



Transmitted via e-mail

March 25, 2022

Laurie Smith, Director of Parks, Recreation & Neighborhoods
City of Modesto
1010 Tenth Street
Modesto, CA 95354

2022-23 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Modesto 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 31, 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. 7 – City Loan in the total outstanding amount of \$295,000 is not allowed. Pursuant to HSC section 34191.4 (b), loan agreements between the former Redevelopment Agency (RDA) and sponsoring entity may be placed on the ROPS if the following requirements are met: (1) the Agency has received a Finding of Completion; and (2) the Agency's OB approves the loan as an enforceable obligation by finding the loan was for legitimate redevelopment purposes. The Agency received a Finding of Completion on April 26, 2103. However, the Agency has not submitted an OB Resolution to Finance, specifically approving Item No. 7. Therefore, the requested amount of \$295,000 is ineligible for Redevelopment Property Tax Trust Fund (RPTTF) funding. With the Agency's consent, this item is retired.
- Item No. 22 – City Loans in the total outstanding amount of \$4,108,500 are not allowed. Pursuant to HSC section 34191.4 (b), loan agreements between the RDA and sponsoring entity may be placed on the ROPS if the following requirements are met: (1) the Agency has received a Finding of Completion; and (2) the Agency's OB approves the loan as an enforceable obligation by finding the loan was for legitimate redevelopment purposes.

The Agency received a Finding of Completion on April 26, 2103. However, OB Resolution No. 2022-18, approving loans, less repayments, in the amount of \$20,129,400 between the RDA and the City of Modesto (City) as enforceable obligations and finding them to be for legitimate redevelopment purposes, was denied in our letter dated March 11, 2022. The Agency was unable to provide accounting records showing the transfer of money from the City to the RDA for any of the 32 items. In addition, many of the 32 items failed to meet other portions of the statutory requirements, namely, evidence of a loan agreement and/or evidence of mandatory repayment terms. The Cooperation Agreement between the City and RDA was dated October 26, 1982 and the purpose was to reimburse the City for actions undertaken and costs and expenses incurred by it for and on behalf of the Agency. Although it included an annual interest rate, it did not include a loan amount and is not a loan agreement in and of itself. Therefore, the requested amount of \$1,500,000 is not eligible for RPTTF funding.

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 \$3,325,288, 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 Zuber Tejani, Supervisor, or Veronica Zalvidea, Staff, at (916) 322-2985.

Sincerely,

Original signed by Cheryl L. McCormick for:

JENNIFER WHITAKER
Program Budget Manager

cc: Stephan Christensen, Budget Manager, City of Modesto
Kashmir Gill, Auditor-Controller, Stanislaus County

Approved RPTTF Distribution July 2022 through June 2023			
	ROPS A	ROPS B	Total
RPTTF Requested	\$ 3,135,781	\$ 1,981,478	\$ 5,117,259
Administrative RPTTF Requested	67,218	67,218	134,436
Total RPTTF Requested	3,202,999	2,048,696	5,251,695
RPTTF Requested	3,135,781	1,981,478	5,117,259
<u>Adjustment(s)</u>			
Item No. 7	(147,500)	(147,500)	(295,000)
Item No. 22	(750,000)	(750,000)	(1,500,000)
	(897,500)	(897,500)	(1,795,000)
RPTTF Authorized	2,238,281	1,083,978	3,322,259
Administrative RPTTF Authorized	67,218	67,218	134,436
ROPS 19-20 prior period adjustment (PPA)	(131,407)	0	(131,407)
Total RPTTF Approved for Distribution	\$ 2,174,092	\$ 1,151,196	\$ 3,325,288