DEPARTMENT OF FINANCE

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

May 16, 2014

Mr. Donald L. Parker, Finance Director
City of Montclair
5111 Benito Street
Montclair, CA 91763

Dear Mr. Parker:

Subject: Recognized Obligation Payment Schedule

This letter supersedes the California Department of Finance's (Finance) Recognized Obligation Payment Schedule (ROPS) letter dated April 8, 2014. Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Montclair Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 14-15A) to Finance on February 27, 2014, for the period of July through December 2014. Finance issued a ROPS determination letter on April 8, 2014. Subsequently, the Agency requested a Meet and Confer session on one or more of the items denied by Finance. The Meet and Confer session was held on April 14, 2014.

Based on a review of additional information and documentation provided to Finance during the Meet and Confer process, Finance has completed its review of the specific item being disputed.

- Item No. 39 – Contract for Appraisal Services in the amount of $12,000. Finance continues to deny this item. During our initial review, the Agency provided the Integra Ellis Real Estate Appraisal proposal. However, the maximum value allowable in this proposal is $9,800, and the Agency has already expended $11,800. The Agency claims the amount of $11,800 is for preparation of the Long-Range Property Management Plan (LRPMP). The Agency also claims that funds requested for ROPS 14-15A are for appraisals Finance may require during its review of the LRPMP. As stated in our Approval of Oversight Board Action letter dated December 13, 2013, appraisal services are allowable pursuant to HSC section 34177.3 (b); however, they are not required for the preparation or review of the LRPMP. More specifically, HSC section 34191.5 (c) requires a LRPMP that includes a list of all properties and, among other things, estimates of the current values of properties and parcels including, if available, any appraisals.

  We note that on its LRPMP the Agency included two properties for sale and two for future development. While we acknowledge appraisals may be required for the actual sale or development of the properties, the Agency's LRPMP has not yet been approved. Therefore, this item is not an enforceable obligation at this time and is not eligible for RPTTF funding during ROPS 14-15A.

- Item Nos. 45 – Long-Range Property Management Plan preparation costs totaling $79,343. Finance no longer denies this item. This amount represents salary and benefit costs associated with 50 percent of the Deputy City Manager's staff time with the Agency and 25 percent of Finance Director's staff time with the Agency. Pursuant to Oversight Board Resolution No. 14-03, the staff time is specifically related to LRPMP activities anticipated to be incurred during the ROPS 14-15A period.

- Item Nos. 47 – Long-Range Property Management Plan (LRPMP) preparation costs totaling $71,319. Finance continues to deny this item. This amount represents salary and benefit costs associated with 90 percent of the Deputy City Manager's staff time with the Agency incurred from July 1, 2013 through November 30, 2013. While the Agency provided support for salary payments made to the Deputy City Manager during this period, the Agency did not provide support for the time specifically allocated toward the preparation of the LRPMP. In addition, the duty statement provided by the Agency for the Deputy City Manager identifying LRPMP responsibilities was not signed until April 28, 2014. Finally, we note that this amount was not approved outside of the administrative cost allowance on any previous ROPS.

- Item No. 50 – Housing Entity Administrative Cost Allowance in the total amount of $750,000 payable from RPTTF with $150,000 requested for ROPS 14-15A. Finance continues to deny this item. Finance denied this item because pursuant to HSC section 34171 (p), the housing entity administrative cost allowance is applicable only in cases where the city, county, or city and county that authorized the creation of the redevelopment agency (RDA) elected to not assume the housing functions. Because the housing successor entity to the former RDA of the City of Montclair (City) is the City-formed Housing Authority (Authority) and the Authority operates under the control of the City, the Authority is considered the City under Dissolution Law (ABx1 26 and AB 1484).

  The Agency contends that the Authority, as a separate legal entity from the City, did elect to retain the housing functions pursuant to HSC section 34176 (b) (3) and should therefore be eligible for the housing entity administrative allowance. However, pursuant to HSC section 34167.10 (a), the definition of "city" includes, but is not limited to, any reporting entity of the city for purposes of its comprehensive annual financial report (CAFR), any component unit of the city, or any entity controlled by the city or for which the city is financially responsible or accountable. HSC section 34167.10 (a) defines "city" for purposes of all of Dissolution Law, which includes HSC section 34171, as amended by AB 471, and HSC section 34176. The Authority's annual budget is presented by the City and the City Council serves as the Board of Directors for the Housing Authority. Although the Authority is a separate legal entity from the City, HSC section 34167.10 (c) states that it shall not be relevant that the entity is formed as a separate legal entity.

  Although the Authority is a separate legal entity from the City, HSC section 34167.10 (c) states that it shall not be relevant that the entity is formed as a separate legal entity. It should also be noted that HSC section 34167.10 (c) goes on to state that "the provisions of this section are declarative of existing law as the entities described herein are and were intended to be included within the requirements of this part [Part 1.8] and Part 1.85...and any attempt to determine otherwise would thwart the intent

of these two parts." Therefore, based on our review, the City, by way of the Authority, elected to retain the housing functions pursuant to HSC section 34176 (a) and is not eligible for $150,000 of housing entity administrative allowance.

Pursuant to HSC section 34186 (a), successor agencies were required to report on the ROPS 14-15A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 2013 period. HSC section 34186 (a) also specifies 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 table below includes the prior period adjustment resulting from the CAC's audit of the Agency's self-reported prior period adjustment.

Except for items denied in whole or in part as enforceable obligations, Finance is not objecting to the remaining items listed on your ROPS 14-15A. The Agency's maximum approved Redevelopment Property Tax Trust Fund (RPTTF) distribution for the reporting period is $192,668 as summarized below:

Approved RPTTF Distribution For the period of July through December 2014		
Total RPTTF requested for non-administrative obligations		389,210
Total RPTTF requested for administrative obligations		125,000
Total RPTTF requested for obligations	**$**	**514,210**
Total RPTTF requested for non-administrative obligations		**389,210**
Denied Items		
Item No. 39		(12,000)
Item No. 47		(71,319)
Item No. 50		(150,000)
		(233,319)
Total RPTTF authorized for non-administrative obligations	**$**	**155,891**
Total RPTTF requested for administrative obligations		**125,000**
Total RPTTF authorized for administrative obligations	**$**	**125,000**
Total RPTTF authorized for obligations	**$**	**280,891**
ROPS 13-14A prior period adjustment		(88,223)
Total RPTTF approved for distribution	**$**	**192,668**

Please refer to the ROPS 14-15A schedule that was used to calculate the approved RPTTF amount:

http://www.dof.ca.gov/redevelopment/ROPS

This is Finance's final determination related to the enforceable obligations reported on your ROPS for July 1 through December 31, 2014. This determination only applies 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 section 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 Evelyn Suess, Dispute Resolution Supervisor, or Danielle Brandon, Analyst, at (916) 445-1546.

Sincerely,

JUSTYN HOWARD
Assistant Program Budget Manager

cc: Ms. Marilyn Staats, Deputy City Manager/Exec. Dir. Econ. Dev., City of Montclair
Ms. Linda Santillano, Property Tax Manager, San Bernardino County
California State Controller's Office