



Transmitted via e-mail

April 7, 2023

Kelly McAdoo, City Manager
City of Hayward
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4th Floor- CMO
Hayward, CA 94541

2023-24 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Hayward Successor Agency (Agency) submitted an annual Recognized Obligation Payment Schedule for the period July 1, 2023 through June 30, 2024 (ROPS 23-24) to the California Department of Finance (Finance) on February 14, 2023. Finance has completed its review of the ROPS 23-24.

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

- Item No. 64 – Housing Authority Administrative Allowance in the outstanding amount of \$150,000 is not allowed. Finance continues to deny this item. Pursuant to HSC section 34171 (p), the housing successor administrative cost allowance is applicable only in cases where the city, county, or city and county that authorized the creation of the Redevelopment Agency (RDA) elected not to assume the housing functions. Because the housing successor to the former RDA of the City is the City-formed Housing Authority (Authority) and the Authority operates under the control of the City, the Authority is considered the City pursuant to HSC section 34167. Further, pursuant to HSC section 34171 (p) (1), funding for the housing entity administrative cost allowance concluded July 1, 2018. Therefore, the requested \$150,000 in Redevelopment Property Tax Trust Fund (RPTTF) funding is not allowed.
- Item No. 78 – 2016 Tax Allocation Refunding Bonds debt service. The Agency requested \$3,222,450 from RPTTF in error. According to the debt service schedule provided by the Agency, the amount requested for the ROPS 23-24 period should be \$3,229,625. Therefore, to accurately reflect the correct debt service payment, Finance made an adjustment of \$7,175 to increase the requested RPTTF funding from \$3,222,450 to \$3,229,625.
- ROPS 23-24 was not submitted to Finance until February 14, 2023. Pursuant to HSC 34177 (o) (1) (B), if the Agency does not submit a ROPS within ten days of the deadline (February 1), the Agency's Administrative Cost Allowance (ACA) shall be reduced by 25 percent. Therefore, the ACA in the amount of \$250,000 has been reduced by \$62,500 ($\$250,000 * 25\%$) to \$187,500.

Finance further notes the Oversight Board (OB) has approved an administrative cost amount that appears excessive, given the number and nature of the obligations listed on the ROPS. HSC section 34179 (i) requires the OB to exercise a fiduciary duty to the taxing entities. Therefore, Finance encourages the OB to apply adequate oversight when evaluating the administrative resources necessary to successfully wind-down the Agency.

Pursuant to HSC section 34186, successor agencies are required to report differences between actual payments and past estimated obligations (prior period adjustments) for the July 1, 2020 through June 30, 2021 (ROPS 20-21) period. The ROPS 20-21 prior period adjustment (PPA) will offset the ROPS 23-24 RPTTF distribution. The amount of RPTTF authorized includes the PPA resulting from the County Auditor-Controller's review of the PPA form submitted by the Agency. Based on our review of the PPA, Finance noted the Agency misspent a portion of excess funds. Specifically:

- The Agency spent more than what was authorized for the ACA for the ROPS 20-21 period. Finance authorized \$250,000 pursuant to the cap; yet a total of \$314,961 was reported. This is \$64,961 in excess of the maximum amount allowed pursuant to HSC section 34171 (b) (3). Further, pursuant to HSC section 34177 (a)(3), only those payments listed on a ROPS may be made by the Agency from the funds and source specified on the ROPS, up to the amount authorized by Finance. Finance reminds the Agency that funds in excess of the amounts authorized on the ROPS cannot be expended. Any excess funds must be retained and expended once the Agency receives approval for their use on future ROPS.

The Agency's maximum approved RPTTF distribution for the reporting period is \$3,976,443, as summarized in the Approved RPTTF Distribution table (see Attachment).

RPTTF distributions occur biannually, one distribution for the July 1, 2023 through December 31, 2023 period (ROPS A period), and one distribution for the January 1, 2024 through June 30, 2024 period (ROPS B period), based on Finance's approved amounts. Since this determination is for the entire ROPS 23-24 period, the Agency is authorized to receive up to the maximum approved RPTTF through the combined ROPS A and B period distributions.

Except for the adjusted items, Finance approves the remaining items listed on the ROPS 23-24 at this time. If the Agency disagrees with our determination with respect to any items on the ROPS 23-24, except items which are the subject of litigation disputing our previous or related determinations, the Agency may request a Meet and Confer within five business days from the date of this letter. The Agency must use the RAD App to complete and submit its Meet and Confer request form. The Meet and Confer process and guidelines are available on our website:

http://dof.ca.gov/Programs/Redevelopment/Meet_And_Confer/

Absent a Meet and Confer, this is our final determination regarding the obligations listed on the ROPS 23-24. This determination only applies to items when funding was requested for the 12-month period. If a determination by Finance in a previous ROPS is currently the subject of litigation, the item will continue to reflect the determination until the matter is resolved.

The ROPS 23-24 form submitted by the Agency and this determination letter will be posted on our website:

<http://dof.ca.gov/Programs/Redevelopment/ROPS/>

This determination is effective for the ROPS 23-24 period only and should not be conclusively relied upon for future ROPS periods. All items listed on a future ROPS are subject to Finance's review and may be adjusted even if not adjusted 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 law. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax increment is limited to the amount of funding available to the Agency in the RPTTF.

Please direct inquiries to Joshua Mortimer, Supervisor, or Mayra Cavazos, Staff, at (916) 322-2985.

Sincerely,

Original signed by Cheryl L. McCormick for:

JENNIFER WHITAKER
Program Budget Manager

cc: Dustin Claussen, Assistant City Manager, City of Hayward
Trina Caballero, Division Chief, Tax Analysis Unit/Countywide Oversight Board
Representative, Alameda County

Approved RPTTF Distribution July 2023 through June 2024			
	ROPS A	ROPS B	Total
RPTTF Requested	\$ 2,550,275	\$ 1,727,175	\$ 4,277,450
Administrative RPTTF Requested	125,000	125,000	250,000
Total RPTTF Requested	2,675,275	1,852,175	4,527,450
RPTTF Requested	2,550,275	1,727,175	4,277,450
<u>Adjustment(s)</u>			
Item No. 64	(75,000)	(75,000)	(150,000)
Item No. 78	0	7,175	7,175
	(75,000)	(67,825)	(142,825)
RPTTF Authorized	2,475,275	1,659,350	4,134,625
25% Admin Reduction	0	(62,500)	(62,500)
Administrative RPTTF Authorized	125,000	62,500	187,500
ROPS 20-21 Prior Period Adjustment (PPA)	(345,682)	0	(345,682)
Total RPTTF Approved for Distribution	\$ 2,254,593	\$ 1,721,850	\$ 3,976,443