



May 17, 2013

Ms. Cindy Prothro, Finance Director
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311

Dear Ms. Prothro:

Subject: Recognized Obligation Payment Schedule

This letter supersedes the California Department of Finance's (Finance) Recognized Obligation Payment Schedule (ROPS 13-14A) letter dated March 29, 2013. Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Barstow Successor Agency (Agency) submitted a ROPS 13-14A to Finance for the period of July through December 2013 on February 14, 2013. Finance issued a ROPS determination letter on March 29, 2013. 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 April 29, 2013.

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 No. 6 – Contract for legal services totaling \$50,000. Finance continues to classify this item as an administrative cost counting towards the administrative cost cap. The Agency claims this item is an enforceable obligation per HSC section 34177.3 (b) which allows Agencies to create enforceable obligations to conduct the work of winding down the Agency. We concur that the Agency is permitted to enter into contracts to wind down the Agency; however, the contracts are still subject to the provisions in HSC section 34171 (b). Item 6 relates to general legal representation and not specifically to bringing or contesting a legal action in court; therefore, it is considered an administrative cost and remains reclassified as such.

In addition, per Finance's ROPS letter dated March 29, 2013, the following items continue to be denied and were not contested by the Agency:

- Item No. 13 – Deferred Housing Set Aside in the amount of \$1,513,231 is denied at this time. HSC section 34176(e) (6) (B) specifies loan or deferral repayments to the low and moderate income housing fund shall not be made prior to the 2013-14 fiscal year. While ROPS 13-14A technically falls within fiscal year 2013-14, the repayment of these deferred amounts are subject to the repayment formula outlined in HSC section 34176 (e) (6) (B).

HSC section 34176 (e)(6)(B) allows this repayment to be equal to one-half of the increase between the ROPS residual pass-through distributed to the taxing entities in that fiscal year and the ROPS residual pass-through distributed to the taxing entities in the 2012-13 base year. Since the formula does not allow for estimates, the Agency must wait until the ROPS residual pass-through distributions are known for fiscal year 2013-14 before requesting funding for this obligation. Therefore, the Agency may be able to request funding for the repayment of this item beginning with ROPS 14-15A.

- Item No. 15 – Administrative allowance totaling \$125,000. These obligations are considered general administrative costs and have been reclassified. Although this reclassification, combined with the reclassification of Item 6 above, increased administrative costs to \$175,000, the administrative cost allowance has not been exceeded.

Except for items denied in whole or in part as enforceable obligations, Finance is not objecting to the remaining items listed on your ROPS 13-14A. Obligations deemed not to be enforceable shall be removed from your ROPS.

The Agency's maximum approved Redevelopment Property Tax Trust Fund (RPTTF) distribution for the reporting period is 946,039 as summarized below:

Approved RPTTF Distribution Amount	
For the period of July through December 2013	
Total RPTTF funding requested for obligations	\$ 1,049,820
Minus: Six-month total for items denied or reclassified as administrative cost	
Item 6*	50,000
Item 13	100,000
Item 15*	125,000
Total approved RPTTF for enforceable obligations	\$ 774,820
Plus: Allowable RPTTF distribution for ROPS 13-14A administrative cost	175,000
Minus: ROPS II prior period adjustment	(3,781)
Total RPTTF approved for distribution:	\$ 946,039

*Reclassified as administrative cost

Pursuant to HSC Section 34186 (a), successor agencies were required to report on the ROPS 13-14A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 2012 period. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by successor agencies are subject to audit by the county auditor-controller (CAC) and the State Controller. The amount of RPTTF approved in the above table includes the prior period adjustment resulting from the CAC's audit of the Agency's self-reported prior period adjustment. Please refer to the worksheet used by the CAC to determine the audited prior period adjustment for the Agency:

<http://www.dof.ca.gov/redevelopment/ROPS/view.php>

Please refer to the ROPS 13-14A schedule that was used to calculate the approved RPTTF amount:

[http://www.dof.ca.gov/redevelopment/ROPS/ROPS 13-14A Forms by Successor Agency/.](http://www.dof.ca.gov/redevelopment/ROPS/ROPS 13-14A Forms by Successor Agency/)

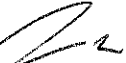
This is Finance's final determination related to the enforceable obligations reported on your ROPS for July 1 through December 31, 2013. Finance's determination is effective for this time period only and should not be conclusively relied upon for future periods. All items listed on a future ROPS are subject to a subsequent review and may be denied even if it was or was not 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 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 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 Evelyn Suess, Dispute Resolution Supervisor or Mary Halterman, Analyst, at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Ms. Mary Stapp, Assistant Finance Director, City of Barstow
Ms. Vanessa Doyle, Auditor Controller Manager, San Bernardino County
California State Controller's Office