DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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April 2, 2014

Mr. Steve Toler, Assistant City Manager
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404

Dear Mr. Toler:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Foster City Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 14-15A) to the California Department of Finance (Finance) on February 21, 2014 for the period of July through December 2014. Finance has completed its review of your ROPS 14-15A, 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 for the reasons specified:

> Item No. 10 – Loan Agreement per HSC section 34173 (h) is partially denied in the amount of $41,541. The Agency requests Redevelopment Property Tax Trust Fund (RPTTF) funding in the amount of $239,652. In ROPS 13-14B the Agency was approved for an RPTTF distribution totaling $622,484. However, the Agency's ROPS 13-14B RPTTF distribution was only $424,373. Consequently, $198,111 ($622,484 - $424,373) can be directly traced to a RPTTF shortfall for enforceable obligations identified in ROPS 13-14B. As such, $198,111 is eligible for RPTTF funding on ROPS 14-15A. However, the Agency's remaining requests of $41,541 ($239,652 - $198,111) is not an enforceable obligation, as detailed below.
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> During the ROPS 14-15A review, the Agency provided a loan balance reconciliation displaying an outstanding balance of $40,903. The reconciliation provided for Item No. 10 in ROPS 13-14B displayed the same outstanding amount of $40,903. In ROPS 13-14B, the Agency was approved for RPTTF funding in the amount of $12,505 for Item No. 10. Consequently, $12,505 is already included in the unfunded ROPS 13-14B RPTTF of $198,111.
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> The Agency was unable to associate the remaining loan balance of $29,036 ($41,541 - $12,505) to particular enforceable obligations. Loans pertaining to HSC section 34173 (h) are not stand-alone enforceable obligations. Amounts borrowed must pertain to recognized enforceable obligations and in specific amounts in order for repayment to become an enforceable obligation. Therefore, Item No. 10 in the amount

of $41,541 ($12,505 + $29,036) is not an enforceable obligation and not eligible for RPTTF funding on ROPS 14-15A.

The administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (d). However, Finance notes the oversight board has approved an amount that appears excessive, given the number and nature of the other 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 14-15A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 2013 period. The amount of RPTTF approved in the table below includes the prior period adjustment self-reported by the Agency. 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. Any proposed CAC adjustments were not received in time for inclusion in this letter. Therefore, the amount of RPTTF approved in the table below only includes the prior period adjustment self-reported by the Agency.

Except for the item denied in part as enforceable obligation, Finance is not objecting to the remaining items listed on your ROPS 14-15A. If you disagree with the determination with respect to any items on your ROPS 14-15A, 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 $279,382 as summarized below:

Approved RPTTF Distribution For the period of July through December 2014		
Total RPTTF requested for non-administrative obligations		239,652
Total RPTTF requested for administrative obligations		81,271
Total RPTTF requested for obligations	**$**	**320,923**
Total RPTTF requested for non-administrative obligations		**239,652**
Denied Item		
Item No. 10		(41,541)
Total RPTTF authorized for non-administrative obligations		**198,111**
Total RPTTF requested for administrative obligations		**81,271**
Total RPTTF authorized for administrative obligations		**81,271**
Total RPTTF authorized for obligations	**$**	**279,382**
ROPS 13-14A prior period adjustment		0
Total RPTTF approved for distribution	**$**	**279,382**

Please refer to the ROPS 14-15A 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, 2014. 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 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.

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 Wendy Griffe, Supervisor or Medy Lamorena, Lead Analyst at (916) 445-1546.

Sincerely,

JUSTYN HOWARD
Assistant Program Budget Manager

cc: Ms. Lin-Lin Cheng, Finance Director, City of Foster City
Mr. Bob Adler, Auditor-Controller, San Mateo County
California State Controller's Office