



April 12, 2015

Ms. Cheryl Dyas, Director of Administrative Services
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Dear Ms. Dyas:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Mission Viejo Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 15-16A) to the California Department of Finance (Finance) on February 27, 2015 for the period of July 1 through December 31, 2015. Finance has completed its review of your ROPS 15-16A, 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. 24 – Kaleidoscope Owner Participation Agreement in the amount of \$35,000. Finance continues to reclassify this obligation to the Agency's Administrative Cost Allowance. HSC 34171 (b) allows litigation expenses related to assets or obligations to be funded with property tax outside the administrative cap. However, this item relates to general legal representation and not specifically to bringing or contesting a legal action in court; therefore, it is considered an administrative cost. Although enforceable, the types of services requested are considered general administrative costs and have been reclassified.
- Item Nos. 53 and 55 – Legal costs provided by Stradling, Yocca, Carlson, & Rauth related to incorrect Supplemental Educational Revenue Augmentation Fund (SERAF) and Redevelopment Property Tax Trust Funds (RPTTF) calculations totaling \$20,000. It is our understanding the Agency retained the services of Lozano Smith, LLP for SERAF and RPTTF calculations. HSC section 34171 (d) (1) (F) states that contracts and agreements necessary for the administration or operation of the Agency, including contracts concerning litigation, are enforceable obligations; however, legal services from two separate firms for the same issue appears duplicative and unnecessary. To the extent the Agency can provide suitable documentation that indicates the need for two legal firms and specifies the services each firm is to perform, the Agency may be able to obtain Redevelopment Property Tax Trust Funds (RPTTF) on future ROPS.

- Item Nos. 54 and 56 – Legal costs provided by Lozano Smith, LLP totaling \$40,000. Although enforceable, the types of services requested are considered general administrative costs and have been reclassified.
- Item No. 57 – Legal services provided by Lozano Smith, LLP to properly manage preexisting 1999 Variable Rate Demand Bond contracts in the amount of \$60,000. The Agency is already requesting these services in Item No. 51. No documentation was provided to support the need for these additional compliance services. To the extent the Agency can provide suitable documentation to support the requested funding for additional compliance services, the Agency may be able to obtain RPTTF on future ROPS.

Pursuant to HSC section 34186 (a), successor agencies were required to report on the ROPS 15-16A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 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 the items denied in whole or in part or the items that have been reclassified, Finance is not objecting to the remaining items listed on your ROPS 15-16A. If you disagree with the determination with respect to any items on your ROPS 15-16A, 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 \$1,420,452 as summarized in the Approved RPTTF Distribution table below:

Approved RPTTF Distribution	
For the period of July through December 2015	
Total RPTTF requested for non-administrative obligations	1,346,263
Total RPTTF requested for administrative obligations	125,000
Total RPTTF requested for obligations on ROPS	\$ 1,471,263
Total RPTTF requested for non-administrative obligations	1,346,263
<u>Denied Items</u>	
Item No. 53	(10,000)
Item No. 55	(10,000)
Item No. 57	(30,000)
	(50,000)
<u>Reclassified Items</u>	
Item No. 24	(1,000)
Item No. 54	(20,000)
Item No. 56	(20,000)
	(41,000)
Total RPTTF authorized for non-administrative obligations	\$ 1,255,263
Total RPTTF requested for administrative obligations	125,000
<u>Reclassified Items</u>	
Item No. 24	1,000
Item No. 54	20,000
Item No. 56	20,000
	41,000
Total RPTTF authorized for administrative obligations	\$ 166,000
Total RPTTF authorized for obligations	\$ 1,421,263
ROPS 14-15A prior period adjustment	(811)
Total RPTTF approved for distribution	\$ 1,420,452

Please refer to the ROPS 15-16A 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 July 1 through December 31, 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 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
Program Budget Manager

cc: Ms. Josephine Julian, Treasury Manager, City of Mission Viejo
Mr. Frank Davies, Property Tax Manager, Orange County
California State Controller's Office