



November 1, 2012

Mr. Terrence Grindall, Community Development Director
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Dear Mr. Grindall:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Newark Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS III) to the California Department of Finance (Finance) on September 20, 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 does not qualify as an enforceable obligation:

Item No. 1 – Redevelopment Loan from City in the amount of \$451,595; no funding source identified. HSC section 34171 (d) (2) states that agreements, contracts, or arrangements between the city that created the redevelopment agency (RDA) and the former redevelopment agency are not enforceable obligations unless the agreements were entered into within the first two years of the date of creation of the RDA. The loan agreement was executed on December 13, 2001; the former RDA was established in 1975. Therefore, this item is not an enforceable obligation. Upon receiving a Finding of Completion from Finance, HSC section 34191.4 (b) may cause this item to be enforceable in future ROPS periods.

Although Item Nos. 3 and 4 were reclassified as administrative costs, the administrative cost allowance has not been exceeded.

Except for items denied in whole or in part as an enforceable obligation 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/

The Agency's maximum approved Redevelopment Property Tax Trust Fund (RPTTF) distribution for the reporting period is \$9,043 as summarized below:

Approved RPTTF Distribution Amount	
For the period of January through June 2013	
Total RPTTF funding requested for obligations	\$ 9,043
Less: Six-month total for items denied or reclassified as administrative cost	
Item 3*	1,043
Item 4*	8,000
Total approved RPTTF for enforceable obligations	\$ -
Plus: Allowable RPTTF distribution for administrative cost for ROPS III	9,043
Total RPTTF approved:	\$ 9,043

*Reclassified as administrative cost

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.

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

Sincerely,



F-32

STEVE SZALAY
Local Government Consultant

cc: Ms. Susie Woodstock, Administrative Services Director, City of Newark
Ms. Carol S. Orth, Tax Analysis, Division Chief, County of Alameda