



November 17, 2015

Mr. Scott Hanin, City Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Mr. Hanin:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m) (1) (A), the City of El Cerrito Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule for the period January 1 through June 30, 2016 (ROPS 15-16B) to the California Department of Finance (Finance) on October 5, 2015. Finance has completed its review of the ROPS 15-16B.

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

- Item No. 21 – Litigation Costs in the amount of \$38,000 have been reclassified to the Administrative Cost Allowance (ACA). Pursuant to HSC section 34171 (d) (1) (F) (i), legal expenses related to civil actions, including writ proceedings, contesting the validity of the dissolution law, or challenging acts taken pursuant to the dissolution law shall only be payable from the ACA. Therefore, this item is considered to be a general administrative cost, and has been reclassified to the ACA.
- Item No. 24 – San Pablo Avenue Streetscapes in the amount of \$431,599 is not allowed. Finance continues to deny this item. Based on the City of San Pablo (City) resolutions provided by the Agency, the former redevelopment agency (RDA) was not party to the agreements. The agreements subject to the request were entered into by the City and various third parties. The Agency previously contended that the former RDA had a long standing financial commitment to the City to fund certain infrastructure costs incurred by the City and the amount requested is related to the former RDA failing to meet its obligation to the City. However, HSC section 34171 (d) (2) states that agreements, contracts, or arrangements between the city that created the RDA and the former RDA are not enforceable. Therefore, this item is not an enforceable obligation and is not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding.
- The Agency's claimed administrative costs exceed the ACA by \$38,000. HSC section 34171 (b) (2) limits fiscal year 2015-16 administrative expenses to three percent of distributed RPTTF in the preceding fiscal year or \$250,000, whichever is greater. As a result, the Agency is eligible for \$250,000 for the ACA. The Contra Costa County Auditor-Controller's Office distributed \$125,000 for the July through December 2015 period, leaving a balance of \$125,000 available for the January through June 2016 period. Although \$125,000 is claimed for administrative cost, Item No. 21 for Litigation

Costs in the amount of \$38,000 is considered an administrative expense and should be counted towards the ACA. Therefore, \$38,000 of excess ACA is not allowed.

Pursuant to HSC section 34186 (a) (1), the Agency was required to report on the ROPS 15-16B form the estimated obligations versus actual payments (prior period adjustment) associated with the January through June 2015 period (ROPS 14-15B). HSC section 34186 (a) (1) also specifies the prior period adjustment self-reported by the Agency is subject to review by the county auditor-controller (CAC). 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 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 15-16B. If you disagree with Finance's determination with respect to any items on your ROPS 15-16B, except for those items which are the subject of litigation disputing Finance's previous or related determinations, 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 \$742,251 as summarized in the Approved RPTTF Distribution table below:

Approved RPTTF Distribution	
For the period of January through June 2016	
Total RPTTF requested for non-administrative obligations	1,110,414
Total RPTTF requested for administrative obligations	125,000
Total RPTTF requested for obligations on ROPS 15-16B	\$ 1,235,414
Total RPTTF requested for non-administrative obligations	1,110,414
<u>Denied Item</u>	
Item No. 24	(431,599)
<u>Reclassified Item</u>	
Item No. 21	(38,000)
Total RPTTF authorized for non-administrative obligations	\$ 640,815
Total RPTTF requested for administrative obligations	125,000
<u>Reclassified Item</u>	
Item No. 21	38,000
Administrative costs in excess of the cap (see Admin Cost Cap table below)	(38,000)
Total RPTTF authorized for administrative obligations	\$ 125,000
Total RPTTF authorized for obligations	\$ 765,815
ROPS 14-15B prior period adjustment	(23,564)
Total RPTTF approved for distribution	\$ 742,251

Administrative Cost Cap Calculation	
Total RPTTF for 15-16A (July through December 2015)	1,406,911
Total RPTTF for 15-16B (January through June 2016)	640,815
Less approved unfunded obligations from prior periods	0
Total RPTTF for fiscal year 2015-2016	2,047,726
Administrative cost cap for fiscal year 2015-16 (Greater of 3% of Total RPTTF or \$250,000)	250,000
Administrative allowance for ROPS 15-16A (July through December 2015)	(125,000)
Remaining administrative cost cap for ROPS 15-16B	125,000
ROPS 15-16B administrative obligations after Finance adjustments	(163,000)
Administrative costs in excess of the cap	\$ (38,000)

On the ROPS 15-16B form, the Agency reported cash balances and activity for the period January 1 through December 31, 2015. Finance will perform a review of the Agency's self-reported cash balances on an ongoing basis. Please be prepared to submit financial records and bridging documents to support the cash balances reported upon request. If it is determined the Agency possesses cash balances that are available to pay approved obligations, HSC section 34177 (I) (1) (E) requires these balances be used prior to requesting RPTTF.

Please refer to the ROPS 15-16B schedule used to calculate the total RPTTF approved for distribution:

<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, 2016. This determination only applies to items when 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 ROPS periods. All items listed on a future ROPS are subject to review and may be denied even if it was not denied on this ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items 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 available prior to the enactment of the redevelopment dissolution statutes. 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.

Please direct inquiries to Nichelle Thomas, Supervisor, or Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Program Budget Manager

cc: Ms. Melanie Mintz, Community Development Director, City of El Cerrito
Mr. Bob Campbell, Auditor-Controller, Contra Costa County