTF. Pursuant to HSC section 34177 (l) (1) (E), RPTTF may be used as a funding source, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. The Agency provided financial records that displayed available other funding sources totaling \$4,394,440.

Therefore, the funding source for the following Item Nos. are being reclassified to "Other" totaling \$4,394,440: Item Nos. 3, 4, 10, 11, 14, 24, 26, 30, 48, 50, 52, 54, 55, 60, 61, 63, 64, 66, 68, 247, 248, 249, 250, 253 and 267.

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 CAC and the State Controller. The amount of RPTTF approved in the table below includes the prior period adjustment resulting from the CAC's audit of the Agency's self-reported prior period adjustment.

Except for the item denied in whole or in part as an enforceable obligation 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 \$7,892,695 as summarized on the next page:

Approved RPTTF Distribution Amount	
For the period of January through June 2014	
Total RPTTF requested for non-administrative obligations	12,425,644
Total RPTTF requested for administrative obligations	372,769
Total RPTTF requested for obligations	\$ 12,798,413
Total RPTTF requested for non-administrative obligations	12,425,644
<u>Denied Items</u>	
Item No. 252	(20,000)
<u>Reclassified Items</u>	
Item No. 3	(1,932,909)
Item No. 4	(603,634)
Item No. 10	(536,408)
Item No. 11	(451,513)
Item No. 14	(435,269)
Item No. 24	(576)
Item No. 26	(1,500)
Item No. 30	(5,000)
Item No. 48	(903)
Item No. 50	(500)
Item No. 52	(4,000)
Item No. 54	(543)
Item No. 55	(1,099)
Item No. 60	(7,200)
Item No. 61	(6,800)
Item No. 63	(2,500)
Item No. 64	(3,500)
Item No. 66	(8,000)
Item No. 68	(2,000)
Item No. 247	(5,000)
Item No. 248	(3,500)
Item No. 249	(7,317)
Item No. 253	(1,000)
Item No. 267	(1,000)
	(4,021,671)
Total RPTTF approved for non-administrative obligations	8,383,973
Total RPTTF requested for administrative obligations	372,769
<u>Reclassified Items</u>	
Item No. 250	(372,769)
Total RPTTF approved for administrative obligations	0
ROPS III prior period adjustment (PPA)	(491,278)
Total RPTTF approved for distribution	\$ 7,892,695

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/](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 Wendy Griffe, Supervisor or Jenny DeAngelis, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Assistant Program Budget Manager

cc: Ms. Ashley Jones, Senior Management Analyst, City of Poway
Mr. Jon Baker, Senior Auditor and Controller Manager, San Diego County
California State Controller's Office