



Transmitted via e-mail

April 15, 2022

Brad Farmer, Finance Director
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

2022-23 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Emeryville Successor Agency (Agency) submitted an annual Recognized Obligation Payment Schedule for the period July 1, 2022 through June 30, 2023 (ROPS 22-23) to the California Department of Finance (Finance) on January 25, 2022. Finance has completed its review of the ROPS 22-23.

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

- Item No. 116 – Tax Allocation Refunding Bonds, Series 2014A. The Agency requested the amount of \$9,583,875 in error. According to the debt service schedule, the amount of \$9,583,875 for the ROPS 22-23 period was incorrect and should be \$9,767,000. Therefore, with the Agency's concurrence, Finance made an adjustment of \$183,125 to increase the requested amount of Redevelopment Property Tax Trust Fund (RPTTF) funding to accurately reflect the required debt service payment amount.
- Item No. 117 – Tax Allocation Refunding Bonds, Series 2014B. The Agency requested the amount of \$1,333,361 in error. According to the debt service schedule, the amount of \$1,333,361 for the ROPS 22-23 period was incorrect and should be \$1,349,306. Therefore, with the Agency's concurrence, Finance made an adjustment of \$15,945 to increase the requested amount of RPTTF funding to accurately reflect the required debt service payment amount.
- The claimed administrative costs exceed the allowance by \$11,741. HSC section 34171 (b) (3) limits the fiscal year Administrative Cost Allowance (ACA) to three percent of actual RPTTF distributed in the preceding fiscal year or \$250,000, whichever is greater; not to exceed 50 percent of the RPTTF distributed in the preceding fiscal year. As a result, the Agency's maximum ACA is \$438,628 for fiscal year 2022-23. Although \$450,369 is claimed for ACA, only \$438,628 is available pursuant to the cap. Therefore, as noted in the table below, \$11,741 in excess ACA is not allowed:

Administrative Cost Allowance (ACA) Calculation	
Actual RPTTF distributed for fiscal year 2021-22	\$14,981,874
Less distributed Administrative RPTTF	(360,930)
RPTTF distributed for 2021-22 after adjustments	\$14,620,944
ACA Cap for 2022-23 per HSC section 34171 (b)	\$438,628
ACA requested for 2022-23	450,369
ACA in Excess of the Cap	(\$11,741)

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, 2019 through June 30, 2020 (ROPS 19-20) period. The ROPS 19-20 prior period adjustment (PPA) will offset the ROPS 22-23 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.

The Agency's maximum approved RPTTF distribution for the reporting period is \$16,805,091, as summarized in the Approved RPTTF Distribution table (see Attachment).

RPTTF distributions occur biannually, one distribution for the July 1, 2022 through December 31, 2022 period (ROPS A period), and one distribution for the January 1, 2023 through June 30, 2023 period (ROPS B period), based on Finance's approved amounts. Since this determination is for the entire ROPS 22-23 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 22-23 at this time. If the Agency disagrees with our determination with respect to any items on the ROPS 22-23, 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 Meet and Confer process and guidelines are available on our website:

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

The Agency must use the RAD App to complete and submit its Meet and Confer request form.

Absent a Meet and Confer, this is our final determination regarding the obligations listed on the ROPS 22-23. 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 22-23 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 22-23 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 Brian Dunham, Staff, at (916) 322-2985.

Sincerely,

Original signed by Cheryl L. McCormick for:

JENNIFER WHITAKER
Program Budget Manager

cc: Peggy Xu, Accounting Supervisor, City of Emeryville
Trina Caballero, Division Chief, Tax Analysis Unit, Alameda County

Approved RPTTF Distribution July 2022 through June 2023			
	ROPS A	ROPS B	Total
RPTTF Requested	\$ 3,292,650	\$ 13,201,136	\$ 16,493,786
Administrative RPTTF Requested	225,185	225,184	450,369
Total RPTTF Requested	3,517,835	13,426,320	16,944,155
RPTTF Requested	3,292,650	13,201,136	16,493,786
<u>Adjustment(s)</u>			
Item No. 116	0	183,125	183,125
Item No. 117	0	15,945	15,945
	0	199,070	199,070
RPTTF Authorized	3,292,650	13,400,206	16,692,856
Administrative RPTTF Requested	225,185	225,184	450,369
Excess Administrative Costs	(0)	(11,741)	(11,741)
Administrative RPTTF Authorized	225,185	213,443	438,628
ROPS 19-20 prior period adjustment (PPA)	(326,393)	0	(326,393)
Total RPTTF Approved for Distribution	\$ 3,191,442	\$ 13,613,649	\$ 16,805,091