



March 23, 2015

Mr. Rogelio Sanchez, Finance Director  
City of Wasco  
764 E Street  
Wasco, CA 93280

Dear Mr. Sanchez:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Wasco Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 15-16A) to the California Department of Finance (Finance) on February 17, 2015 for the period of July 1, 2015 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 determination:

- Item No. 1 – Industrial Park in the amount of \$820,000 is not an enforceable obligation. Insufficient documentation was provided to support the amounts claimed. The Agency provided the Financing Agreement (Agreement), debt service schedule, the former Wasco Redeployment Agency (RDA) Resolution No. 92-29, and City Resolution No. 92-1480 to support this obligation.

The Financing Agreement is an agreement between the City and the former RDA. Pursuant to HSC section 34171 (d) (2), agreements between the former RDA and the city that created the RDA are not enforceable obligations unless issued within the first two years of the RDA's existence, or if the agreements were entered into at the time of issuance of indebtedness obligations and solely for the purpose of securing or repaying those indebtedness obligations. City Resolution No. 92-1480, indicates the City of Wasco Assessment District No. 1992-1 Improvement Bonds were to be issued. However, without bond indentures, it is not evident a bond was actually issued or that any bonds are secured by RDA revenues under dissolution law. In addition, the Financing Agreement was not entered into within the first two years of the RDA's existence.

Upon receiving a Finding of Completion, pursuant to HSC section 34191.4 (b), the Agency may be eligible to seek repayment of former RDA/City loans provided the oversight board finds the loans were for legitimate redevelopment purposes. However, it is our understanding the City, not the former RDA, borrowed funds from the Wasco Public Finance Authority to finance the Industrial Park Project (Project). In consideration

for the Project, both Agency Resolution No. 92-29 and the Financing Agreement indicates the Agency pledged tax revenues to reimburse the City. HSC section 34171 (d) (1) (B) defines a "loan" as money borrowed by the Agency for a lawful purpose, to the extent they are legally required to be repaid pursuant to a required payment schedule or other mandatory loan terms. It is our understanding the Agreement is only a pledge of funds and no money was borrowed by the Agency. Therefore, the Agreement is not considered a valid loan agreement.

To the extent the Agency can provide suitable documentation to support the requested funding, the Agency may be able to obtain Redevelopment Property Tax Trust Fund (RPTTF) funding on future ROPS.

The administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (b). However, Finance notes the oversight board has approved an amount that appears excessive, given the number and nature of the 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.

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 item 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/](http://www.dof.ca.gov/redevelopment/meet_and_confer/)

The Agency's maximum approved RPTTF distribution for the reporting period is \$178,400 as summarized in the Approved RPTTF Distribution table below:

<b>Approved RPTTF Distribution</b>	
<b>For the period of July through December 2015</b>	
Total RPTTF requested for non-administrative obligations	335,950
Total RPTTF requested for administrative obligations	125,000
<b>Total RPTTF requested for obligations on ROPS</b>	<b>\$ 460,950</b>
<b>Total RPTTF requested for non-administrative obligations</b>	<b>335,950</b>
<u>Denied Item</u>	
Item No. 1	(282,550)
	(282,550)
<b>Total RPTTF authorized for non-administrative obligations</b>	<b>\$ 53,400</b>
<b>Total RPTTF requested for administrative obligations</b>	<b>125,000</b>
<b>Total RPTTF authorized for administrative obligations</b>	<b>\$ 125,000</b>
<b>Total RPTTF authorized for obligations</b>	<b>\$ 178,400</b>
ROPS 14-15A prior period adjustment	0
<b>Total RPTTF approved for distribution</b>	<b>\$ 178,400</b>

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 15-16A review, Finance requested financial records to support the cash balances reported by the Agency; however, the Agency was unable to support the expenditures and cash balance amounts reported. As a result, Finance will continue to work with the Agency after the ROPS 15-16A review period to properly identify the Agency's cash balances. If it is determined the Agency possesses cash balances that are available to pay approved obligations, the Agency should request the use of these cash balances prior to requesting RPTTF in ROPS 15-16B.

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 Kylie Oltmann, Supervisor or Veronica Green, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD  
Program Budget Manager

cc: Ms. Duviet Rodriguez, City Clerk, City of Wasco  
Ms. Mary B. Bedard, Auditor-Controller, Kern County  
California State Controller's Office