



October 18, 2012

Ms. Wendy Cosin, Deputy Planning Director  
City of Berkeley  
2118 Milvia Street, 3rd Floor  
Berkeley, CA 94704

Dear Ms. Cosin:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Berkeley Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS III) to the California Department of Finance (Finance) on September 4, 2012 for the period of January through June 2013. Finance has completed its review of your ROPS III, which may have included obtaining clarification for various items.

HSC section 34171 (d) defines enforceable obligations. Based on a sample of line items reviewed and application of the law, the following do not qualify as enforceable obligations:

- HSC section 34171 (d) (2) states that agreements, contracts, or arrangements between the city that created the redevelopment agency (RDA) and the former RDA are not enforceable. The following items do not qualify as enforceable obligations:
  - Item No. 2 – Savo Island Loan Payable in the amount of \$759,600 of Redevelopment Property Tax Trust Fund (RPTTF) funding. This item is a loan between the City of Berkeley (City) and the RDA.
  - Item No. 3 – Bond-City Loan in the amount of \$1.6 million; no funding source identified. The bond indenture was between the RDA and the City, as the bondholder. HSC section 34171 (e) defines indebtedness obligations as bonds, notes, and certificates of participation issued or delivered by the RDA to third party investors or bondholders. The City is not considered a valid third party.
- Administrative costs claimed for RPTTF exceed the allowance by \$39,276. HSC section 34171 (b) limits the 2012-13 administrative expenses to three percent of property tax allocated to the Agency or \$250,000, whichever is greater.

Amount administrative costs for fiscal year 2012-13	\$250,000
Administrative costs claimed for July through December 2012	164,276
Administrative costs claimed for January through June 2013	125,000
Overage	\$39,276

Except for items denied in whole or in part as enforceable obligations as noted above, Finance is approving the remaining items listed in your ROPS III. If you disagree with the determination

with respect to any items on your ROPS III, 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 Redevelopment Property Tax Trust Fund (RPTTF) distribution for the reporting period is \$999,933 as summarized below:

<b>Approved RPTTF Distribution Amount For the period of January through June 2013</b>	
Total RPTTF funding requested for obligations	\$ 932,689
Less: Six-month total for item denied Item 2	18,480
Total approved RPTTF for enforceable obligations	<u>\$ 914,209</u>
Plus: Allowable RPTTF distribution for administrative cost for ROPS III	<u>85,724</u>
<b>Total RPTTF approved:</b>	<b>\$ 999,933</b>
<b>Administrative Cost Calculation</b>	
Total RPTTF for the period July through December 2012	\$ 129,735
Total RPTTF for the period January through June 2013	914,209
<b>Total RPTTF for fiscal year 2012-13:</b>	<b>\$ 1,043,944</b>
Allowable administrative cost for fiscal year 2012-13 (Greater of 3% or \$250,000)	250,000
Administrative allowance for the period of July through December 2012	164,276
<b>Allowable RPTTF distribution for administrative cost for ROPS III:</b>	<b>\$ 85,724</b>

Pursuant to HSC section 34186 (a), successor agencies were required to report on the ROPS III form the estimated obligations and actual payments associated with the January through June 2012 period. The amount of RPTTF approved in the above table will be adjusted by the county auditor-controller to account for differences between actual payments and past estimated obligations. Additionally, these estimates and accounts are subject to audit by the county auditor-controller and the State Controller.

Please refer to the ROPS III schedule that was used to calculate the approved RPTTF amount:

[http://www.dof.ca.gov/redevelopment/ROPS/ROPS III Forms by Successor Agency/](http://www.dof.ca.gov/redevelopment/ROPS/ROPS%20III%20Forms%20by%20Successor%20Agency/).

All items listed on a future ROPS are subject to a subsequent review. An item included on a future ROPS may be denied even if it was not questioned from the preceding ROPS.

The amount available from the RPTTF is the same as the property tax increment that was available prior to 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 successor agency in the RPTTF.

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Please direct inquiries to Beliz Chappuie, Supervisor or Cindie Lor, Lead Analyst at  
(916) 445-1546.

Sincerely,



**STEVE SZALAY**  
Local Government Consultant

cc: Ms. Danita Hardaway, Associate Management Analyst, City of Alameda  
Ms. Carol S. Orth, Tax Analysis, Division Chief, Alameda County