DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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March 27, 2015

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

Dear Mr. Parker:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Montclair Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 15-16A) to the California Department of Finance (Finance) on February 12, 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. 45 – Long-Range Property Management Plan (LRPMP) Administration in the amount of $91,000 is partially approved. The Agency originally requested $91,000; however, Finance approved the LRPMP subsequent to the ROPS submission, and the Agency reduced their request by $38,954 ($91,000 - $52,046.) The new request included costs for additional consulting services and Oversight Board/Successor Agency Board documents and meetings totaling approximately $15,997.

However, HSC section 34177.3 (a) states that agencies shall lack the authority to, and shall not, create new enforceable obligations or begin new redevelopment work, except in compliance with an enforceable obligation that existed prior to June 28, 2011. Additionally, Oversight Board/Successor Agency Board documents and meeting costs are covered by the Agency's Administrative Cost Allowance. After reducing the contingency by $3,688, Finance has reduced the request further to $32,361. Therefore, $58,639 ($91,000 - $38,954 - $15,997 - $3,688) is not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding.

- Item No. 51 – Montclair Housing Authority – Housing Entity Administrative Cost Allowance in the amount of $750,000 is not allowed. Finance continues to deny this item. Pursuant to HSC section 34171 (p), the housing successor 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 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 pursuant to HSC section 34167.10. Therefore, this item is not an enforceable obligation and is not eligible for RPTTF funding.

- Item No. 52 – Long-Range Property Management Plan (LRPMP) preparation costs in the amount of $71,319 are not allowed. 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 incurred from July 1, 2013 through November 30, 2013 for the preparation of the Agency's LRPMP. 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 towards 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. Therefore, this item is not eligible for RPTTF funding.

- Item No. 53 – Successor Agency Reserves applied on ROPS 13-14B for other obligations in the amount of $129,196 is not allowed. Finance continues to deny this item. Finance applied this amount to non-administrative obligations in lieu of RPTTF on ROPS 13-14B. The Agency contends this amount should be used to fund administrative costs and Finance's determination was improper. However, the Agency received the full administrative allowance and was subject to $0 administrative cost allowance in the ROPS 13-14B period. Therefore, pursuant to HSC section 34117. (l), agencies should use excess funds on enforceable obligations prior to requesting RPTTF.

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, 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 $86,432 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		642,515
Total RPTTF requested for administrative obligations		125,000
Total RPTTF requested for obligations on ROPS	**$**	**767,515**
Total RPTTF requested for non-administrative obligations		**642,515**
Denied Items		
Item No. 45		(58,639)
Item No. 51		(300,000)
Item No. 52		(71,319)
Item No. 53		(129,196)
		(559,154)
Total RPTTF authorized for non-administrative obligations	**$**	**83,361**
Total RPTTF requested for administrative obligations		**125,000**
Total RPTTF authorized for administrative obligations	**$**	**125,000**
Total RPTTF authorized for obligations	**$**	**208,361**
ROPS 14-15A prior period adjustment		(121,929)
Total RPTTF approved for distribution	**$**	**86,432**

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 Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,

JUSTYN HOWARD
Program Budget Manager

cc: Ms. Marilyn Staats, Deputy City Manager/Executive Director of Economic Development, City of Montclair
Ms. Linda Santillano, Property Tax Manager, San Bernardino County
California State Controller's Office