



May 16, 2014

Mr. Jeff Zwack, Development Services Director
City of Upland
460 North Euclid Avenue
Upland, CA 91786

Dear Mr. Zwack:

Subject: Recognized Obligation Payment Schedule

This letter supersedes the California Department of Finance's (Finance) Recognized Obligation Payment Schedule (ROPS) letter dated April 4, 2014. Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Upland Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 14-15A) to Finance on February 26, 2014, for the period of July through December 2014. Finance issued a ROPS determination letter on April 4, 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 15, 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 items being disputed.

- Item No. 14 – City of Upland (City) Loan Agreement in the amount of \$54,097. Finance no longer denies \$13,258 of this item. Pursuant to HSC section 34173 (h), a sponsoring entity may loan or grant funds to the Agency for administrative costs, enforceable obligations, or project-related expenses. The Agency submitted documentation for a City loan, which identified the loan for enforceable obligations in the July through December 2012 (ROPS II) period. However, Finance initially denied this item because funds expended beyond amounts authorized by Finance do not constitute enforceable obligations.

During the Meet and Confer process, the Agency contended that the actual expenditures for ROPS II were \$2,942,922 and the Agency received \$2,888,825, which resulted in a deficit of \$54,097. Based on further review of the ROPS II Prior Period Adjustment form and expenditure information provided, the Agency received \$2,888,825 and expended \$2,942,921, which resulted in a deficit of \$54,096. Of this amount, only \$13,258 for Item No. 9 on ROPS II was within Finance's approved amount. Therefore, this item is an enforceable obligation and is eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding in the amount of \$13,258 for Item No. 9 on ROPS II. The remaining amount of \$40,838 (\$54,096 - \$13,258) is attributable to the Agency expending RPTTF above Finance's approved amounts for specific line items. As reported on the ROPS II

Prior Period Adjustment worksheet, the Agency's expenditures exceeded Finance's authorization for the following line items and the corresponding amounts noted below:

- o Item No. 1 in the amount of \$12,237
- o Item No. 2 in the amount of \$4,156
- o Item No. 4 in the amount of \$12,500
- o Item No. 6 in the amount of \$10,795
- o Item No. 13 in the amount of \$1,150

Per HSC section 34177 (a) (3), only those payments listed on ROPS may be made by the Agency from the funds specified on the ROPS. However, these items are determined to be enforceable obligations. Therefore, Finance is increasing the Agency's authorization for the ROPS 14-15A period to ensure that authorization is consistent with expenditures for the approved enforceable obligations. As these RPTTF funded items were previously expended, the increase in authorization should not result in increased expenditures, but should merely allow the Agency to reconcile actual expenditures to the authorization.

HSC sections 34177 (a) (4) and 34173 (h) provide mechanisms when Agency payments must exceed the amounts authorized by Finance. However, Finance notes that pursuant to HSC section 34183 (a) (2) (A), debt service payments have first priority for payment from distributed RPTTF funding. Please ensure the proper expenditure authority is received from your Oversight Board and Finance prior to making payments on enforceable obligations.

- Item Nos. 17 and 18 – Chaffey Community College District (CCD) and San Bernardino Superintendent of Schools (SBCSS) Pass-Through Payments totaling \$131,349. Finance continues to deny these items. The Agency provided demand letters from CCD and SBCSS that requested payments of underfunded pass-throughs for fiscal years 2008-09 through 2010-11 based on a Los Angeles Unified School District (LAUSD) court decision. However, Finance denied this item because the Agency is not named as a party to the court decision and has not shown that the requested payments are binding. During the Meet and Confer process, the Agency contended the demand letters from Public Economics, Inc., on behalf of CCD and SBCSS for underfunded AB 1290 pass throughs are enforceable obligations. However, as previously stated, these demands are based on a LAUSD court decision and the Agency was not a named party. Therefore, these items are not enforceable obligations and are not eligible for RPTTF funding.

The administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (d). However, Finance notes the oversight board has approved an amount that appears excessive, given the number and nature of the other obligations listed on the ROPS. HSC section 34179 (i) requires the oversight board to exercise a fiduciary duty to the taxing entities. Therefore, Finance encourages the oversight board to apply adequate oversight when evaluating the administrative resources required to successfully wind-down the Agency.

During our review, which may have included obtaining financial records, Finance determined the Agency possesses funds that should 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 self-reported an available Other Funds balance of

\$9,120. Therefore, with the Agency's concurrence, the funding source for the following item has been reclassified to Other Funds and in the amount specified below:

- Item No. 5 – Property Maintenance Expenses in the amount of \$45,000. The Agency requests \$45,000 from RPTTF; however, Finance is reclassifying \$9,120 to Other Funds. This item is an enforceable obligation for the ROPS 14-15B period. However, the obligation does not require payment from property tax revenues and the Agency has \$9,120 in available Reserve Balances. Therefore, Finance is approving RPTTF in the amount of \$35,880 and the use of Reserve Balances in the amount of \$9,120, totaling \$45,000.

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 the item denied in whole or in part as enforceable obligation and for the item that has been reclassified, Finance is not objecting to the remaining items listed on your ROPS 14-15A. The Agency's maximum approved RPTTF distribution for the reporting period is zero as summarized below:

Approved RPTTF Distribution	
For the period of July through December 2014	
Total RPTTF requested for non-administrative obligations	285,284
Total RPTTF requested for administrative obligations	125,000
Total RPTTF requested for obligations	\$ 410,284
Total RPTTF requested for non-administrative obligations	285,284
<u>Denied Item</u>	
Item No. 14	(40,839)
Item No. 17	(119,748)
Item No. 18	(11,601)
	(172,188)
Total RPTTF for non-administrative obligations	113,096
<u>Cash Balances - Item reclassified to other funding sources</u>	
Item No. 5	(9,120)
	(9,120)
Total RPTTF authorized for non-administrative obligations	\$ 103,976
Total RPTTF authorized for administrative obligations	\$ 125,000
Total RPTTF authorized for obligations	\$ 228,976
ROPS 13-14A prior period adjustment	(1,348,201)
Total RPTTF approved for distribution	\$0

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. During the ROPS 14-15A 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 14-15A 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 14-15B.

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 Mary Halterman, Analyst, at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Assistant Program Budget Manager

cc: Ms. Liz Chavez, Housing Manager, City of Upland
Ms. Linda Santillano, Property Tax Manager, San Bernardino County
California State Controller's Office