



November 7, 2014

Mr. Jim DellaLonga, Senior Project Manager  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

Dear Mr. DellaLonga:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Garden Grove Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 14-15B) to the California Department of Finance (Finance) on September 24, 2014 for the period of January 1 through June 30, 2015. Finance has completed its review of your ROPS 14-15B, which may have included obtaining clarification for various items.

Based on a sample of line items reviewed and application of the law, Finance made the following determinations:

- Item No. 40 – Limón Law Suit Settlement totaling \$1,936,540 is not allowed. Pursuant to HSC 34178, the successor agency can only enter into agreements upon obtaining the approval of its oversight board approval. However, the April 2014 settlement agreement was not approved by the Agency's Oversight Board. Therefore, this line item is not an enforceable obligation and is not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding.
- Item Nos. 42 through 46 – Overages for various obligations totaling \$387,271 are not allowed. It is our understanding the Agency is not requesting funding for obligations due during the ROPS 14-15B period, but rather, to finalize amounts actually spent during the ROPS 13-14B period. Pursuant to HSC 34177 (l) (3), the ROPS is forward looking, therefore, these line items are not enforceable obligations and are not eligible for RPTTF funding.
- Claimed administrative costs exceed the allowance by \$74,293. HSC section 34171 (b) limits the fiscal year 2014-15 administrative expenses to three percent of property tax allocated to the Agency or \$250,000, whichever is greater. The Orange County Auditor-Controller's Office distributed \$342,485 for the July through December 2014 period, thus leaving a balance of \$263,552 available for the January through June 2015 period. Although \$337,845 is claimed for administrative cost, only \$263,552 is available pursuant to the cap. Therefore, \$74,293 in excess administrative cost is not allowed.

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 (I) (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 general ledgers for the period ended December 31, 2013, which displayed available Reserve Balances totaling \$244,399.

Therefore, with the Agency's concurrence, the funding source for the following item has been reclassified to Reserve Balances and in the amount specified below:

- Item No. 14 – Union Bank of California Loan. The Agency requests \$2,466,427 from RPTTF; however, Finance is reclassifying \$244,399 to Reserve Balances. 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 \$244,399 in available Reserve Balances. Therefore, Finance is approving RPTTF in the amount of \$2,222,028 and the use of Reserve Balances in the amount of \$244,399, totaling \$2,466,427.

Pursuant to HSC section 34186 (a), successor agencies were required to report on the ROPS 14-15B form the estimated obligations and actual payments (prior period adjustments) associated with the January through June 2014 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 review of the Agency's self-reported prior period adjustment.

Except for items denied in part or for the item that has been reclassified, Finance is not objecting to the remaining items listed on your ROPS 14-15B. If you disagree with the determination with respect to any items on your ROPS 14-15B, 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/](http://www.dof.ca.gov/redevelopment/meet_and_confer/)

The Agency's maximum approved RPTTF distribution for the reporting period is \$9,566,143 as summarized in the Approved RPTTF Distribution Table below:

| <b>Approved RPTTF Distribution</b>   |                      |
|--|----------------------|
| <b>For the period of January through June 2015</b>                         |                      |
| Total RPTTF requested for non-administrative obligations                   | 11,261,515           |
| Total RPTTF requested for administrative obligations                       | 337,845              |
| <b>Total RPTTF requested for obligations on ROPS</b>                       | <b>\$ 11,599,360</b> |
| <b>Total RPTTF requested for non-administrative obligations</b>            | <b>11,261,515</b>    |
| <b>Denied Items</b>  |                      |
| Item No. 40  | (936,540)            |
| Item No. 42  | (116,427)            |
| Item No. 43  | (11,614)             |
| Item No. 44  | (168,785)            |
| Item No. 45  | (88,024)             |
| Item No. 46  | (2,421)              |
|  | (1,323,811)          |
| <b>Total RPTTF for non-administrative obligations</b>                      | <b>9,937,704</b>     |
| <b>Cash Balances - Item reclassified to other funding sources</b>          |                      |
| Item No. 14  | (244,399)            |
|  | (244,399)            |
| <b>Total RPTTF authorized for non-administrative obligations</b>           | <b>\$ 9,693,305</b>  |
| <b>Total RPTTF requested for administrative obligations</b>                | <b>337,845</b>       |
| Administrative costs in excess of the cap (see Admin Cost Cap table below) | (74,293)             |
| <b>Total RPTTF authorized for administrative obligations</b>               | <b>\$ 263,552</b>    |
| <b>Total RPTTF authorized for obligations</b>                              | <b>\$ 9,956,857</b>  |
| ROPS 13-14B prior period adjustment  | (390,714)            |
| <b>Total RPTTF approved for distribution</b>                               | <b>\$ 9,566,143</b>  |

| <b>Administrative Cost Cap Calculation</b>   |                    |
|--|--------------------|
| Total RPTTF for 14-15A (July through December 2014)                                | 10,263,528         |
| Total RPTTF for 14-15B (January through June 2015)                                 | 9,937,704          |
| Less approved unfunded obligations from prior periods                              | 0                  |
| <b>Total RPTTF for fiscal year 2014-2015</b>                                       | <b>47,829,567</b>  |
| Allowable administrative cost for fiscal year 2014-15 (Greater of 3% or \$250,000) | 606,037            |
| Administrative allowance for 14-15A (July through December 2014)                   | 342,485            |
| <b>Allowable RPTTF distribution for administrative cost for ROPS 14-15B</b>        | <b>263,552</b>     |
| Total RPTTF administrative obligations after Finance adjustments                   | 337,845            |
| <b>Administrative costs in excess of the cap</b>                                   | <b>\$ (74,293)</b> |

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

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

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, 2015. 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 the 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 agency in the RPTTF.

Pursuant to HSC section 34177 (a) (3), only those payments listed on an approved ROPS may be made by the successor agency from the funds specified in the ROPS. However, if for whatever reason the Agency needs to make payments for approved obligations from another funding source, HSC section 34177 (a) (4) requires the Agency to first obtain oversight board approval.

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 Nichelle Thomas, Supervisor or Alexander Watt, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD  
Acting Program Budget Manager

cc: Mr. Matthew J. Fertal, City Manager, City of Garden Grove  
Mr. Frank Davies, Property Tax Manager, Orange County  
California State Controller's Office