



REVISED

January 14, 2013

Ms. Cheryl Dyas, Director of Administrative Services
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Dear Ms. Dyas:

Subject: Recognized Obligation Payment Schedule

This letter supersedes Finance's Recognized Obligation Payment Schedule (ROPS) letter dated October 6, 2012. Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Mission Viejo Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS III) to the California Department of Finance (Finance) on August 23, 2012 for the period of January 1 through June 30, 2013. Finance issued its determination related to those enforceable obligations on October 6, 2012. Subsequently, the Agency requested a Meet and Confer session on one or more of the items denied by Finance. The Meet and Confer session was held on November 19, 2012.

Based on a review of additional information and documentation provided to Finance during the Meet and Confer process, Finance has completed its review of the specific item being disputed.

- Item Nos. 15 through 17 – The Ridge affordable housing agreement in the amount of \$1.6 million. Finance no longer objects to Items 15 and 16; however, Finance continues to deny Item 17 on the ROPS. Finance originally denied the items as HSC section 34176 (a) (2) states if a city, county, or city and county elects to retain the authority to perform housing functions previously performed by a RDA, all rights, powers, duties, obligations and housing assets shall be transferred to the city, county, or city and county. Since the Mission Viejo Housing Authority assumed the housing functions, this item is not an enforceable obligation and not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding. The Agency requests that Finance either approve all aspects of the Lennar Affordable Housing Agreement (AHA) and implementing Homebuyer Loan Agreements in the ROPS; or approve all aspects of the Lennar AHA as housing assets and allow retention of adequate funds to make payments due on that master agreement that continues to be implemented and performed by the parties to that contract. Finance provides the following determinations:

Items 15 and 16, the Affordable Housing Agreement in the amount of \$1,273,289 and the related legal services costs in the amount of \$90,000 represent enforceable obligations. Therefore, \$1,363,289 in enforceable obligations is allowed. The Agency currently has Low and Moderate Income Housing Fund (LMIHF) funds available; therefore, requested RPTTF

for the current ROPS period be reduced to \$0. However, it is our understanding that the Agency has already remitted a portion of the LMIHF funds to the county auditor-controller and may not have sufficient LMIHF funds to pay the entire obligation reported on the ROPS. As such, the Agency should list the balance of the unfunded obligations for Items 15 and 16 on a subsequent ROPS for payment out of RPTTF funding.

Item 17, Housing Rehabilitation Loan Monitoring in the amount of \$245,000 is not an enforceable obligation since no agreements were entered into prior to June 27, 2011. Upon the transfer of the former RDA's housing functions to the new housing entity, HSC section 34176 requires that "all rights, powers, duties, obligations and housing assets...shall be transferred" to the new housing entity. This transfer of "duties and obligations" necessarily includes the transfer of monitoring obligations. Therefore, the item is not an enforceable obligation and not eligible for funding.

In addition, per Finance's ROPS letter dated October 6, 2012, the following item not disputed by the Agency continues to be denied:

- Item No. 25 – Independent Auditor Services in the amount of \$5,000 was reclassified as an administrative cost. Although this reclassification increased administrative costs to \$135,000, the administrative cost allowance has not been exceeded.

The Agency's maximum approved RPTTF distribution for the reporting period is \$1,640,133 as summarized below.

Approved RPTTF Distribution Amount For the period of January through June 2013	
Total RPTTF funding requested for obligations	\$ 1,848,085
Less: Six-month total for item(s) denied or reclassified as administrative cost	
Item 15	282,952
Item 16	35,000
Item 17	20,000
Item 25*	5,000
Total approved RPTTF for enforceable obligations	<u>\$ 1,505,133</u>
Plus: Allowable RPTTF distribution for administrative cost for ROPS III	135,000
Total RPTTF approved:	\$ 1,640,133

*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.

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.

Except for items disallowed as noted above, Finance is not objecting to the remaining items listed in your ROPS III. Obligations deemed not to be enforceable shall be removed from your ROPS. This is Finance's final determination related to the enforceable obligations reported on your ROPS for January 1 through June 30, 2013. 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 questioned on this ROPS or a preceding ROPS.

Please direct inquiries to Evelyn Suess, Dispute Resolution Supervisor, or Mary Halterman, Analyst, at (916) 445-1546.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Szalay', with a stylized flourish at the end.

STEVE SZALAY
Local Government Consultant

cc: Ms. Josephine Julian, Treasury Manager, City of Mission Viejo
Mr. Frank Davies, Property Tax Manager, Orange County
California State Controller's Office