DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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April 10, 2015

Ms. Terri Simon, Redevelopment Specialist
City of Richmond
450 Civic Center Plaza, 2nd floor
Richmond, CA 94804

Dear Ms. Simon:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Richmond Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 15-16A) to the California Department of Finance (Finance) on February 26, 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 Nos. 68, 120, 123 - Miraflores Housing Project expenses totaling $32,356,668 are not allowed on this ROPS. These items relate to the proposed construction of housing units for the Miraflores Project. The Agency cites an Infill Grant Agreement with the California Pollution Control Financing Authority as a basis for entering into contracts for the construction of housing units for the Miraflores Project. Although this item is an enforceable obligation, it is our understanding the Agency is requesting the entire amount, but will not incur any payments for construction activities during this ROPS period. Furthermore, there is no agreement in place requiring monies be held in reserve for this project. Therefore, these items are not eligible for $25,845,507 in Other Funds nor $6,511,161 in Redevelopment Property Tax Trust Funds (RPTTF). This item will be eligible for funding on future ROPS.

- Item No. 88 – Area T Soil Remediation in the amount of $100,000 is not allowed. Insufficient documentation was provided to support the amounts claimed. The Agency provided covenant documentation, and a summary of the estimated required work. However, these documents are insufficient to support the requested amount because they do not illustrate mandated work that existed prior to dissolution.
  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.

  To the extent the Agency can provide suitable documentation, such as the executed contract, or vendor invoices to support the requested funding, the Agency may be able to obtain RPTTF on future ROPS.

- Claimed administrative costs exceed the allowance by $170,836. HSC section 34171 (b) limits the fiscal year 2015-16 administrative expenses to three percent of property tax allocated to the Agency or $250,000, whichever is greater. Although $420,836 is claimed for administrative cost, only $250,000 is available pursuant to the cap. Therefore, $170,836 of excess administrative cost is not allowed.

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. Proposed CAC adjustments were not received in time for inclusion in this letter; therefore, the amount of RPTTF approved in the table below only reflects the prior period adjustment self-reported by the Agency.

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 $7,666,714 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		14,027,875
Total RPTTF requested for administrative obligations		420,836
Total RPTTF requested for obligations on ROPS	**$**	**14,448,711**
Total RPTTF requested for non-administrative obligations		**14,027,875**
Denied Items		
Item No. 68		(5,311,161)
Item No. 88		(100,000)
Item No. 120		(600,000)
Item No. 123		(600,000)
		(6,611,161)
Total RPTTF authorized for non-administrative obligations	**$**	**7,416,714**
Total RPTTF requested for administrative obligations		**420,836**
Administrative costs in excess of the cap		(170,836)
Total RPTTF authorized for administrative obligations	**$**	**250,000**
Total RPTTF authorized for obligations	**$**	**7,666,714**
ROPS 14-15A prior period adjustment		0
Total RPTTF approved for distribution	**$**	**7,666,714**

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: Mr. Chadrick Smalley, Manager, City of Richmond
Mr. Bob Campbell, Auditor-Controller, Contra Costa County
California State Controller's Office